

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.



Thursday, July 27, 2000.

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

Distinguished Guest.

The President introduced, seated in the rear of the Chamber, Ms. Kaila Blouin from Fitchburg. Kaila was accompanied by her parents. They were the guests of Senator Antonioni.

Report.

A report of the Bureau of Special Investigations (under the provisions of Section 15D(6) of Chapter 22 of the General Laws) submitting its report for the month of June 2000 (received Thursday, July 27, 2000),— **was read and sent to the House for its information.**

Report of a Committee.

By Ms. Walsh, for the committee on Taxation, on the recommitted petition, a Bill relative to the Springfield Civic and Convention Center (Senate, No. 2230, changed by adding at the end thereof a new section:—
“SECTION 8. Notwithstanding any general or special law to the contrary, if the revenues received from the Springfield civic and convention center finance district are insufficient to satisfy the costs of the Springfield civic and convention center any shortfall shall be deducted from the lottery distribution to the city of Springfield.”);
Read and, under Senate Rule 27, referred to the committee on ways and means.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Constitution) recommending legislation relative to the construction and financing of infrastructure and other improvements in the city of Boston and around Fenway Park (see House, No. 5405),— **was referred, in concurrence, to the committee on Long-Term Debt and Capital Expenditures, State Administration, Transportation and Ways and Means, Acting Jointly.**

Bills

Authorizing the licensing of apprentice hoisting engineers (House, No. 5264,— on House, Nos. 2005 and 3153);

Relative to appellate review (House, No. 5287,— on petition); and

Establishing a sick leave bank for James F. Broughton, Jr., an employee of the Department of Youth Services (House, No. 5326,— on petition);

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

Bills

Relative to the civil liability of qualified psychiatric nurse mental health clinical specialists (House, No. 4971,— on House, No. 3302); and

Relative to the civil service rights of certain intermittent police officers and firefighters (House, No. 5263, amended,— on House, Nos. 5047 and 5068);

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

A Bill authorizing the town of Chilmark to erect a radio tower on certain conservation land (House, No. 5181,— on House, No. 5087) [Local approval received on House, No. 5087],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Designating a certain portion of the new Massachusetts Turnpike interchange in the city of Worcester as Veterans of the Battle of the Bulge, Central Massachusetts Chapter Highway (Senate, No. 1666);

To minimize the effect of irrelevant lis pendens memoranda (Senate, No. 2243); and

Authorizing the town of Hull to increase the pension of firefighter John Clasby (House, No. 5205);

Were severally read a second time and ordered to a third reading.

The Senate bills

Regulating the use of anabolic steroids (Senate, No. 459);

Pertaining to the appointment of firefighters and police officers (Senate, No. 1251) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the conveyance of a certain parcel of land in Grafton (Senate, No. 2261); and

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 (Senate, No. 2262) (its title having been changed by the committee on Bills in the Third Reading);

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

Sent to the House for concurrence.

The House bills

Providing for the conveyance of certain land in the town of Sandwich (House, No. 4129, amended);

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Grafton to Robert and Abby McInnis (House, No. 4785); and

Relative to abandoned property (House, No. 5365);

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

The House Bill relative to the possession, transport, use or placement of a hoax device (House, No. 3423),— was read third time. Pending the question on passing the bill to be engrossed, Mr. Jajuga moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:—

“Chapter 266 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after section 102A the following section:—

Section 102A½. (a) Whoever possesses, transports, uses or places or causes another to knowingly or unknowingly possess, transport, use or place any hoax device with the intent to cause anxiety, unrest, fear or personal discomfort to any person or group of persons 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 five years or by a fine of not more than \$5,000, or by both such fine and imprisonment.

(b) For the purposes of this section, the term ‘hoax device’ shall mean any device that would cause a person reasonably to believe

that such device is an infernal machine. For the purposes of this section, the term ‘infernal machine’ shall mean any device for endangering life or doing unusual damage to property, or both, by fire or explosion, whether or not contrived to ignite or explode automatically.

(c) This section shall not apply to any law enforcement or public safety officer acting in the lawful discharge of official duties.”.

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 relative to the illegal sale of alcohol from a dwelling (House, No. 428, amended),— **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 Senate Bill establishing enhanced wireless 911 services (Senate, No. 2260) (its title having been changed by the committee on Bills in the Third Reading),— was read third time.

Pending the question on passing the bill to be engrossed, Mr. Pacheco moved that the bill be amended in section 5, by striking out, in lines 15, 20 and 23, the words “or reseller”, each time they appear; in section 5, by striking out, in line 65, the words “and each reseller”; and in section 7, by striking out, in line 1, the words “Section 18H” and inserting in place thereof the following words:— “Subsection (a) of section 18H”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes before two o’clock P.M., on motion of Mr. Lees, 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.

Walsh, Marian

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.

Wilkerson, Dianne

Tolman, Steven A.

Travaglini, Robert E.

Tucker, Susan C.

Melconian, Linda J.

NAYS — 0.

ABSENT OR NOT VOTING.

Havern, Robert A.

Tisei, Richard R. — 2.

The yeas and nays having been completed at nine minutes before two o'clock P.M., the amendment was adopted. The main question on passing the bill to be engrossed was then determined by a call of the yeas and nays, at eight minutes before two o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 37 — 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
Walsh, Marian	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Wilkerson, Dianne
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Melconian, Linda J.
Menard, Joan M. — 37.	

NAYS — 0.

ABSENT OR NOT VOTING.

Havern, Robert A.	Tisei, Richard R. — 2.
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The yeas and nays having been completed at four minutes before two o'clock P.M., the bill (Senate, No. 2260, amended) was passed to be engrossed.

Sent to the House for concurrence.

The House Bill providing for the emergency maintenance of environmental assets of the Commonwealth (House, No. 5308, printed as amended) (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. Joyce moved that the bill be amended by inserting after section 6 the following section:—

“SECTION 6A. Item 2120-8881 of section 2 of chapter 564 of the acts of 1987 is hereby amended by inserting after the word ‘eighty-eight’ in line 30 the following:— ; provided further, that the department of environmental management is authorized to issue a grant of not more than \$500,000 from the amount appropriated herein to Historic Massachusetts, Inc., for the purpose of addressing code compliance, public safety improvements, historic preservation, and associated costs, at the Baker Chocolate Factory Company Administration Building at Lower Mills in the city of Boston, under the historic curatorship program, so-called, established pursuant to section 44 of chapter 85 of the acts of 1994, as amended by section 50 of chapter 15 of the acts of 1996.”

After remarks, the amendment was adopted.

Ms. Jacques moved that the bill be amended, in section 2, in item 2100-7994, by adding the following words:— “; and provided further, that not less than \$200,000 shall be expended for the repair and maintenance of the Red dam in the town of Wrentham”. The amendment was *rejected*.

Ms. Jacques further moved that the bill be amended, in section 2, in item 2100-7994, by adding the following words:— “; and provided further, that not less than \$502,350 shall be expended for the repair and maintenance of the Whittings and Falls Pond dams in the town of North Attleborough”.

The amendment was *rejected*.

After remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays at six minutes past two o’clock P.M., as follows, to wit (yeas 38 — 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.

Walsh, Marian

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

Knapik, Michael R.

Lees, Brian P.

Lynch, Stephen F.

Magnani, David P.

Havern, Robert A.

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.

Wilkerson, Dianne

Tolman, Steven A.

Travaglini, Robert E.

Tucker, Susan C.

Melconian, Linda J.

Menard, Joan M. — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Tisei, Richard R. — 1.

Mr. Travaglini in the Chair, the yeas and nays having been completed at nine minutes past two o’clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments adopted by the Senate. Sent to the House for concurrence in the amendments.

The House Bill authorizing the Commonwealth to acquire certain park land in the city of Chicopee (House, No. 5271),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Melconian and Mr. Knapik moved that the bill be amended by adding the following section:—

“SECTION 5. Item 1102-8969 of section 2 of chapter 12 of the acts of 1996 is hereby amended by inserting after the words ‘For grants to communities hosting state correction facilities’ the following words:— , and the Women’s Regional County Facility in the city of Chicopee.”

This amendment was adopted.

After debate, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at sixteen minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 33 — nays 5):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Bernstein, Robert A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Clancy, Edward J., Jr.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Murray, Therese
Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Jajuga, James P.	Sprague, Jo Ann
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lynch, Stephen F.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 33.
Melconian, Linda J.	

NAYS.

Berry, Frederick E.	Tarr, Bruce E.
Lees, Brian P.	Travaglini, Robert E. — 5.
Rauschenbach, Henri S.	

ABSENT OR NOT VOTING.

Tisei, Richard R. — 1.

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

Sent to the House for concurrence in the amendment.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows, to wit:

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to the crime of criminal harassment (see Senate, No. 2082, amended) (which originated in the Senate), 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-one minutes past two o'clock P.M., on motion of Mr. Berry, as follows, to wit (yeas 38 — 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
Walsh, Marian	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Wilkerson, Dianne
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Melconian, Linda J.
Havern, Robert A.	Menard, Joan M. — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Tisei, Richard R. — 1.

The yeas and nays having been completed at twenty-four minutes past 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.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Concord to convey a certain parcel of land located in the town of Acton (see House, No. 1988, 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; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted - was determined by a call of the yeas and nays, at twenty-five minutes past two o'clock P.M., as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Bernstein, Robert A.	Moore, Richard T.

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

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.
Wilkerson, Dianne
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Melconian, Linda J.
Menard, Joan M. — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Tisei, Richard R. — 1.

The yeas and nays having been completed at twenty-seven minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the conservation commission of the town of Andover to grant an easement (see House, No. 4924) (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; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-eight minutes past two o'clock P.M., as follows, to wit (yeas 38 — 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.

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

Walsh, Marian
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Havern, Robert A.

Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Wilkerson, Dianne
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Melconian, Linda J.
Menard, Joan M. — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Tisei, Richard R. — 1.

The yeas and nays having been completed at twenty-eight minutes before three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Matters Taken Out of the Notice Section of the Calendar.

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

The House Bill authorizing the city of Springfield to convey certain parcel conservation-land (House, No. 4911, changed),— was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Melconian moved that the bill be amended in section 2, by adding the following paragraph:—

“The parcel to be conveyed to the city described in this section shall be of equal or greater value than the parcel described in section 1.”; and by inserting after section 2, the following section:

“SECTION 2A. In addition to the conveyance required by section 2, Berkshire Acquisitions, LLC shall construct and assume all costs for the construction of a new detention basin according to the specifications of the conservation commission of the city of Springfield on or before January 1, 2001.”.

The amendments were adopted.

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, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the city of Springfield to convey a certain parcel of conservation land.”.

Sent to the House for concurrence in the amendments.

The House Bill authorizing the town of Rockport to establish a certain capital projects fund (House, No. 4169),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5403) of George Rogers, other members of the General Court and another for legislation to repeal the comprehensive assessment system for public school students,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Education, Arts and Humanities.**

A Bill authorizing the town of Hingham to convey a certain parcel of conservation land (House, No. 5190,— on petition)) [Local approval received],— was read.

There being no objection, the rules were suspended, on and the motion of Mr. Berry, and the bill was read a second time.

Mr. Hedlund moved that the bill be amended, by striking out all after the enacting clause and inserting in place thereof the following text:—

“SECTION 1. The town of Hingham, acting by and through its board of selectmen, may convey a certain parcel of conservation

land to be used for housing, recreational and open space purposes. The parcel is shown as Lot 'A' on a plan entitled "Plan of Lot Old Ward Street Hingham, Mass. Made for Town of Hingham Conservation Commission, dated December 29, 1971, by William W. Perkins, Engineer.

SECTION 2. This act shall take effect upon its passage."

The amendment was adopted.

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.

At twenty-five minutes before three o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the Chair (Mr. Travaglini) declared a recess; and at twenty-two minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Bill relative to the Board of Education's competency determination for tenth-graders (Senate, No. 2263),— **was read a third time and, after remarks, was passed to be engrossed.**

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the conveyance to the town of Billerica of a certain parcel of land to be used for construction of a water treatment plant (see House, No. 4990) (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; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at ten minutes before four o'clock P.M., 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.

Walsh, Marian

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

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.

Havern, Robert A.

Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Menard, Joan M. — 37.

Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Melconian, Linda J.

NAYS — 0.

ABSENT OR NOT VOTING.

Tisei, Richard R.

Wilkerson, Dianne — 2.

The yeas and nays having been completed at three minutes before four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Bill Recalled from the Governor.

On motion of Ms. Melconian, it was voted that a messenger be appointed to wait upon His Excellency the Governor, requesting the return to the Senate of the engrossed Bill authorizing certain capital repairs and renovations (see House, No. 5368).
Ms. Melconian was appointed the messenger. Subsequently, the bill was returned to the Senate.

PAPERS FROM THE HOUSE.

Order Adopted.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted, in concurrence, to wit:

Ordered. That, notwithstanding the provisions of Joint Rule 10, the committee on State Administration be granted until Friday, August 25, 2000, the time within which to make its final report on current House document numbered 4329, relative to the timber bulkhead in Oak Bluffs Harbor.

Engrossed Bill.

An engrossed Bill validating the acts and proceedings of the 2000 annual town meeting of the town of Randolph (see House Bill, printed in House, No. 5208) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the President and laid before the Governor for his approbation.**

Report of a Committee.

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

The House Bill relative to credit and health insurance (House, No. 991).

There being no objection, the rules were suspended, on motion of Mr. Rosenberg, and the bill was read a second time and ordered to a third reading.

PAPERS FROM THE HOUSE.

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 the President and laid before the Governor for his approbation, to wit:

Relative to the charter of the town of Walpole (see Senate, No. 2062);

Relative to the national World War II memorial (see House, No. 4511);

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

Relative to the charter of the town of Becket (see House, No. 5026);

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

Relative to the Seekonk Water District (see House, No. 5155);

Regulating eligibility for the office of selectman in the town of Mendon (see House, No. 5204);

Relative to the Nashoba Regional School District (see House, No. 5246);

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 (see House, No. 5280); and

Directing the retirement board of the city of Worcester to retire Michael P. Coakley, a firefighter of the city of Worcester (see House, No. 5294).

Resolutions.

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

Resolutions (filed by Mr. Joyce) “congratulating the Valentine Partners.”

Communication.

The Clerk read the following communication:

**COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133**

July 26, 2000.

Mr. Patrick F. Scanlan
Senate Clerk
State House
Boston, MA 02122

Dear Mr. Clerk:

Due to a previously schedule commitment, I was unable to stay for the entire formal session of the Senate on July 25, 2000, and therefore missed several roll call votes.

Had I been present I would have voted in the affirmative on the following matters:

House 4810 — Bill prohibiting the use of mobile telephones while operating a school bus,

House 2177 — Bill relative to certain environmental boating regulations and penalties,

House 4511 — Bill relative to the national World War II memorial, and

House 4847 — Bill relative to the establishment of a child fatality review team.

I respectfully request that this correspondence be printed in the Senate Journal. Thank you for your attention to this matter.

**Sincerely,
Marian Walsh,
*State Senator.***

On motion of Mr. Jajuga, the above statement was ordered printed in the Journal of the Senate.

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 Michael W. Morrissey, Bruce J. Ayers, Stephen F. Lynch, and Martin J. Walsh for legislation to authorize the Metropolitan District Commission to grant easements for the purpose of constructing underground electric cables in Quincy and Dorchester.

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

Sent to the House for concurrence.

Communication.

The Clerk read the following communication:

**COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133**

July 26, 2000.

Mr. Patrick Scanlan
Clerk of the Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On July 25, 2000, I had a commitment outside of the building and therefore I was unable to be present for roll call votes taken on the following matters.

H-4810, Bill Prohibiting the Use of Mobile Telephones While Operating a School Bus.

H-2177, Bill Relative to Certain Environmental Boating Regulations and Penalties.

H-4511, Bill Relative to the National World War II Memorial.

H-4847, Bill Relative to the Establishment of a Child Fatality Review Team.

Had I been present, I would have voted in the affirmative on all the above matters. I would have voted in the negative on the motion to postpone H2177. I would appreciate your assistance with the printing of this communication in the Senate Journal. Thank you in advance for your assistance in this matter.

**Sincerely,
Dianne Wilkerson,
State Senator,
Second Suffolk District.**

On motion of Mr. Rosenberg, the above statement was ordered printed in the Journal of the Senate.

Order Adopted.

Ms. Melconian in the Chair, on motion of Mr. Rosenberg,—

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