

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.



Monday, July 10, 2000.

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

Reports of a Committee.

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 Bill designating the recreation center at the Taunton State Hospital as the Richard "Ricky" Silvia recreation center (Senate, No. 2229); and

The House Bill further defining privileged and confidential communications with a psychologist (House, No. 4363).

Committees 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 Order relative to authorizing the joint committee on Taxation 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 taxation matters (Senate, No. 2235),— and recommending that the same be referred to the Senate committee on Rules.

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

Ms. Melconian, for the committee on Rules, to whom was referred the Senate Order relative to authorizing and directing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to judicial matters (Senate, No. 1953), reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 918) of Steven A. Tolman for legislation to provide for access to a decedent's medical records by blood relatives,— and recommending that the same be recommitted to the committee on the Judiciary; and

The same Senator, for the same committee, to whom was referred the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of a Senate document relative to traffic stops (Senate, No. 1854), reported, asking to be discharged from further consideration,— and recommending that the same be recommitted to the committee on Public Safety.

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

PAPERS FROM THE HOUSE.

A communication from the Massachusetts Turnpike Authority (under the provisions of Section 12(i) of Chapter 81A of the General Laws) submitting a revised copy of the most recent Central Artery/Ted Williams Tunnel Project Partnership Agreement (having been sent by the House to the Senate for its information),— **was returned to the House to be placed on file.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5328) of Robert S. Hargraves and Robert A. Antonioni (by vote of the town) that the town of Lunenburg be authorized to establish a special fund for the celebration of certain anniversaries;

Petition (accompanied by bill, House, No. 5329) of Lida E. Harkins and Cheryl A. Jacques (by vote of the town) that the town of Needham be authorized to establish a special fund for the renovation, construction and equipping of school buildings; and

Petition (accompanied by bill, House, No. 5330) of Shaun P. Kelly and Andrea F. Nuciforo, Jr. (by vote of the town) relative to authorizing the town of Hinsdale to establish a sewer betterment reserve fund;

Severally to the committee on Local Affairs.

Petition (accompanied by bill, House, No. 5331) of Lida E. Harkins, Cheryl A. Jacques (by vote of the town) relative to the reporting of pension contributions in the town of Needham;

To the committee on Public Service.

A Bill establishing the Bourne Financial Development Corporation (House, No. 4250,— on petition) [Local approval received],— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Order — Amended.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith, as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Friday, July 14, 2000 the time within which to make its final report on current Senate documents numbered 1666, 1705, 1783, 2093 and 2191 and current House documents numbered 569, 570, 1691, 2260, 2261 2269, 2836, 3404, 4764, 4812, 4826, 5111, 5135, 5145, 5273, 5274 and 5279.

Pending the question on adoption of the order, an amendment, presented by Mr. Havern, adding after the number 1666, the number 1686,— was considered and was adopted.

The order, as amended, was then adopted.

Sent to the House for concurrence in the amendment.

Matter Taken Out of the Orders of the Day.

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

The Senate Resolutions opposing United States naval activities on the island of Vieques (Senate, No. 2183),— were considered.

Pending the motion to lay the resolutions on the table, and pending the main question on adoption of the resolutions, on motion of Ms. Melconian, the resolutions were recommitted to the committee on Bills in the Third Reading.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5339) of Harold Rubin relative to tuition waivers for certain elderly persons enrolled in adult education courses at state colleges and universities,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Education, Arts and Humanities.**

Resolutions.

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

Resolutions (filed by Ms. Wilkerson) “honoring Harriett L. Elam-Thomas for her work to improve international relations.”

PAPERS FROM THE HOUSE.

Order — Amended.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith, as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committees on Rules of the two branches, acting concurrently, be granted until Wednesday, May 31, 2000, the time within which to make its final report on current Senate document numbered 2177.

Pending the question on adoption of the order, an amendment, presented by Ms. Murray, striking out the date “Wednesday, May 31, 2000” and inserting in place thereof the following date: “Monday, July 17, 2000”,— was considered and was adopted.

**The order, as amended, was then adopted.
Sent to the House for concurrence in the amendment.**

Engrossed Bill.

An engrossed Bill relative to certain borrowing by the town of Provincetown (see House, No. 4320) (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 President and laid before the Governor for his approbation.**

Petitions.

On motion of Mr. Bernstein, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Tolman (accompanied by bill) of Steven A. Tolman, John P. Slattery Richard T. Moore, David M. Torrisi and other members of the General Court for legislation to create the Boston Red Sox New Ballpark Fund,—**and the same was referred to the committee on Government Regulations.**

On motion of Ms. Tucker, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Resor (accompanied by bill) of Pamela P. Resor, Stephen P. LeDuc and Patricia A. Walrath for legislation relative to the development of an athletic facility by the Assabet Valley Regional Vocational Technical school district,—**and the same was referred to the committee on Education, Arts and Humanities.**
Severally sent to the House for concurrence.

PAPER FROM THE HOUSE.

A Bill establishing an appointed water and sewer commission in the town of Blackstone (printed as Senate, No. 1986, changed,—on petition) [Local approval received],— was read.
There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Reports 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 Stephen M. Brewer, Stanley C. Rosenberg, Stephen Kulik, David H. Tuttle and other members of the General Court for legislation to exempt certain food manufacturers from unfunded water testing requirements.
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 Commerce and Labor.

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 S. Creedon, Jr., Brian A. Joyce, Michael W. Morrissey, Cynthia S. Creem and other members of the General Court for legislation relative to creating salary scales for Trial Court chief court officers proportionate to those of chief probation officers.
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 the Judiciary.
Severally sent to the House for concurrence.

Matters Taken Out of the Orders of the Day.

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

The Senate Bill relative to establishing the Becket Woods Road and Maintenance District in the town of Becket (Senate, No. 2227, changed),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House bills

Relative to the budget in the town of West Boylston (House, No. 4871); and

Validating the results of the annual town election held in the town of Dudley (printed in House, No. 4886);
Were severally read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

The House Bill placing the members of the police force and the fire department of the town of Hopedale under civil service law (House, No. 4933) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time. Pending the question on passing the bill to be engrossed, Mr. Glodis presented an amendment adding the following two sections:—

“SECTION 2. Public safety personnel hired during the six-month period preceding the effective date of this act shall be included as civil service employees under said chapter 31 of the General Laws, subject to any applicable probationary period.

SECTION 3. This act shall take effect upon its passage.”

This amendment was adopted.

The bill was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Recess.

There being no objection, at a quarter past eleven o’clock A.M., the President declared a recess subject to the call of the Chair; and, at twenty-eight minutes before five o’clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

PAPERS FROM THE HOUSE.

A Bill relative to the Seekonk Water District (House, No. 5155,— on petition),— was read.

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

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill protecting patients in the Commonwealth (House, No. 4525) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1746; and striking out the title and inserting in place thereof the following title: “An Act protecting the health and safety of consumers from certain managed care practices in the insurance industry.”), recommending that the House recede from its non-concurrence with the Senate in its amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1746 and concur therein *with a further amendment* striking out all after the enacting clause and inserting in place thereof the text contained in House document 5333 and that the Senate concur therein; and that the House recede from its non-concurrence with the Senate in its amendment striking out the title and inserting in place thereof a new title and concur therein *with a further amendment* by striking out the title (inserted by amendment by the Senate) and inserting in place thereof the following title: “An Act relative to managed care practices in the insurance industry.”; and that the Senate concur therein.

The report was considered forthwith, read and was accepted, in concurrence.

The Senate Bill amending the one trial system for civil cases in certain counties (Senate, No. 2088, amended),— came from the House with the endorsement that the House had insisted on its amendment in section 16.

On motion of Ms. Fargo, the Senate receded from its NON-concurrence with the House in its amendment to Section 16 and concurred therein.

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 to accommodate the patriotic expressions of the citizens of the Commonwealth (House, No. 3565),— was read a second time. Pending the question on ordering the bill to a third reading, Mr. Shannon presented an amendment striking out all after the enacting clause and inserting in place thereof the following text:—

“Chapter 183A of the General Laws is hereby amended by inserting after section 12 the following section:—

Section 12A. A by-law may prohibit or regulate the display of a flag, banner or sign by a resident of a condominium unit only to the extent that the constitutions of the United States and of the commonwealth allow a municipal by-law to prohibit or regulate such display.”

This amendment was adopted.

The bill, as amended, was then ordered to a third reading.

PAPERS FROM THE HOUSE.

Committee of Conference Reports.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill relative to foothold traps and certain other devices (House, No. 4884)(*amended by the Senate* by striking out all

after the enacting clause and inserting in place thereof the text of Senate document numbered 2094; and by inserting before the enacting clause the following emergency preamble:—

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to protect persons from threats to human health and safety caused by certain animals, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.”), recommending that the House recede from its non-concurrence with the Senate in its amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2094 and concur therein *with a further amendment* striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5327; and that the Senate concur therein; and that the House recede from its non-concurrence with the Senate amendment inserting an emergency preamble.

The report was considered forthwith, read and accepted, in concurrence.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill relative to nongroup health insurance products (House, No. 4993) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2159), recommending that the House recede from its non-concurrence with the Senate in its amendment and concur therein *with a further amendment* by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5332; and that the Senate concur therein.

The report was considered forthwith, read and accepted, in concurrence.

Order Adopted.

On motion of Ms. Fargo,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday 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. Knapik, at twenty-two minutes before five o’clock P.M., the Senate adjourned to meet on the following Wednesday at eleven o’clock A.M.
