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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Wednesday, August 4, 1999.

Met at nineteen minutes before two o'clock P.M.

Distinguished Guest.

There being no objection, during consideration of the Orders of the Day, the President introduced, seated in the rear of the Chamber, Maggie Joyce. Maggie is the seven-year-old daughter of Senator Brian Joyce.

Communication.

The following communication was received and placed on file, to wit:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

August 4, 1999.

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

Dear Mr. Clerk:

I would like to take this opportunity to inform you that due to a death in my family, I will be attending only part of today's formal session. Any roll call votes that I miss will be due to this unfortunate tragedy.
Thank you for your attention to this matter.

Sincerely,
THOMAS C. NORTON,
State Senator.

Petition.

Mr. Hedlund presented a petition (subject to Joint Rule 12) of Robert L. Hedlund for legislation relative to excluding certain semi-automatic shotguns and remanufactured shotguns from the definition of assault weapons and associated penalties,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

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 Senate Bill relative to the refusal to reissue a credit card (Senate, No. 20).

Papers from the House

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the placement of a portable classroom on Jackson Park in the town of Swampscott (House, No. 4638);

To the committee on Local Affairs.

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the town of Wayland to convey a certain conservation easement, notwithstanding the provisions of the uniform procurement law (House, No. 4639);

To the committee on State Administration.

A Bill relative to additional licenses for the sale of alcoholic beverages (House, No. 3997,— on House Nos. 2686, 3996 and 3997),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A Bill authorizing the town of Swampscott to rescind its acceptance of a certain General Law (House, No. 4382,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4625) of Shirley Gomes and Henri S. Rauschenbach (by vote of the town) relative to certain conservation land in the town of Chatham;

Petition (accompanied by bill, House, No. 4626) of Maryanne Lewis (by vote of the town) relative to authorizing the cemetery commissioners of the town of Dedham to refund certain monies;

Petition (accompanied by bill, House, No. 4627) of Maryanne Lewis (by vote of the town) for legislation to authorize the town of Dedham to reimburse certain sewer use fees; and

Petition (accompanied by bill, House, No. 4628) of Ripley E. Hastings, John A. Locke, Susan C. Fargo and others (by vote of the town) relative to the conservation commission of the town of Weston;

Severally to the committee on Local Affairs.

Orders of the Day.

The orders of the Day were considered, as follows:

The Senate bills

Relative to the practice of public accountancy (Senate, No. 368);

Relative to an underage law enforcement agent, acting under direct control of a police officer and/or alcoholic beverages control commission enforcement officer, enabling them to lawfully purchase and take possession of an alcoholic beverage in a selective liquor enforcement program (Senate, No. 375);

Protecting consumers against additional charges from new area codes (Senate, No. 381);

Relative to municipal light department security deposits (Senate, No. 382);

Relative to the Board of State Examiners of Plumbers (Senate, No. 384);

Providing for the annual inspection of schools, churches, hospitals, theatres, arenas and other public buildings by gas corporations in the Commonwealth (Senate, No. 389);

Pertaining to emergency telecommunications (Senate, No. 400);

Relative to medical examinations required by certain boards of registration (Senate, No. 416);

Further defining the practice of mental health counseling (Senate, No. 609);

Relative to the leasing of certain property by the towns of Groveland, Merrimac and West Newbury (Senate, No. 957);

Further regulating the sale and advertising of certain produce and turkeys (Senate, No. 974);

Further regulating the sale of poultry and produce (Senate, No. 980);

Designating a portion of the Blackstone River and Canal Heritage State Park as the Honorable William A. L. Bazeley Memorial Recreation Area (Senate, No. 1021);
Establishing the Blackstone Valley heritage district and commission (Senate, No. 1023);
Relative to the use of out-of-state motor vehicle licenses as valid identification (Senate, No. 1150);
Relative to appointments to police service (Senate, No. 1236);
Pertaining to the rights of fire fighters and police officers (Senate, No. 1238);
Pertaining to the appointment of fire fighters and police officers (Senate, No. 1251);
To enhance procurement expertise (Senate, No. 1449);
Relative to the taxation of certain property of resident owners of cooperative housing corporations (Senate, No. 1656);
Providing for the conveyance by the town of Rowley of conservation land (Senate, No. 1718);
Authorizing the city of Haverhill to grant certain easements to Portland Natural Gas Transmission System and Maritimes and Northeast Pipeline, L.L.C. (Senate, No. 1801);
Relative to licensed veterans organizations (Senate, No. 1812); and
Providing for equal treatment of resident owners of cooperative housing corporations in assessment of local taxes (printed as House, No. 561);

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

The Senate reports

Of the committee on Government Regulations, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 361) of Richard Piper for legislation to require periodic testing of all licensed realtors in the Commonwealth;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 362) of Richard Piper for legislation to require periodic competency testing of all licensed and registered electricians in the Commonwealth;
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 363) of Richard Piper for legislation to require periodic competency testing of all licensed and registered plumbers in the Commonwealth;
Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1107) of James P. Jajuga, Kevin L. Finnegan, Paul C. Casey and other members of the General Court for legislation relative to police pursuits; and
Of the committee on Public Service, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1353) of Bruce E. Tarr for legislation to permit public disclosure of certain collective bargaining proposals;

Were severally considered; and they were accepted.

The House report of the committee on Government Regulations, ought NOT to pass, on so much of the recommendations of the Office of Consumer Affairs and Business Regulation (House, No. 9) as relates to the testing of natural gas meters (accompanied by bill, House, No. 44),— **was considered; and it was accepted, in concurrence.**

PAPERS FROM THE HOUSE.

Committee of Conference Report.

There being no objection, during consideration of the Orders of the Day, the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill making appropriations for the fiscal year 1999 to provide for certain capital and supplemental appropriations (House, No. 4298) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1823; by inserting before the enacting clause an emergency preamble; and by striking out the title and inserting in place thereof a new title), reported, in part, a "Bill making certain supplemental appropriations for fiscal year 1999 and relative to certain capital spending and bonded debt of the Commonwealth (House, No. 4640).".

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

Orders of the Day.

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

The Senate Bill relative to residency requirements for a fortune teller's license (Senate, No. 414),— **was read a second time and, after debate, was ordered to a third reading.**

The Senate Bill relative to exempting boards of health (Senate, No. 1443),— **was read a second time and ordered to a third reading.**

The Senate Bill to maintain privacy (Senate, No. 161),— was read a third time and, on motion of Mr. Knapik, the bill was amended by substituting a new draft with the same title (Senate, No. 1944).

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twelve minutes past two o'clock P.M., on motion of Mr. Knapik, 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.	Norton, Thomas C.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Rauschenbach, Henri S.
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.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 38.

NAYS. — 0

ABSENT OR NOT VOTING.

Travaglini, Robert E. — 1.

The yeas and nays having been completed at sixteen minutes past two o'clock P.M., the bill (Senate, No. 1944) was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill to regulate the speed of school buses on limited access highways (Senate, No. 1111),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate report of the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 960) of Bruce E. Tarr for legislation to promote housing production on existing ways,— **was considered; and it was accepted.**

The Senate Bill relative to the zoning of child care facilities (Senate, No. 937),— was considered, the question being on ordering it to a third reading.

The pending amendment, previously recommended by the committee on Human Services and Elderly Affairs, by substituting an order relative to authorizing the joint committee on Human Services and Elderly Affairs to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 937, relative to child care zoning (Senate, No. 1802),— was considered; and it was adopted.

The order (Senate, No. 1802) was then referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

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

Report of a Committee.

Under the provisions of Joint Rule 10, the following matter was reported, the time within which the said committee was required to report having expired:—

Of the committee on Housing and Urban Development, ought NOT to pass (under Joint Rule 10) on the petition (accompanied by bill, Senate, No. 567) of Dianne Wilkerson, Christopher J. Hodgkins, David P. Magnani, Gloria L. Fox and Benjamin Swan for legislation authorizing municipalities to offer financial incentives for rental subsidies to owners of affordable housing.

There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the matter was considered forthwith.

Mr. Panagiotakos and Ms. Wilkerson moved that the report be amended by substitution of a "Bill authorizing municipalities to protect low and moderate income tenants and units of governmentally involved housing" (Senate, No. 1946).

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), after debate, the motion prevailed, and the bill was read.

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill (Senate, No. 1946) 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.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill making certain supplemental appropriations for fiscal year 1999 and relative to certain capital spending and bonded debt of the Commonwealth (see House, No. 4640), 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 17 to 0.**

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

Engrossed Bills — Land Taking for Conservation.

An engrossed Bill authorizing the Swansea Water District to acquire and convey certain parcels of land (see House, No. 4529) (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-three minutes before three 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.

Havern, Robert A.

Hedlund, Robert L.

Lees, Brian P.

Lynch, Stephen F.

Magnani, David P.

Melconian, Linda J.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Norton, Thomas C.

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.

Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 38.

NAYS. — 0

ABSENT OR NOT VOTING.

Travaglini, Robert E. — 1.

The yeas and nays having been completed at nineteen 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 Acting President and laid before the Governor for his approbation.

An engrossed Bill relative to a certain parcel of land in the town of Belchertown (see House, No. 4139) (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 eighteen minutes before three 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.
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.

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.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS. — 0

ABSENT OR NOT VOTING.

Norton, Thomas C.

Travaglini, Robert E. — 2.

The yeas and nays having been completed at fourteen 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 Acting President and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Winthrop to use certain park and recreation land for school purposes (see House, No. 4429) (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 thirteen minutes before three 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.

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.

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.

Tucker, Susan C.

Walsh, Marian

Wilkerson, Dianne — 37.

NAYS. — 0

ABSENT OR NOT VOTING.

Norton, Thomas C.

Travaglini, Robert E. — 2.

The yeas and nays having been completed at ten 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 Acting President and laid before the Governor for his approbation.

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

The Senate Bill providing for an accelerated transportation development and improvement program for the Commonwealth (Senate, No. 1941),— was read a third time, the main question being on passing the bill to be engrossed.

Messrs. Montigny, Havern and Rosenberg moved that the bill be amended by inserting after section 2 the following six sections:—

"SECTION 2A. To provide for a program of transportation development and improvements, the sums set forth in section 2B for the several purposes and subject to the conditions specified in this act and are hereby made available subject to the provisions of law regulating the disbursement of public funds and approval thereof.

SECTION 2B.

**EXECUTIVE OFFICE OF
TRANSPORTATION AND CONSTRUCTION.**
Department of Highways.

6037-0019

For construction and reconstruction of town and county ways pursuant to sections 2E and 2F.....150,000,000.

SECTION 2C. To meet the expenditures necessary in carrying out the provisions of section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in amounts to be specified by the governor from time to time but not exceeding, in the aggregate, the sum of \$150,000,000 to be in addition to those bonds previously authorized for projects and programs which remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan, Act of 1999, and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth. All such bonds shall be payable not later than June 30, 2024. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth. Any bonds issued by the state treasurer pursuant to this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 2O of chapter 29 of the General Laws. In deciding whether to request the issuance of particular bonds as special obligations, the governor shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 2O of said chapter 29. All special obligation revenue bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan, Act of 1999, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June 30, 2024. All interest and payments on account of principal on such obligations shall be payable from the Infrastructure Fund established in said section 2O of said chapter 29. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section 2O of said chapter 29.

SECTION 2D. The state treasurer may borrow from time to time on the credit of the commonwealth such sums as may be necessary for the purpose of meeting payments authorized by section 2B and may issue and renew from time to time notes of the commonwealth therefor bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of the notes, whether original or renewal, shall not be later than June 30, 2004. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth. The state treasurer may determine to issue any notes as special obligations pursuant to section 2O of chapter 29 of the General Laws if the notes or renewals thereof are to be paid from the proceeds of special obligation bonds to be issued pursuant to said section 2O.

SECTION 2E. The funds appropriated in item 6037-0019 of section 2B are hereby made available and shall be in addition to those funds appropriated in clause (c) of section 3 of chapter 15 of the acts of 1988, section 10 of chapter 208 of the acts of 1988, clause (c) of section 3 of chapter 33 of the acts of 1991, item 6010-3950 of section 2A of chapter 85 of the acts of 1994, item 6036-9698 of section 2A of chapter 113 of the acts of 1996, and item 6033-9798 of section 2B of chapter 11 of the acts of 1997 for projects for construction and reconstruction of town and county ways as described in subclause (a) of clause (2) of the second paragraph of section 34 of chapter 90 of the General Laws. A city or town shall comply with procedures established by the department of highways and any such city or town may appropriate for such projects amounts not in excess of the amounts provided to such city or town under this section and any such appropriation shall be considered as an available fund upon the approval of the commissioner of revenue pursuant to section 23 of chapter 59 of the General Laws. The commonwealth shall reimburse any such city or town under this section within 30 days of receipt by the department of a request for reimbursement from the city or town, such request to include certification by such city or town that actual expenses have been incurred on projects eligible for reimbursement under this section and that the work has been completed to the satisfaction of such city or town according to the specifications of the project and in compliance with applicable law. The department of highways may enter

into agreements with cities and towns to provide engineering and other services essential to the development of projects and if the department agrees to provide services, amounts charged for department employees may include the salary and salary-related expenses of such employees to the extent that they work on or in support of such projects. The funds provided herein may be expended for the entire cost of any project eligible under the provisions of said chapter 90 and for the transportation enhancement project as described in the Intermodal Surface Transportation Efficiency Act of 1991, PL 102-240 and for the repair, replacement or removal of underground municipal public works fuel tanks.

SECTION 2F. Notwithstanding the provisions of any general or special law to the contrary, the funds authorized in item 6037-0019 of section 2B shall be distributed according to the schedule listed below:—

ABINGTON	\$291,772	ACTON	\$520,102	ACUSHNET	\$222,025
ADAMS	\$237,940	AGAWAM	\$519,250	ALFORD	\$58,361
AMESBURY	\$321,020	AMHERST	\$603,950	ADOVER	\$1,018,727
AQUINNAH	\$27,787	ARLINGTON	\$633,674	ASHBURNHAM	\$256,050
ASHBY	\$181,288	ASHFIELD	\$235,172	ASHLAND	\$304,840
ATHOL	\$402,515	ATTLEBOROUGH	\$955,388	AUBURN	\$453,494
AVON	\$156,681	AYER	\$180,666	BARNSTABLE	\$1,571,849
BARRE	\$350,102	BECKET	\$190,580	BEDFORD	\$467,966
BELCHERTOWN	\$429,099	BELLINGHAM	\$371,690	BELMONT	\$414,012
BERKLEY	\$167,400	BERLIN	\$149,592	BERNARDSTON	\$146,813
BEVERLY	\$760,565	BILLERICA	\$811,054	BLACKSTONE	\$180,054
BLANDFORD	\$207,088	BOLTON	\$214,140	BOSTON	\$11,013,879
BOURNE	\$458,348	BOXBOROUGH	\$128,317	BOXFORD	\$321,266
BOYLSTON	\$150,551	BRAINTREE	\$805,579	BREWSTER	\$248,152
BRIDGEWATER	\$512,826	BRIMFIELD	\$223,435	BROCKTON	\$1,518,606
BROOKFIELD	\$131,220	BROOKLINE	\$748,861	BUCKLAND	\$144,648
BURLINGTON	\$709,942	CAMBRIDGE	\$1,995,761	CANTON	\$566,381
CARLISLE	\$179,680	CARVER	\$304,963	CHARLEMONT	\$145,432
CHARLTON	\$450,311	CHATHAM	\$261,763	CHELMSFORD	\$818,146
CHELSEA	\$399,739	CHESHIRE	\$161,356	CHESTER	\$191,434
CHESTERFIELD	\$175,417	CHICOPEE	\$967,337	CHILMARK	\$51,584

CLARKSBURG	\$55,062	CLINTON	\$256,740	COHASSET	\$161,355
COLRAIN	\$263,250	CONCORD	\$535,167		
CONWAY	\$212,696	CUMMINGTON	\$161,419	DALTON	\$186,681
DANVERS	\$687,114	DARTMOUTH	\$833,785	DEDHAM	\$497,270
DEERFIELD	\$304,430	DENNIS	\$541,254	DIGHTON	\$218,211
DOUGLAS	\$263,740	DOVER	\$194,409	DRACUT	\$570,074
DUDLEY	\$326,474	DUNSTABLE	\$126,516	DUXBURY	\$399,188
EAST BRIDGEWATER	\$224,529	EAST BROOKFIELD	\$74,720	EAST LONGMEADOW	\$447,101
EASTHAM	\$196,112	EASTHAMPTON	\$375,543	EASTON	\$488,725
EDGARTOWN	\$178,476	EGREMONT	\$124,000	ERVING	\$66,685
ESSEX	\$106,916	EVERETT	\$464,968	FAIRHAVEN	\$386,425
FALL RIVER	\$1,619,754	FALMOUTH	\$918,332	FITCHBURG	\$927,375
FLORIDA	\$130,060	FOXBOROUGH	\$409,839	FRAMINGHAM	\$1,432,989
FRANKLIN	\$605,758	FREETOWN	\$281,788	GARDNER	\$482,264
GEORGETOWN	\$214,633	GILL	\$119,623	GLOUCESTER	\$529,516
GOSHEN	\$87,732	GOSNOLD	\$7,411	GRAFTON	\$351,916
GRANBY	\$217,603	GRANVILLE	\$213,312	GREAT BARRINGTON	\$335,211
GREENFIELD	\$529,931	GROTON	\$364,016	GROVELAND	\$152,333
HADLEY	\$274,352	HALIFAX	\$173,699 HAMILTON	\$194,451	
HAMPDEN	\$198,233	HANCOCK	\$78,993	HANOVER	\$351,310
HANSON	\$212,380	HARDWICK	\$293,096	HARVARD	\$283,878
HARWICH	\$488,048	HATFIELD	\$205,523	HAVERHILL	\$1,093,006

HAWLEY	\$143,481	HEATH	\$169,805	HINGHAM	\$529,818
HINSDALE	\$123,755	HOLBROOK	\$195,801	HOLDEN	\$452,221
HOLLAND	\$123,030	HOLLISTON	\$365,143	HOLYOKE	\$840,929
HOPEDALE	\$126,669	HOPKINTON	\$351,443	HUBBARDSTON	\$278,266
HUDSON	\$445,444	HULL	\$223,279	HUNTINGTON	\$132,693
IPSWICH	\$323,278	KINGSTON	\$312,554	LAKEVILLE	\$242,759
LANCASTER	\$244,861	LANESBOROUGH	\$173,700	LAWRENCE	\$959,881
LEE	\$225,030	LEICESTER	\$329,089	LENOX	\$226,880
LEOMINSTER	\$868,303	LEVERETT	\$119,851	LEXINGTON	\$712,692
LEYDEN	\$116,169	LINCOLN	\$211,501	LITTLETON	\$268,275
LONGMEADOW	\$374,824	LOWELL	\$1,419,023	LUDLOW	\$470,811
LUNENBURG	\$331,334	LYNN	\$1,187,496	LYNNFIELD	\$280,211
MALDEN	\$748,167	MANCHESTER	\$116,055	MANSFIELD	\$487,322
MARBLEHEAD	\$358,730	MARION	\$108,373	MARLBOROUGH	\$821,552
MARSHFIELD	\$502,711	MASHPEE	\$440,903	MATTAPOISETT	\$163,559
MAYNARD	\$216,541	MEDFIELD	\$328,091	MEDFORD	\$783,689
MEDWAY	\$288,405	MELROSE	\$431,627	MENDON	\$175,077
MERRIMAC	\$130,803	METHUEN	\$859,325	MIDDLE-BOROUGH	\$620,772
MIDDLEFIELD	\$123,975	MIDDLETON	\$195,041	MILFORD	\$560,815
MILLBURY	\$303,820	MILLIS	\$215,719	MILLVILLE	\$71,980
MILTON	\$477,023	MONROE	\$53,519	MONSON	\$371,064
MONTAGUE	\$387,488	MONTEREY	\$157,111	MONTGOMERY	\$101,873
MOUNT WASHINGTON	\$56,751	NAHANT	\$74,834	NANTUCKET	\$458,009

NATICK	\$729,985	NEEDHAM	\$698,886	NEW ASHFORD	\$37,363
NEW BEDFORD	\$1,707,205	NEW BRAINTREE	\$162,114	NEW MARLBOROUGH	\$276,513
NEW SALEM	\$125,783	NEWBURY	\$204,450	NEWBURYPORT	\$393,672
NEWTON	\$1,748,560	NORFOLK	\$273,397	NORTH ADAMS	\$318,164
NORTH ANDOVER	\$614,970	NORTH ATTLEBOROUGH	\$545,186	NORTH BROOKFIELD	\$252,212
NORTH READING	\$325,369	NORTHAMPTON	\$813,343	NORTHBOROUGH	\$356,368
NORTHBRIDGE	\$314,059	NORTHFIELD	\$232,558	NORTON	\$367,584
NORWELL	\$333,085	NORWOOD	\$705,093	OAK BLUFFS	\$136,986
OAKHAM	\$147,568	ORANGE	\$326,095	ORLEANS	\$231,551
OTIS	\$141,864	OXFORD	\$375,999	PALMER	\$398,639
PAXTON	\$144,712	PEABODY	\$743,159	PELHAM	\$80,476
PEMBROKE	\$363,335	PEPPERELL	\$305,829	PERU	\$108,442
PETERSHAM	\$205,961	PHILLIPSTON	\$150,533	PITTSFIELD	\$1,115,470
PLAINFIELD	\$155,154	PLAINVILLE	\$198,098	PLYMOUTH	\$996,448
PLYMPTON	\$121,705	PRINCETON	\$275,920	PROVINCETOWN	\$93,896
QUINCY	\$1,483,704	RANDOLPH	\$544,762	RAYNHAM	\$320,429
READING	\$466,435	REHOBOTH	\$430,136	REVERE	\$569,858
RICHMOND	\$135,439	ROCHESTER	\$223,217	ROCKLAND	\$321,131
ROCKPORT	\$158,075	ROWE	\$116,351	ROWLEY	\$169,703
ROYALSTON	\$228,787	RUSSELL	\$85,396	RUTLAND	\$236,804
SALEM	\$665,110	SALISBURY	\$165,975	SANDISFIELD	\$268,836
SANDWICH	\$564,448	SAUGUS	\$479,782	SAVOY	\$159,903

SCITUATE	\$436,496	SEEKONK	\$427,985	SHARON	\$460,476
SHEFFIELD	\$289,986	SHELBURNE	\$178,758	SHERBORN	\$183,277
SHIRLEY	\$193,549	SHREWSBURY	\$610,228	SHUTESBURY	\$108,708
SOMERSET	\$399,655	SOMERVILLE	\$896,890	SOUTH HADLEY	\$372,298
SOUTHAMPTON	\$240,280	SOUTHBOROUGH	\$271,622	SOUTHBRIDGE	\$397,944
SOUTHWICK	\$255,798	SPENCER	\$394,966	SPRINGFIELD	\$2,814,463
STERLING	\$318,879	STOCKBRIDGE	\$157,910	STONEHAM	\$407,877
STOUGHTON	\$606,267	STOW	\$205,844	STURBRIDGE	\$336,499
SUDBURY	\$536,195	SUNDERLAND	\$143,998	SUTTON	\$326,391
SWAMPSCOTT	\$238,306	SWANSEA	\$441,956	TAUNTON	\$991,124
TEMPLETON	\$262,794	TEWKSBURY	\$672,189	TISBURY	\$104,350
TOLLAND	\$129,143	TOPSFIELD	\$213,623	TOWNSEND	\$325,475
TRURO	\$133,760	TYNGSBOROUGH	\$263,534	TYRINGHAM	\$83,090
UPTON	\$233,655	UXBRIDGE	\$343,954	WAKEFIELD	\$515,790
WALES	\$84,128	WALPOLE	\$543,375	WALTHAM	\$1,313,789
WARE	\$344,782	WAREHAM	\$510,907	WARREN	\$236,891
WARWICK	\$182,640	WASHINGTON	\$137,200	WATERTOWN	\$574,451
WAYLAND	\$374,027	WEBSTER	\$363,578	WELLESLEY	\$669,584
WELLFLEET	\$195,973	WENDELL	\$159,078	WENHAM	\$115,606
WEST BOYLSTON	\$223,067	WEST BRIDGE- WATER	\$250,039	WEST BROOKFIELD	\$184,702
WEST NEWBURY	\$172,717	WEST SPRINGFIELD	\$664,736	WEST STOCKBRIDGE	\$123,828
WEST TISBURY	\$59,099	WESTBOROUGH	\$561,596	WESTFIELD	\$886,126
WESTFORD	\$579,774	WESTHAMPTON	\$148,948	WESTMINSTER	\$322,128

		N			
WESTON	\$349,395	WESTPORT	\$492,577	WESTWOOD	\$398,436
WEYMOUTH	\$884,467	WHATELY	\$117,630	WHITMAN	\$255,681
WILBRAHAM	\$393,783	WILLIAMSBURG	\$149,242	WILLIAMSTOWN	\$245,961
WILMINGTON	\$585,732	WINCHENDON	\$359,171	WINCHESTER	\$406,765
WINDSOR	\$211,141	WINTHROP	\$236,498	WOBURN	\$947,775
WORCESTER	\$3,153,319	WORTHINGTON	\$191,969	WRENTHAM	\$289,734
YARMOUTH	\$677,870			TOTAL	\$150,000,000 ."

The President in the Chair, after remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at three minutes before three o'clock P.M., on motion of Mr. Montigny, 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.
Melconian, Linda J.

Montigny, Mark C.
Moore, Richard T.
Morrisey, 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.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS. —0

ABSENT OR NOT VOTING.

Norton, Thomas C.

Travaglini, Robert E. — 2.

The yeas and nays having been completed at three o'clock P.M., the amendment was adopted.

Mr. Tarr moved to amend the bill by inserting after section 6 the following section:—

"SECTION 6A. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Bay Transportation Association shall relocate its maintenance shed and area in accordance with a plan to be developed with the town of Wilmington not later than December 31, 1999."

The amendment was *rejected*.

Mr. Havern moved to amend the bill in section 6, by inserting after the word "transportation.", in line 98, the following sentence:— "Any of the deadlines contained in this section may be extended up to 60 days, in 15 day increments, upon the provision of written notice by the secretary to the joint committee on transportation."

The amendment was adopted.

After remarks, the bill (Senate, No. 1945, printed as amended) was then passed to be engrossed.

Sent to the House for concurrence.

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

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill increasing the minimum wage (see Senate, No. 1706, 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.

After remarks, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-six minutes past three o'clock P.M., on motion of Mr. Lynch, 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.
Melconian, Linda J.

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.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS. —0

ABSENT OR NOT VOTING.

Norton, Thomas C.

Travaglini, Robert E. — 2.

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

Ms. Melconian in the Chair (Having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), an engrossed Bill authorizing the town of South Hadley to convey certain recreational land (see House, No. 1030) (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-six minutes before four o'clock P.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Melconian, Linda J.
Bernstein, Robert A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Clancy, Edward J., Jr.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Rauschenbach, Henri S.
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.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian — 36.

NAYS. —0

ABSENT OR NOT VOTING.

Norton, Thomas C.	Wilkerson, Dianne — 3.
Travaglini, Robert E.	

The yeas and nays having been completed at eighteen 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 Acting President and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Hudson to convey an easement across a certain parcel of land used for conservation purposes (see House, No. 2563) (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 seventeen minutes before four o'clock P.M., as follows, to wit (yeas 36 — 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.
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.
Tucker, Susan C.
Walsh, Marian — 36.

NAYS. —0

ABSENT OR NOT VOTING.

Norton, Thomas C.
Travaglini, Robert E.

Wilkerson, Dianne — 3.

The yeas and nays having been completed at thirteen 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 Acting President and laid before the Governor for his approbation.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Creedon) "congratulating Garrett L. Rice on receiving the Eagle Award of the Boy Scouts of America."

Orders of the Day.

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

The Senate Bill providing for the licensing of home inspectors (Senate, No. 1943),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Creem, Ms. Walsh, Mr. Antonioni, Ms. Fargo, Messrs. Panagiotakos, Lynch, Lees, Knapik, Creedon, Morrissey and Jajuga, Ms. Wilkerson, Messrs. Joyce, Shannon, Ms. Resor, Mr. Havern, Ms. Murray and Mr. Bernstein moved to amend the bill in section 2, in lines 4 and 5, by striking out the words "or the seller if no broker or salesman is involved in the sale,".

After remarks, the amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 3, by striking out, in line 115, the figure "50" and inserting in place thereof the following figure:— "25."; by striking out, in said section 3, in line 97, the figure "200" and inserting in place thereof the following figure:— "100."; by striking out, in section 4, in line 9, the figure "250" and inserting in place thereof the following figure:— "125."; and by striking out, in said section 4, in line 9, the words ", (d)(ii)".

After remarks, the amendment was adopted.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at thirteen minutes past four 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.
Melconian, Linda J.

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.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS. —0

ABSENT OR NOT VOTING.

Norton, Thomas C.

Travaglini, Robert E. — 2.

The yeas and nays having been completed at eighteen minutes past four o'clock P.M., the bill (Senate, No. 1949, printed as amended) was passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

There being no objection, during consideration of the Orders of the Day, the following was considered, as follows:
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), the engrossed Bill making certain appropriations for fiscal year 1999 and relative to certain capital spending and bonded debt of the Commonwealth (House, No. 4640),— came from the House amended by striking out section 36, and inserting in place thereof the following section:—

"SECTION 36. Chapter 289 of the acts of 1998 is hereby amended by striking out section 19 and inserting in place thereof the following section:—

Section 19. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established and set up on the books of the commonwealth the Capital Improvement and Investment Trust Fund, the purposes of which shall be to fund items appropriated in section 2 and any other items lawfully appropriated from said fund subsequent to the effective date of this act. The comptroller shall transfer to said fund, effective June 30, 1998, the amount of \$96,235,491 from the general fund and the amount of \$93,000,000 from the Highway Fund. Said fund shall be established as a separate expendable trust, subject to the control of the secretary of administration and finance, who shall serve as the trustee of said fund. Said fund shall expire on June 30, 2003."; and, in section 45, by striking out the words "made exclusive for the following purposes and projects" and inserting in

place thereof the words "made for the following purposes and projects".

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

Orders of the Day.

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

The Senate Bill relative to insurance and genetic testing and privacy protection (Senate, No. 1942),— was read a third time. On motion of Mr. Lees, the further consideration thereof was postponed until the remaining matters passed for consideration in the Orders of the Day had been disposed of.

Subsequently, the matters passed for consideration in the Orders of the Day having been disposed of, the bill was further considered.

Ms. Melconian moved to amend the bill in section 2, by striking out the words "a written consent form for each requested release of the results of a person's genetic test", in lines 44 and 45, and inserting in place thereof the following words:— "a written consent form for the requested release of a person's genetic information."; in said section 2, by striking out the paragraph in lines 80 to 101, inclusive, and inserting in place thereof the following paragraph:—

"(b) Hospital, dispensary, laboratory, hospital-affiliated registry, physician, insurance institution or insurance representative and commercial genetic testing company, agency, or association reports and records pertaining to any genetic information shall not be public records, and the contents thereof shall not be divulged by any person having charge of or access to the same without informed written consent, except upon proper judicial order or to a person whose official duties, in the opinion of the commissioner, entitle receipt of the information contained therein, or except in connection with life, disability and long term care insurance as authorized pursuant to chapter 175I. A laboratory receiving a request to conduct a genetic test from a facility, as defined in section 70E, or a physician or health care provider may conduct the requested test only when the request is accompanied by a signed statement of the medical practitioner ordering the test warranting that the appropriate prior written consent has been obtained from the patient. The signed request authorizes the laboratory to perform the test and disclose the results to the medical practitioner.";

In section 24, by striking out the word "an", in line 28, and inserting in place thereof the following words:— "any such"; and In said section 24, by striking out the paragraph in lines 55 to 67, inclusive, and inserting in place thereof the following two paragraphs:—

"(b) No insurer, agent or broker authorized to issue policies against disability from injury or disease or policies providing for long term care in the commonwealth shall practice unfair discrimination against persons because of the results of a genetic test or the provisions of genetic information, as defined in this section. For purposes of this section, unfair discrimination means cancellation, refusing to issue or renew, charging any increased rate, restricting any length of coverage or in any way practicing discrimination against persons unless such action is taken pursuant to reliable information relating to the insured's mortality or morbidity, based on sound actuarial principles or actual or reasonably anticipated claim experience.

No insurer, agent or broker authorized to issue policies against disability from injury or disease or policies providing for long term care in the commonwealth shall require an applicant to undergo a genetic test as a condition of the issuance or renewal of a policy against disability from injury or disease or policies providing for long term care in the commonwealth. Any violation of this section shall constitute an unfair method of competition or unfair or deceptive act in violation of chapter 93A and 176D."; and further moved to amend, in said section 24, by striking out the paragraph in lines 68 to 102, inclusive, and inserting in place thereof the following paragraph:—

"(c) In the provisions of insurance against disability from injury or disease or policies providing for long term care in the commonwealth, a company, or officer or agent thereof, or an insurance broker may ask on an application for such coverage whether or not the applicant has taken a genetic test that impacts on his mortality or morbidity. The applicant is not required to answer any questions concerning genetic testing. Any application requesting this information must contain language informing the applicant that the application is not required to answer any questions in connection with genetic testing or information and language informing the applicant that the failure to do so may result in an increased rate or denial of coverage. If the applicant chooses to submit genetic information then the insurer is authorized to use that information to set the terms of a policy provided that such information is based on sound actuarial principles or actual or reasonable anticipated claim experience relating to the insured's mortality or morbidity. If the commissioner has reason to believe that unfair discrimination as defined in this section has occurred, and that a proceeding by the commissioner would be in the interest of the public, the commissioner shall, in accordance with the provisions of chapter 176D, issue and serve upon the insurer a statement of the charges and a notice of hearing thereon.

Upon a determination that the practice or act of the insurer is in conflict with the provisions of this section, the commissioner shall issue an order requiring the insurer to cease and desist from engaging in the practice or act and may order payment of a penalty pursuant to the provisions of chapter 176D.

Upon such determination, the commissioner, in consultation with the department of public health, may, by order, after a public hearing under chapter 30A determine, based on sound actuarial principles or actual or reasonably anticipated experience, that the genetic test which is the subject of the cease and desist order provides no reliable information relating to the insured's mortality or morbidity and that its use would constitute unfair discrimination. At least annually, the commissioner shall review any such order to assure that any such determination remains current and shall amend or rescind the order to reflect any change in the determination. The commissioner, in consultation with the department of public health after a public hearing under chapter 30A, may issue an advisory opinion on whether a genetic test provides no reliable information relating to the insured's mortality or

morbidity, or is based on sound actuarial principles or actual or reasonably anticipated claim experience." and
In section 25, by striking out the paragraph in lines 26 to 36, inclusive, and inserting in place thereof the following two paragraphs:—

"No insurer, agent or broker authorized to issue policies on the lives of persons in the commonwealth shall practice unfair discrimination against persons because of the results of a genetic test or the provision of genetic information, as defined in this section. For purposes of this section unfair discrimination means cancellation, refusing to issue or renew, charging any increased rate, restricting any length of coverage or in any way practicing discrimination against persons unless such action is taken pursuant to reliable information relating to the insured's mortality or morbidity, based on sound actuarial principles or actual or reasonably anticipated claim experience.

No insurer, agent or broker authorized to issue policies on the lives of person in the commonwealth shall require an applicant to undergo a genetic test as a condition of the issuance or renewal of a policy on the lives of persons in the commonwealth. Any violation of this section shall constitute an unfair method of competition or unfair or deceptive act or practice in violation of chapter 93A and 176D."; and

In said section 25 by striking out the paragraph in lines 37 to 70, inclusive, and inserting in place thereof the following two paragraphs:—

"In the provisions of insurance on the lives of persons in the commonwealth, a company, or officer or agent thereof, or an insurance broker may ask on an application for such coverage whether or not the applicant has taken a genetic test that impacts on his or her mortality or morbidity. The applicant is not required to answer any questions concerning genetic testing. Any application requesting this information must contain language informing the applicant that the applicant is not required to answer any questions in connection with genetic testing or information and language informing the applicant that the failure to do so may result in an increased rate or denial of coverage. If the applicant chooses to submit genetic information then the insurer is authorized to use that information to set the terms of a policy provided that such information is based on sound actuarial principles or reasonable or anticipated claim experience relating to the insured's mortality or morbidity. If the commissioner has reason to believe that unfair discrimination as defined in this section has occurred, and that a proceeding by the commissioner would be in the interest of the public, the commissioner shall, in accordance with the provisions of chapter 176D, issue and serve upon the insurer a statement of the charges and a notice of hearing thereon. Upon a determination that the practice or act of the insurer is in conflict with the provisions of this section, the commissioner shall issue an order requiring the insurers to cease and desist from engaging in the practice or act and may order payment of a penalty pursuant to the provisions of General Laws chapter 176D.

Upon such a determination, the commissioner, in consultation with the department of public health, may, by order, after a public hearing under chapter 30A determine, based on sound actuarial principles or actual or reasonably anticipated experience, that the genetic test which is the subject of the cease and desist order provides no reliable information relating to the insured's mortality or morbidity and that its use would constitute unfair discrimination. At least annually, the commissioner shall review any such order to assure that any such determination remains current and shall amend or rescind the order to reflect any change in the determination. The commissioner, in consultation with the department of public health after a public hearing under chapter 30A, may issue an advisory opinion on whether a genetic test provides no reliable information relating to the insured's mortality or morbidity, or is based on sound actuarial principles or actual or reasonably anticipated claim experience."; and

By striking out section 30 and inserting in place thereof the following section:—

"SECTION 30. The department of public health and the division of insurance shall establish a special study commission to investigate the use of genetic test results in connection with the issuance of life, disability, and long term care insurance. The commission shall investigate the methods utilized in such life, long term care and disability industries in the acquisition, dissemination and protection of genetic information of insurance applicants, specifically the provisions of chapter 175D of the General Laws. The commission shall investigate the utility and necessity of giving life, long term care and disability insurers the power to require a genetic test of insurance applicants. The commission shall investigate the continuation of sections 24 and 25 past the December 31, 2004 expiration date. The commission shall make recommendations of any changes necessary to protect the privacy of insurance applicants in connection with genetic information, and necessary to address the potential for fraud and misrepresentation by applicants.

The commission shall consist of 11 members, including three members of the house of representatives, one of whom shall be the chairman of the house committee on science and technology and one of whom shall be the house chairman of the joint committee on insurance; three members of the senate, one whom shall be the chairman of the senate committee on science and technology and one of whom shall be the senate chairman of the joint committee on insurance; the commissioner of public health or designee; the commissioner of insurance or designee; and three members who shall be named by the governor, one of whom shall be a representative of the Life Insurance Association of Massachusetts, one of whom shall be a representative of the Massachusetts Medical Society and one of whom shall be a representative of the Council for Responsible Genetics.

The commission shall submit its recommendations to the senate committee on science and technology, the house committee on science and the technology, the joint committee on insurance and the joint committee on health care not later than July 1, 2001".

The amendment was adopted.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at nine minutes before five o'clock P.M., on motion of Ms. Melconian, as follows, to wit (yeas 33 — nays 2):

YEAS.

Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.

Magnani, David P.
Melconian, Linda J.
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
Tucker, Susan C.
Wilkerson, Dianne — 33.

NAYS.

Antonioni, Robert A.

Walsh, Marian — 2.

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.
Jacques, Cheryl A.

Norton, Thomas C.
Travaglini, Robert E. — 4.

The yeas and nays having been completed at three minutes before five o'clock P.M., the bill (Senate, No. 1948, printed as amended) was passed to be engrossed.

Sent to the House for concurrence.

Subsequently, Ms. Jacques asked unanimous consent to make a statement; and, there being no objection, she addressed the Senate as follows:

MR. PRESIDENT: Due to my brief absence from the building on business, I was unable to vote on this matter. I would have voted in the affirmative.

At the request of Ms. Jacques, the statement was printed in the Journal of the Senate.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill making certain supplemental appropriations for fiscal year 1999 and relative to certain capital spending and bonded debt of the Commonwealth (see House, No. 4640, 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 16 to 0.**

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

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 relative to a certain reserve fund in the town of Oak Bluffs (House, No. 4324),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPER FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4648) of Shirley Gomes and Henri S. Rauschenbach relative to establishing the Provincetown public pier corporation;

Under suspension of Joint Rules 12 and 9, to the committee on Commerce and Labor.

Petition (accompanied by bill, House, No. 4649) of Francis L. Marini and other members of the House relative to the number of charter schools which may be approved in the lowest performing educational districts; and

Petition (accompanied by bill, House, No. 4650) of Francis L. Marini and other members of the House relative to rating school performance and establishing remedial measures to assist underachieving schools;

Severally, under suspension of Joint Rule 12, to the committee on Education, Arts and Humanities.

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 Cynthia S. Creem, Robert E. Travaglini, Brian A. Joyce, Peter J. Koutoujian and other members of the General Court [for additional petitioners, see printed bill) for legislation relative to witness protection and the crime of witness intimidation.

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

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 A. Antonioni and Harold P. Naughton, Jr., for legislation relative to exempting Sterling Camp Meeting Association from certain provisions of title V.

Senate Rule 36 was suspended, on motion of Ms. Resor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Natural Resources and Agriculture. Severally sent to the House for concurrence.

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, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Wednesday, September 29, 1999, within which to make reports on all matters referred to them.

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

Authorizing the town of Abington to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 1856);

Relative to the establishment of a department of integrated waste management in the town of Bourne (see House, No. 4043);

Authorizing the city of Chelsea to issue pension obligation bonds (see House, No. 4305); and

Authorizing the town of Walpole to issue an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 4316).

Recess.

There being no objection, at two minutes past five o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at nineteen minutes past five o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bill — State Loan.

An engrossed Bill making certain supplemental appropriations for fiscal year 1999 and relative to certain capital spending and bonded debt of the Commonwealth (see House, No. 4640, 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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 minutes past five o'clock P.M., as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Creem, Cynthia Stone
Bernstein, Robert A.	Fargo, Susan C.
Berry, Frederick E.	Glodis, Guy W.
Brewer, Stephen M.	Hedlund, Robert L.
Clancy, Edward J., Jr.	Jajuga, James P.
Creedon, Robert S., Jr.	Joyce, Brian A.
Knapik, Michael R.	Rauschenbach, Henri S.
Lees, Brian P.	Resor, Pamela
Lynch, Stephen F.	Rosenberg, Stanley C.
Magnani, David P.	Shannon, Charles E.
Melconian, Linda J.	Sprague, Jo Ann
Montigny, Mark C.	Tarr, Bruce E.
Moore, Richard T.	Tisei, Richard R.
Morrissey, Michael W.	Tolman, Steven A.
Murray, Therese	Tucker, Susan C.
Nuciforo, Andrea F., Jr.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Dianne — 35.
Panagiotakos, Steven C.	

NAYS. —0

ABSENT OR NOT VOTING.

Havern, Robert A.	Norton, Thomas C.
Jacques, Cheryl A.	Travaglini, Robert E. — 4.

The yeas and nays having been completed at half past five 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.
Subsequently, Ms. Jacques asked unanimous consent to make a statement; and, there being no objection, she addressed the Senate as follows:

MR. PRESIDENT: Due to my brief absence from the building on business, I was unable to vote on this matter. Had I been present I would have voted in the affirmative.

At the request of Ms. Jacques, the statement was printed in the Journal of the Senate.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill providing for an accelerated transportation development and improvement program for the Commonwealth (see Senate, No. 1945), 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 14 to 0.

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

Engrossed Bill.

An engrossed Bill establishing a department of inspectional services in the city of Lynn (see Senate, No. 1795) (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 enacted and was signed by the President and laid before the Governor for his approbation.**

Engrossed Bill — State Loan.

An engrossed Bill providing for an accelerated transportation development and improvement program for the Commonwealth (see Senate, No. 1945) (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; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 one minute before six o'clock P.M., as follows, to wit (yeas 36 — 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.
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.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 36.

NAYS. —0

ABSENT OR NOT VOTING.

Norton, Thomas C.
Tisei, Richard R.

Travaglini, Robert E. — 3.

The yeas and nays having been completed at two minutes past six 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.

Order Adopted.

On motion of Ms. Melconian,—

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.

On motion of Mr. Lees, at three minutes past six o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.
