

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 25, 2000.

Met at twenty-two minutes past one o'clock P.M.

Distinguished Guests.

The President introduced, seated in the gallery, students participating in the College Prep Young Scientists Program of Lawrence. They were the guests of Senator Tucker.

Petitions.

Mr. Tarr presented a petition (subject to Joint Rules 9 and 12) of Bruce E. Tarr, Bradford Hill and Harriett L. Stanley for legislation relative to a boundary change between the towns of Georgetown and Boxford,— **and the same was transmitted, under the provisions of Section 5 of Chapter 3 of the General Laws, to the Secretary of State.**

Petitions were presented and referred, as follows:

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey, Bruce J. Ayers, Stephen F. Lynch and Martin J. Walsh for legislation to acquire easements to construct underground electric cables in Quincy and Dorchester; and

By Mr. Tarr, a petition (subject to Joint Rule 12) of Bruce E. Tarr, Frederick E. Berry and Brian M. Cresta for legislation to include a certain parcel of land in the town of Middleton in the South Essex sewage district;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill terminating a certain easement granted to the Department of Mental Health (Senate, No. 2240); and

By the same Senator, for the same committee, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of New Braintree (Senate, No. 2250);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Ms. Creem, for the committee on Criminal Justice, on petition, (accompanied by bill, Senate, No. 2147), a Bill relative to obscene materials (Senate, No. 2255);
Read and, under Senate Rule 26, referred to the committee on Steering and Policy.

Committee Discharged.

Ms. Melconian, for the committee on Rules, to whom was referred 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. 2245), reports, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2230) of Linda J. Melconian, Brian P. Lees, Cheryl A. Rivera, Jack Keough and other members of the General Court for legislation relative to the Springfield Civic and Convention Center,— and recommending that the same be recommitted to the committee on Taxation.

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

PAPERS FROM THE HOUSE.

A Bill relative to identification for the purchase of alcoholic beverages (House, No. 4287,— on House, Nos. 1930 and 3249),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Authorizing the city of Springfield to convey certain parcel conservation land (House, No. 4911, changed,— on petition) [Local approval received]; and

Establishing a building reserve fund in the town of Lynnfield (House, No. 5234, amended,— on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the orders of the Day for the next session.

Engrossed Bill.

An engrossed Bill relative to community preservation (see House, No. 4866, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-three minutes past one o'clock P.M., on motion of Ms. Walsh, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Glodis, Guy W.

Havern, Robert A.

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

Knapik, Michael R.

Lees, Brian P.

Lynch, Stephen F.

Magnani, David P.

Melconian, Linda J.

Menard, Joan M. — 39.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Rauschenbach, Henri S.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Sprague, Jo Ann

Tarr, Bruce E.

Tisei, Richard R.

Tolman, Steven A.

Travaglini, Robert E.

Tucker, Susan C.

Walsh, Marian

Wilkerson, Dianne

NAYS — 0.

The yeas and nays having been completed twenty-nine minutes before two o'clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Governor for his approbation.

Emergency Preamble Adopted.

An engrossed Bill relative to the sale or delivery of alcoholic beverages or alcohol to a person under 21 years of age (see House, No. 4506, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 5 to 0.**

The bill was signed by the President and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill relative to disclosure of information to the state police violent fugitive arrest squad (see House, No. 130, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-seven minutes before two o'clock P.M., on motion of Ms. Jacques, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Bernstein, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rauschenbach, Henri S.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne
Menard, Joan M. — 39.	

NAYS — 0.

The yeas and nays having been completed twenty-four minutes before two o'clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The orders of the Day were considered, as follows:

Bills

Authorizing the Massachusetts highway department to install certain signs (Senate, No. 2191); and

Protecting beneficiaries of structured settlements (House, No. 5348);
Were severally read a second time and ordered to a third reading.

The Senate bills

Requiring continuing education for inspectors of plumbing and inspectors of gas fitting (Senate, No. 386) (its title having been changed by the committee on Bills in the Third Reading);

Establishing a birth defects monitoring program (Senate, No. 466) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the rebuilding of the Julian D. Steele public housing development in the city of Lowell (Senate, No. 2211) (its title having been changed by the committee on Bills in the Third Reading);

Providing for the disposition of certain surplus waterworks facilities of the Massachusetts Water Resources Authority and the Metropolitan District Commission located in the city of Boston (Senate, No. 2219);

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Danvers (Senate, No. 2251);

Relative to the transfer of a certain parcel of land by the Hampshire County Housing Authority (Senate, No. 2252);

Authorizing the establishment of old growth forest reserves (Senate, No. 2253); and

Relative to the health care delivery system in the city of Springfield (Senate, No. 2254);

**Were severally read a third time and passed to be engrossed.
Severally sent to the House for concurrence.**

The House bills

Relative to veterinarians reporting cruelty to animals (House, No. 1033);

Relative to the review of certain condominium financial reports (House, No. 1954);

Establishing the Upper Cape regional water supply cooperative (House, No. 4596, amended);

Authorizing the conveyance to the town of Billerica of a certain parcel of land in said town to be used for construction of a water treatment plant (House, No. 4990);

Authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Lancaster (House, No. 4991, changed); and

Authorizing nonprofit hospital service corporations and nonprofit medical service corporations to make contracts of reinsurance (House, No. 5144, amended);

Were severally read a third time and passed to be engrossed, in concurrence.

The House Bill further regulating the rates of pilotage for the port of Boston (House, No. 2570),— **was read a third time and passed to be engrossed, in concurrence.**

Sent to the House for concurrence in the amendment previously adopted by the Senate.

The House Bill relative to the organization and supervision of fraternal benefit societies (House, No. 4507, amended),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pacheco moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2256.

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.

The House Bill prohibiting the use of a mobile telephone while operating a school bus (House, No. 4810) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the main question on passing it to be engrossed, Mr. Lees moved that the further consideration thereof be postponed

until Tuesday, August 1; and, Mr. Travaglini in the Chair, after debate, this motion was *rejected*.

Mr. Lees then moved that the bill be laid on the table; and, this being the last week of formal sessions, the motion was considered forthwith. After debate, the motion was *negatived*.

After further debate, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at two minutes past two o'clock P.M., on further motion of Mr. Lees, as follows, to wit (yeas 30 — nays 7):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Glodis, Guy W.

Havern, Robert A.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

Lynch, Stephen F.

Magnani, David P.

Melconian, Linda J.

Menard, Joan M.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Tisei, Richard R.

Tolman, Steven A.

Travaglini, Robert E.

Tucker, Susan C. — 30.

NAYS.

Fargo, Susan C.

Hedlund, Robert L.

Knapik, Michael R.

Lees, Brian P.

Rauschenbach, Henri S.

Sprague, Jo Ann

Tarr, Bruce E. — 7.

ABSENT OR NOT VOTING.

Walsh, Marian

Wilkerson, Dianne — 2.

The yeas and nays having been completed at six minutes past two o'clock P.M., the bill was passed to be engrossed, in concurrence.

The House Bill relative to certain environmental boating regulations and penalties (House, No. 2177),— was read a third time.

The President in the Chair, pending the main question on passing the bill to be engrossed, in concurrence, Mr. Lees moved that the further consideration of this matter be postponed until the next session; and, after debate, the motion was *rejected*, by a vote of 4 to 10.

After further debate, Mr. Lees then moved that the further consideration of this matter be postponed until Tuesday, August 22; and this question was determined by a call of the yeas and nays, at twenty-four minutes before three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 30):

YEAS.

Fargo, Susan C.

Rauschenbach, Henri S.

Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.

Sprague, Jo Ann
Tarr, Bruce E. — 7.

NAYS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C. — 30.

ABSENT OR NOT VOTING.

Walsh, Marian

Wilkerson, Dianne — 2.

The yeas and nays having been completed at twenty minutes before three o'clock P.M., the motion to postpone was *negatived*. After further debate, the pending question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at nineteen minutes before three o'clock P.M., on motion of Mr. Nuciforo, as follows, to wit (yeas 30 — nays 7):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.

Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.

Melconian, Linda J.

Tucker, Susan C. — 30.

NAYS.

Fargo, Susan C.
Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.

Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E. — 7.

ABSENT OR NOT VOTING.

Walsh, Marian

Wilkerson, Dianne — 2.

The yeas and nays having been completed at sixteen minutes before three o'clock P.M., the bill was passed to be engrossed, in concurrence.

The House Bill relative to the national World War II memorial (House, No. 4511),— was read a third time. After remarks, the question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at a quarter before three o'clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Menard, Joan M. — 37.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Melconian, Linda J.

NAYS — 0.

ABSENT OR NOT VOTING.

Walsh, Marian

Wilkerson, Dianne — 2.

Mr. Travaglini in the Chair, the yeas and nays having been completed at thirteen minutes before three o'clock P.M., the bill was passed to be engrossed, in concurrence.

The House Bill relative to the establishment of a child fatality review team (House, No. 4847),— was read a third time. After remarks, the question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at eight minutes before three o'clock P.M., on motion of Ms. Jacques, as follows, to wit (yeas 37- nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Menard, Joan M. — 37.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Melconian, Linda J.

NAYS — 0.

ABSENT OR NOT VOTING.

Walsh, Marian

Wilkerson, Dianne — 2.

The yeas and nays having been completed at six minutes before three o'clock P.M., the bill was passed to be engrossed, in concurrence.

Sent to the House for concurrence in the amendment previously adopted by the Senate.

PAPER FROM THE HOUSE.

The Senate Bill relative to the crime of criminal harassment (Senate, No. 2082),— came from the House passed to be engrossed, in concurrence, *with an amendment*, striking out all after the enacting clause and inserting on place thereof the text contained in House document numbered 5341, amended, as follows:

“SECTION 1. Chapter 265 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 43, the following section:—

Section 43A. (a) Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than two and one-half years or a fine of not more than \$1,000, or by both such fine and imprisonment. Such conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device including, but not limited to, electronic mail, internet communications or facsimile

communications.

(b) Whoever, after having been convicted of the crime of criminal harassment, commits a second or subsequent such crime, or whoever commits the crime of criminal harassment having previously been convicted of a violation of section 43, shall be punished by imprisonment in a house of correction for not more than two and one-half years or by imprisonment in the state prison for not more than ten years.”

The rules were suspended, on motion of Mr. Berry, and, after remarks, the House amendment was considered forthwith and adopted, in concurrence.

Order Adopted.

Mr. Joyce presented the following order, to wit:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Public Service be granted until Friday, September 1, 2000, within which time to make its final report on Senate document numbered 2236, legislation to provide job preference at the Massachusetts Correctional Institution, Cedar Junction, to residents of the town of Walpole.

The order was considered forthwith; and, there being no objection, it was adopted.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

A Bill relative to the Nashoba Regional School District (House, No. 5246,— on petition),— was read.

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

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The House Bill authorizing the Superintendent of State Office Buildings to install and maintain a plaque in honor of the Massachusetts members of the U.S.S. LST amphibious landing craft (House, No. 5280),— **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 Superintendent of State Office Buildings to install and maintain a plaque in honor of those Massachusetts members of the United States Navy and United States Coast Guard who served on a landing ship tank.”.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5391) of Colleen M. Garry and Susan C. Tucker relative to authorizing the Division of Capital Asset Management and Maintenance to grant a certain easement in the town of Dracut for the construction of a sewer pipeline; and

Petition (accompanied by bill, House, No. 5392) of Ronald W. Gauch, George N. Peterson, Jr., Guy W. Glodis and Pamela P. Resor relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain parcels of land in the towns of Westborough and Grafton to the Division of Law Enforcement within the Department of Fisheries, Wildlife and Environmental Law Enforcement;

Severally, under suspension of Joint Rule 12, to the committee on State Administration.

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by Mr. Travaglini, the Acting President (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation, to wit:

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land under the care and control of the Department of Correction to the town of Concord housing authority (see Senate Bill, printed as House, No. 2047, amended);

Requiring continuing education for electrologists (see House, No. 1170);

Relative to access to autopsy reports (see House, No. 2723, amended);

Establishing the Assabet public safety district (see House, No. 2747, changed);

Relative to certain borrowing of the towns of Groveland and Merrimac (see House, No. 3893); and

Further establishing the rights of innkeepers (see House, No. 4890).

An engrossed Bill relative to the estate of homestead (see Senate, No. 782, amended) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the Acting President and again laid before the Governor for his approbation.**

Order Adopted.

On motion of Mr. Clancy,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at a quarter before two o'clock P.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Clancy, at seven minutes past three o'clock P.M., the Senate adjourned to meet again tomorrow at a quarter before two o'clock P.M.
