

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.



Tuesday, July 6, 1999.

Met at seven minutes past eleven o'clock A.M.

Reports of Committees.

By Mr. Morrissey, for the committee on Government Regulations, on Senate, Nos. 379, 380 and 425 and House, Nos. 102 and 1537, a Bill making certain changes in the conduct of Beano (Senate, No. 1922);

By Mr. Bernstein, for the committee on Insurance, on Senate, No. 713 and House, No. 3094, a Bill relative to improving access to cost effective marriage and family therapy (Senate, No. 1920);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 656), a Bill relative to diabetes cost reduction (Senate, No. 1921);

By the same Senator, for the same committee, on Senate, No. 725 and House, Nos. 1966 and 2884, a Bill providing for greater insurance coverage of prostate cancer exams (Senate, No. 1923);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 645), a Bill relative to anesthesia coverage for children hospitalized for dental treatment (Senate, No. 1924);

By the same Senator, for the same committee, on Senate, Nos. 703 and 726 and House, No. 803, a Bill further regulating insurance benefits (Senate, No. 1925);

By the same Senator, for the same committee, on Senate, No. 727 and House, No. 3499, a Bill authorizing licensed educational psychologists to receive certain insurance payments (Senate, No. 1926);

By Mr. Creedon, for the committee on the Judiciary, on Senate, Nos. 780 and 874, a Bill concerning insubstantial, frivolous or bad faith claims in district and municipal courts (Senate, No. 874);

By Mr. Pacheco, for the committee on Natural Resources and Agriculture, on petition, a Bill establishing an environmental justice designation program (Senate, No. 1060); and

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill waiving construction permit fees to promote accessibility (Senate, No. 1428);

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

By Mr. Moore, for the committee on Health Care, on petition, a Bill relative to certain farming operations (Senate, No. 437);

By the same Senator, for the same committee, on petition, a Bill relative to the board of registration in veterinary medicine (printed as House, No. 3653);

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill requiring the filing of birth certificates in guardianship proceedings of minors (Senate, No. 778);

By the same Senator, for the same committee, on petition, a Bill relative to the estate of homestead (Senate, No. 782);

By the same Senator, for the same committee, on petition, a Bill relative to certain proceedings and corporations (Senate, No. 873);

By the same Senator, for the same committee, on petition, a Bill prohibiting the disclosure of home addresses of judicial clerks and clarifying the law relative to the prosecution of juvenile offenders (Senate, No. 886);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 882), a Bill limiting liability resulting from the use of automatic external defibrillation (Senate, No. 1918);

By Mr. Pacheco, for the committee on Natural Resources and Agriculture, on petition, a Bill relative to the management of state forests (Senate, No. 971);

By the same Senator, for the same committee, on petition, a Bill to establish areas of critical scenic preservation and to provide for the acquisition of development rights therefor (Senate, No. 1019);

By Ms. Wilkerson, for the committee on State Administration, on Senate, No. 1412 and House, No. 1641, a Bill requiring sealed bids or competitive proposals for the award of school transportation contracts (Senate, No. 1412); and

By the same Senator, for the same committee, on petition, a Bill designating a plaque for Edward Cohen (Senate, No. 1432);

Severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

By Mr. Moore, for the committee on Health Care, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 448) of Robert L. Hedlund and Jeffrey Tonello for legislation relative to the registration of orthopedic physician assistants; and

On the petition (accompanied by bill, Senate, No. 458) of Richard Piper for legislation to require periodic testing of all licensed and registered nurses in the Commonwealth by the Board of Registration in Nursing;

By Mr. Bernstein, for the committee on Insurance, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 663) of Richard Piper for legislation to require annual competency testing of insurance agents doing business in the Commonwealth; and

On the petition (accompanied by bill, Senate, No. 731) of Dianne Wilkerson, Edward G. Connolly, Gloria L. Fox and Benjamin Swan for legislation relative to property insurance coverage when a mortgage is transferred;

By Mr. Pacheco, for the committee on Natural Resources and Agriculture, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 1013) of Michael W. Morrissey for legislation relative to the authority of the Massachusetts Water Resources Authority Advisory Board; and

On the petition (accompanied by bill, Senate, No. 1028) of Therese Murray and Viriato Manuel deMacedo for legislation relative to inspections of on-site sewage disposal systems; and

By Mr. Joyce, for the committee on Public Service, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 1212) of Robert L. Hedlund for legislation to prohibit participation in the state pension system by all newly elected officials;

On the petition (accompanied by bill, Senate, No. 1299) of Michael W. Morrissey for legislation relative to post-retirement employment for public retirees; and

On the petition (accompanied by bill, Senate, No. 1347) of Charles E. Shannon, Vincent P. Ciampa and Timothy J. Toomey, Jr., for legislation relative to the Massachusetts Retirement Board;

Severally referred, under Senate Rule 36, to the committee on Steering and Policy.

Mr. Brewer, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate bills

Relative to the siting of telecommunications facilities (Senate, No. 944);

Relative to providers of personal wireless services (Senate, No. 966);

Authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to the Cambridge School, Inc. of Weston, MA (Senate, No. 1715); and

Relative to the issuance of seasonal licenses for the sale of alcoholic beverages (Senate, No. 1811); and

The House Bill relative to the election of members to the Pension Reserve Investment Board (House, No. 113).

Committee Discharged.

Ms. Melconian, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Bill establishing a commission to study compensation to providers of human services and health services for compliance with certain statutes, rules, regulations and mandatory policies and guidelines (Senate, No. 605);

Of the Senate Bill relative to a study of dental insurance for retired public employees (Senate, No. 1284); and

Of the Senate Bill establishing the Massachusetts maritime heritage commission (Senate, No. 1469); and

Of the Senate Order relative to authorizing the joint committee on Government Regulations to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to racing activities in the Commonwealth (Senate, No. 1893);

Of the Senate Order relative to authorizing the joint committee on Government Regulations to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate and House documents relative to the Division of Registration (Senate, No. 1894);

Of the Senate Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to miscellaneous retirement issues (Senate, No. 1902);

Of the Senate Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of a certain current Senate document numbered 1185, relative to civil service (Senate, No. 1903);

Of the Senate Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents relative to public safety officers (Senate, No. 1904);

Of the Senate Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 1189, relative to employees of the Trial Court (Senate, No. 1905);

Of the Senate Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 1193, relative to the health and fitness standards of police officers and fire fighters (Senate, No. 1906);

Of the Senate Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 1381, relative to survivor benefits (Senate, No. 1907);

Of the Senate Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents relative to administration (Senate, No. 1908);

Of the Senate Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 1360, relative to employee rights (Senate, No. 1909);

Of the Senate Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of various Senate documents relative to employment benefits (Senate, No. 1910); and

Of the Senate Order relative to authorizing the joint committee on Public Service to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 1340, relative to creditable service (Senate, No. 1911);

And recommending that the same severally be referred to the Senate committee on Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Ms. Melconian, for the committee on Rules, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing and directing the joint committee on Public Safety to make an investigation and study of Senate documents relative to steam boilers and low pressure boilers (Senate, No. 1868),- and recommending that the same be recommitted to the committee on Public Safety.

Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE .

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to a consumer's right to privacy (House, No. 4483),- was referred, in concurrence, as follows:

So much as relates to section 39,- to the committee on Banks and Banking;

So much as relates to sections 3 to 37, inclusive, and sections 47 to 50, inclusive,- to the committee on Commerce and Labor;

So much as relates to sections 40 to 46, inclusive,- to the committee on Criminal Justice;

So much as relates to section 38,- to the committee on Government Regulations; and

So much as relates to sections 1 and 2,- to the committee on Public Safety.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4484) of William G. Greene, Jr., and Robert A. Havern (by vote of the town) relative to the use of the subdivision forfeiture account in the town of Billerica; and

Petition (accompanied by bill, House, No. 4485) of William G. Greene, Jr., and Robert A. Havern (by vote of the town) that the town of Billerica be authorized to convey a certain parcel of park land to the Commonwealth for use by the Middlesex County Sheriff's Department;

Severally to the committee on Local Affairs.

Petition (accompanied by bill, House, No. 4486) of William G. Greene, Jr., and Robert A. Havern (by vote of the town) that the position of water meter reader in the town of Billerica be exempt from provisions of the civil service law; and

Petition (accompanied by bill, House, No. 4487) of Kenneth E. Reeves, Francis H. Duehay (mayor), Timothy J. Toomey, Jr., and others (with the approval of the city council) relative to the reinstatement of Elizabeth Hepner as a member in service of the retirement system of the city of Cambridge;

Severally to the committee on Public Service.

Bills

Relative to contract interpretation providing for continuity of contract in view of currency changes in Europe (House, No. 1508,- on petition) ; and

Relative to the towing of motor vehicles (House, No. 2113,- on Senate, No. 426 and House, No. 2113) ;

Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

A report of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2570) of Francis L. Marini, Bradley H. Jones, Jr., and George N. Peterson, Jr., for legislation to further regulate the rates of pilotage for the port of Boston, and recommending that the same be referred to the House committee on Ways and Means,- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.**

A Bill relative to the redevelopment of the Mayor Michael J. Neville Manor Nursing Home (House, No. 4488, printed as amended,- on House, No. 4209) [Local approval received on House, No. 4209),- was read.

There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time, and amended, on motion of the same Senator, in section 6, by striking out, in lines 6 and 7, the words "sections 17, 18, 19, 20 and 23" and inserting in place thereof the following words:- "sections 19 and 20"; and by striking out section 8 (as inserted by amendment by the House).

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Report of Committees.

By Ms. Melconian, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert L. Hedlund for legislation relative to emergency personnel at long term care facilities.

Senate Rule 36 was suspended, on motion of Ms. Fargo, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care.

Sent to the House for concurrence.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The House Bill relative to a liquor license in the town of Ashland (House, No. 4137),- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the town of Ashland to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises."**

Order Adopted.

On motion of Ms. Melconian,-

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Lees, at ten minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Thursday at eleven o'clock.A.M.
