

**NOTICE:** While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Wednesday, June 30, 1999.

Met at three minutes past eleven o'clock A.M. (Mr. Rosenberg in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

### *Communication.*

A communication from the Honorable the Justices of the Supreme Judicial Court on important questions of law with relation to "An Act relative to the charter of the city of Gloucester" (Senate, No. 1762) [for opinions, see Senate document numbered 1919] (received in the office of the Clerk of the Senate on Wednesday, June 30, 1999, at nine o'clock A.M.), - **was read and placed on file.**

### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer and Mary S. Rogeness for legislation relative to retirement buy-back from the Massachusetts teachers retirement system;

By Mr. Hedlund, a petition (subject to Joint Rule 12) of Robert L. Hedlund for legislation relative to technical corrections in laws pertaining to taxation;

By the same Senator, a petition (subject to Joint Rule 12) of Robert L. Hedlund relative to town meeting or city council approval of such local board of health regulations concerning septic or cesspool systems as exceed state-mandated standards;

By Mr. Rauschenbach, a petition (subject to Joint Rule 12) of Henri S. Rauschenbach for legislation to allow family members to be employed as personal care attendants for eligible beneficiaries who receive personal care assistance under Medicaid in extraordinary circumstances; and

By Ms. Tucker, a petition (subject to Joint Rule 12) of Susan C. Tucker and Barry R. Finegold (by vote of the town) for legislation to authorizing the town of Andover to establish a special account to employ outside consultants and to impose certain fees [Local approval received];

**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

### *Reports of Committees.*

By Mr. Moore, for the committee on Health Care, on Senate, No. 484 and House, No. 1731, a Resolve establishing a special commission on the impact of community health centers (Senate, No. 484);

**Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.**

By Mr. Lynch, for the committee on Commerce and Labor, on Senate, No. 57 and House, Nos. 591 and 1699, a Bill to promote fairness in unemployment insurance for workers seeking or employed in part-time or lower-wage work (Senate, No. 57);

By the same Senator, for the same committee, on petition, a Bill relative to benefits from the Department of Employment and Training (Senate, No. 66);

By the same Senator, for the same committee, on petition, a Bill clarifying reemployment assistance benefits for displaced utility workers (Senate, No. 77);

By the same Senator, for the same committee, on petition, a Bill clarifying the prevailing wage law (Senate, No. 116);

By the same Senator, for the same committee, on petition, a Bill relative to collective bargaining rights (Senate, No. 1264); and

By the same Senator, for the same committee, on Senate, No. 76 and House, No. 1142, a Bill providing for the protection of new workers (Senate, No. 1899);

By Mr. Morrissey, for the committee on Government Regulations, on petition, a Bill creating utility corridors (Senate, No. 407);

By Mr. Moore, for the committee on Health Care, on petition, a Bill to expand elders' access to Medicaid at home (Senate, No. 442);

By the same Senator, for the same committee, on Senate, No. 446 and House, Nos. 1173 and 3472, a Bill relative to eligibility criteria for nursing homes serving pediatric residents (Senate, No. 446);

By the same Senator, for the same committee, on Senate, No. 449 and House, Nos. 3259 and 3260, a Bill concerning discharge planning for elderly persons receiving short-term hospital care (Senate, No. 449);

By the same Senator, for the same committee, on petition, a Bill relative to the malignant disease registry (Senate, No. 450);

By the same Senator, for the same committee, on petition, a Bill providing for the proper prevention of pneumonia in health care workers and facilities (Senate, No. 468);

By the same Senator, for the same committee, on petition, a Bill authorizing a pilot licensing program for nursing clinics (Senate, No. 470);

By the same Senator, for the same committee, on petition, a Bill preserving Commonwealth eligibility standards for disabled children (Senate, No. 473);

By the same Senator, for the same committee, on petition, a Bill relative to volunteer physicians (Senate, No. 481);

By the same Senator, for the same committee, on petition, a Bill regarding registered nurse first assistants (Senate, No. 514);

By the same Senator, for the same committee, on petition, a Bill ensuring access to appropriate pediatric specialty care (Senate, No. 525);

By the same Senator, for the same committee, on petition, a Bill to preserve home health care in Massachusetts (printed as House, No. 783); and

By the same Senator, for the same committee, on petition (accompanied by bill, House, No. 3072), a Bill relative to prioritizing public health risks (Senate, No. 1880);

By Mr. Panagiotakos, for the committee on Housing and Urban Development, on petition, a Bill authorizing the Metropolitan District Commission to conduct a site analysis of certain property located in the town of Winthrop (Senate, No. 565);

By Ms. Murray, for the committee on Human Services and Elderly Affairs, on Senate, No. 596 and House, No. 2902, a Bill to support citizens with disabilities and their families (Senate, No. 1881);

By Mr. Bernstein, for the committee on Insurance, on Senate, No. 694 and House, Nos. 1964 and 2037, a Bill relative to optometric services (Senate, No. 694);

By the same Senator, for the same committee, on Senate, No. 716 and House, No. 3090, a Bill improving access to cost effective rehabilitation counseling (Senate, No. 716); and

By the same Senator, for the same committee, on petition, a Bill providing equitable coverage of services under health plans (Senate, No. 733);

By Mr. Creedon, for the committee on the Judiciary, on Senate, Nos. 775 and 894, a Bill relative to the concurrent jurisdiction of the Land Court (Senate, No. 894);

By Mr. Pacheco, for the committee on Natural Resources and Agriculture, on petition, a Bill establishing a revolving fund for the purchase of low emissions vehicles (Senate, No. 1006);

By the same Senator, for the same committee, on petition, a Bill increasing the entry fees to state parks (Senate, No. 1022);

By the same Senator, for the same committee, on petition, a Bill authorizing a governmental body to enter into contracts for the operation and maintenance, lease or sale and modification of water storage and treatment facilities and wastewater treatment facilities, collection and distribution systems, sewers and pump stations (Senate, No. 1464, changed in section 1, by inserting after the word "commonwealth", in line 3, the following words: - ";provided further that the term 'governmental body' shall not mean the Massachusetts Water Resources Authority (MWRA)");

By Mr. Joyce, for the committee on Public Service, on petition, a Bill to clarify creditable service for sabbatical leaves (Senate, No. 1239);

By the same Senator, for the same committee, on petition, a Bill authorizing creditable service (Senate, No. 1328);

By the same Senator, for the same committee, on petition, a Bill authorizing and directing the state board of retirement to grant creditable service to Miriam Gordon (Senate, No. 1337);

By the same Senator, for the same committee, on Senate, No. 1375 and House, No. 874, a Bill to provide certain veterans with an additional yearly retirement allowance under the public employment retirement law (Senate, No. 1375);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1325), a Bill authorizing and directing the reinstatement of William Reichert as a member in service in the teachers' retirement system (Senate, No. 1890);

By the same Senator, for the same committee, on Senate, No. 1349 and House, No. 3173, a Bill relative to retirement benefits for teachers (Senate, No. 1891); and

By the same Senator, for the same committee, on Senate, No. 1240 and House, No. 2409, a Bill to authorize creditable service for certain higher education faculty and professional service employees (Senate, No. 1892),

By Ms. Wilkerson, for the committee on State Administration, on Senate, No. 1418 and House, No. 4281, a Bill providing for address confidentiality for victims of domestic abuse, rape, sexual assault and stalking (Senate, No. 1418);

By the same Senator, for the same committee, on petition, a Bill authorizing the Commissioner of the Division of Capital Planning and Operations to enter into a lease agreement with the Good Shepherd Association (Senate, No. 1425);

By the same Senator, for the same committee, on Senate, No. 1442 and House, No. 3185, a Bill to increase state aid to public libraries (Senate, No. 1442);

By the same Senator, for the same committee, on petition, a Bill relative to a parcel of land in the town of Tewksbury (Senate, No. 1488);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1453), a Bill authorizing the Division of Fisheries and Wildlife to convey an easement over a certain parcel of land in Bourne (Senate, No. 1875);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1408), a Bill relative to the conveyance of a certain parcel of land (Senate, No. 1876);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1417), a Bill relative to the exchange of interests in land located in the town of Hingham and for an improved waterfront park and improved access to water transportation facilities serving commuters and users of the Boston Harbor Island State Park and the Boston Harbor Islands National Recreation Area (Senate, No. 1877); and

By the same Senator, for the same committee, on petition, a Bill authorizing the:Division of Capital Asset Management to convey a certain parcel of land under the care and control of the Department of Correction to the town of Concord Housing Authority (printed as House, No. 2047);

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Morrissey, for the committee on Government Regulations, on petition, a Bill authorizing the town of Abington to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 1856) [Local approval received];

**Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

### **PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4471) of Mark J. Carron and Richard T. Moore (by vote of the town) that the licensing authority of the town of Charlton be authorized to issue three additional licenses for the sale of all alcoholic beverages not to be drunk on the premises;

Petition (accompanied by bill, House, No. 4472) of Paul C. Casey, Michael E. Festa and Richard R. Tisei (by vote of the town) that the licensing authority of the town of Stoneham be authorized to issue certain licenses for the sale of alcoholic beverages to be drunk on the premises;

Petition (accompanied by bill, House, No. 4473) of Reed V. Hillman and Stephen M. Brewer (by vote of the town) that the licensing authority of the town of Palmer be authorized to issue an additional license for the sale of wine and malt beverages to be drunk on the premises to the Chicken Coop; and

Petition (accompanied by bill, House, No. 4474) of Reed V. Hillman and Stephen M. Brewer (by vote of the town) that the licensing authority of the town of Palmer be authorized to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises to Apollo I Restaurant and Pizzeria;

**Severally to the committee on Government Regulations.**

### **Reports**

Of the committee on Commerce and Labor, asking to be discharged from further consideration

Of so much of the recommendations of the Department of Labor and Workforce Development (House, No. 93) as relates to protecting public employees from tuberculosis (accompanied by bill, House, No. 96),- and recommending that the same be referred to the committee on Health Care.

Of so much of the recommendations of the Executive Office of Public Safety (House, No. 127) as relates to lie detector tests (accompanied by bill, House, No. 137),- and recommending that the same be referred to the committee on Public Safety.

Of the committee on Insurance, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 683) of Mark C. Montigny, Marc R. Pacheco, Elizabeth A. Malia, John A. Stefanini and other members of the General Court for legislation to provide health insurance coverage to working adults;

Of the petition (accompanied by bill, Senate, No. 719) of Robert E. Travaglini, Charles E. Shannon, Patricia D. Jehlen, Anne M. Paulsen and other members of the General Court for legislation to provide health insurance coverage to employed persons who lack access through their employer; and

Of the petition (accompanied by bill, House, No. 1007) of Daniel F. Keenan and other members of the General Court relative to providing insurance coverage for tobacco cessation programs;

And recommending that the same severally be referred to the committee on Health Care.

Of the petition (accompanied by bill, House, No. 3091) of Antonio F. D. Cabral, Marie J. Parente and Philip Travis for legislation to further regulate the licensing of private detectives,- and recommending that the same be referred to the committee on Public Safety.

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

#### Reports

Of the committee on State Administration, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1473) of Bruce E. Tarr and Anthony J. Verga for legislation to provide assistance to municipalities undertaking capital projects;

Of the petition (accompanied by bill, House, No. 3769) of Paul C. Demakis, Byron Rushing, Stephen F. Lynch, Steven A. Tolman, David T. Donnelly and Elizabeth A. Malia relative to the surcharge on the rental of motor vehicles in the city of Boston;

Of the petition (accompanied by bill, House, No. 3770) of Paul C. Demakis, Byron Rushing, Stephen F. Lynch, Steven A. Tolman, David T. Donnelly and Elizabeth A. Malia for legislation to exempt certain elderly persons from the surcharge on the rental of motor vehicles in the city of Boston;

Of the petition (accompanied by bill, House, No. 3771) of Paul C. Demakis, Byron Rushing, Stephen F. Lynch, Steven A. Tolman, David T. Donnelly and Elizabeth A. Malia for legislation to reduce the surcharge on the rental of motor vehicles in the city of Boston; and

Of the petition (accompanied by bill, House, No. 4127) of Paul C. Casey and James P. Jajuga relative to the funding for the headquarters and training facility for the Department of Fire Services in the town of Stow;

And recommending that the same severally be referred to the committee on Long-Term Debt and Capital Expenditures.

Of the committee on Health Care, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3475) of John F. Quinn, Mark C. Montigny, Barbara C. Hyland, Christopher G. Fallon and David B. Sullivan for legislation to regulate the practice of clinical laboratory science by health care professionals; and

Of the petition (accompanied by bill, House, No. 3647) of Paul C. Casey that provision be made for uniform periodic payments to providers of health care services;

And recommending that the same severally be referred to the committee on Science and Technology.

Of the committee on Insurance, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1009) of Anne M. Paulsen, Kay Khan and Steven A. Tolman for legislation to prohibit discrimination in disability insurance policies;

Of the committee on the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3097) of Antonio F. D. Cabral and other members of the House relative to the confiscation of drug related money, property and assets;

Of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2566) of Barbara Gardner for legislation to establish an open-space acquisition revolving fund within the Department of Environmental Management;

Of the committee on State Administration, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 356) of Barbara Gray that newly constructed public buildings contain certain toilet facilities accessible to handicapped persons;

Of the petition (accompanied by bill, House, No. 888) of Bruce J. Ayers that the Auditor of the Commonwealth be authorized to implement evaluation programs for certain state agencies;

Of the petition (accompanied by bill, House, No. 2225) of Carol A. Donovan, Ronny M. Sydney, Cynthia S. Creem., Martin J. Walsh, Pamela P. Resor and Mary Jeanette Murray for legislation to provide for unisex toilets in public buildings; and

Of the petition (accompanied by resolve, House, No. 2235) of Joseph C. Sullivan for an investigation by a special commission (including members of the General Court) on the policies and procedures for making timely payments to vendors and contractors doing business with the Commonwealth relative to snow and ice operations;

Of the petition (accompanied by bill, House, No. 2789) of Walter A. DeFilippi, David M. Peters, Brian P. Lees and Evelyn G. Chesky relative to the deposit of state funds;

Of the petition (accompanied by bill, House, No. 2797) of Lida E. Harkins, Thomas J. O'Brien, Harold P. Naughton, Jr., Barbara C. Hyland and Paul Kujawski relative to reimbursement by the Commonwealth to cities and towns for the cost of responding to false fire alarms;

Of the petition (accompanied by bill, House, No. 3177) of Antonio F. D. Cabral and other members of the General Court for legislation to further regulate state contracts and investments with companies doing business with or in Indonesia;

Of the petition (accompanied by bill, House, No. 3182) of Douglas W. Petersen, Bruce E. Tarr, Brian A. Joyce and Dianne Wilkerson for legislation to provide for the elimination of certain surcharges on professional registration fees;

Of the petition (accompanied by bill, House, No. 3384) of J. James Marzilli, Jr., and another relative to the funding for the maintenance of state buildings;

Of the petition (accompanied by bill, House, No. 3767) of Paul C. Casey and other members of the House for legislation to provide for inflation adjustments in multi-year social services contracts;

Of the petition (accompanied by bill, House, No. 3768) of Harriette L. Chandler, Harold P. Naughton, Jr., and Harriett L. Stanley relative to the use of toll free telephone service by certain state agencies;

Of the petition (accompanied by bill, House, No. 3927) of Douglas W. Stoddart, David P. Magnani and Cheryl A. Jacques for an appropriation of a certain sum of money for a youth center in the town of Natick; and

Of the petition (accompanied by bill, House, No. 4128) of Marie J. Parente for legislation to provide for reimbursement to certain cities and towns for certain state actions;

And recommending that the same severally be referred to the House committee on Ways and Means.

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence, inasmuch as relates to the discharge of the joint committee.**

#### *Report of a Committee.*

Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the sex offender registry (House, No. 4387, printed as amended), - ought to pass, with amendments:

Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1917; and by striking out the title and inserting in place thereof the following title: "An Act improving the sex offender registry and establishing civil commitment and community parole supervision for life for sex offenders.".

**There being no objection, the rules were suspended, on motion of Mr. Bernstein, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.**

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Norton) "honoring the city of Fall River firefighters who battled the five-alarm fire at the Chace Mill"; and

Resolutions (filed by Ms. Tucker and Mr. Antonioni) "congratulating the Odyssey of the Mind teams from the Doherty Middle School in Andover and the North Middlesex Regional High School in Townsend".

## PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill establishing the office of treasurer-collector in the town of Westborough (see House, No. 4235) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President and laid before the Governor for his approbation.**

A Bill further extending the time for which certain land in Norfolk County may be used as a temporary minimum security alternative correction center (House, No. 4419, amended,- on petition),- was read.

**There being no objection, the rules were suspended, on motion of Ms. Creem, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*Order Adopted.*

Ms. Fargo offered the following order, to wit:-

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that full consideration shall be allowed on House Bill No. 4387, a "Bill relative to the sex offender registry"; and, provided further that all amendments to said bill shall be filed in the Senate Clerk's Office no later than six o'clock P.M., today.

**There being no objection, the order was considered forthwith, and adopted.**

On motion of Mr. Tarr, at twelve minutes past eleven o'clock A.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.

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