

**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, August 19, 1999.

Met at three minutes past eleven o'clock A.M. (Mr. Travaglini in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

### *Communication.*

Communications from the various Regional Employment and Training Boards (under the provisions of Section 105(a)(1) of P.L. 97-300, the Federal Job Training Partnership Act of 1982) submitting copies of the employment and training plan modifications for fiscal year 1999-2000:

From the Berkshire Training and Employment Program for the Berkshire County service delivery area (received Thursday, May 6, 1999);

From the Bristol County Training Consortium (received Thursday, May 6, 1999);

From the Greater Lynn Career Center for the Southern Essex service delivery area (received Friday, May 7, 1999);

From the Regional Employment Board of Hampden County, Inc., for the Hampden County service delivery area (received Friday, May 7, 1999);

From the North Central Massachusetts Regional Employment Board for the North Central service delivery area (received Friday, May 7, 1999);

From the Job Training and Employment Corporation for the Cape Cod, Martha's Vineyard and Nantucket service delivery area (received Thursday, May 6, 1999);

From the Metro South/West Regional Employment Board (received Friday, May 7, 1999);

From the Metro North Regional Employment Board (received Friday, May 7, 1999);

From New Directions for the New Bedford service delivery area (received Friday, May 7, 1999);

From the South Coastal Career Development Administration for the South Coastal service delivery area (received Friday, May 7, 1999);

From the Worcester City Manager's Office of Employment and Training for the Southern Worcester County service delivery area (received Friday, May 7, 1999);

From the Franklin/Hampshire Private Industry Council for the Franklin/Hampshire service delivery area (received Monday, May 10, 1999);

From the Greater Lowell Regional Employment Board for the Southern Essex and Northern Middlesex service delivery areas (received Monday, May 10, 1999); and

From the Brockton Regional Employment Board (received Friday, May 28, 1999).

**Were severally read and placed on file.**

### *Report.*

A report of the Massachusetts State Lottery Commission (under the provisions of Section 24 of Chapter 10 of the General Laws) submitting its consolidated statement of operations for the lottery and arts lottery funds for the months of March, April and May, 1999 (received Monday, August 9, 1999),— **was read and sent to the House for its information.**

### ***Petitions.***

Petitions were presented and referred, as follows:

By Mr. Creedon, a petition (subject to Joint Rule 12) of Robert S. Creedon, Jr., and David T. Donnelly for legislation to minimize the effect of irrelevant lis pendens memoranda; and

By Mr. Travaglini, a petition (subject to Joint Rule 12) of Robert E. Travaglini for legislation relative to requiring the installation of carbon monoxide detectors near wood burning stoves;

**Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

### ***Reports of Committees.***

By Mr. Lynch, for the committee on Commerce and Labor, on petition (accompanied by bill, Senate, No. 63), a Bill relative to a special commission to develop 401(k) plans for small businesses (Senate, No. 1961);

**Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.**

By Mr. Lynch, for the committee on Commerce and Labor, on petition, a Bill relative to regional tourism councils (Senate, No. 118);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 72), a Bill relative to the creation of a high skill training program to combat spot labor shortage problems in the Massachusetts economy (Senate, No. 1962);

By the same Senator, for the same committee, on Senate, Nos. 73, 95 and 101 and House, No. 2287, a Bill relative to the collection of information to improve the workforce development system in the Commonwealth (Senate, No. 1963);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 82), a Bill to guarantee a compensation from existing and future tobacco manufacturers (Senate, No. 1964); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 294), a Bill establishing a community college workforce development incentive program Senate No. 1965);

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

By Mr. Lynch, for the committee on Commerce and Labor, on petition (accompanied by bill, Senate, No. 99), a Bill to regulate restocking fees (Senate, No. 1966); and

By the same Senator, for the same committee, on petition (accompanied by bill, House, No. 1695), a Bill further regulating the billboards in the Commonwealth (Senate, No. 1967);

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

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill relative to vacancies of town meeting members in the town of Saugus (Senate, No. 1940) [Local approval received];

**Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

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

The Senate bills

Relative to apprentice training under the Department of Labor and Workforce Development (Senate, No. 33, changed);

Relative to reporting violation of the prevailing wage law to the division of apprentice training (Senate, No. 65);

Relative to ambulance service (Senate, No. 654);

To prohibit the use of certain liability waivers as against public policy (Senate, No. 837);

Relative to the North East Solid Waste Committee (Senate, No. 1043);

Relative to land transfer of development rights (Senate, No. 1872);

Relative to real estate brokers (Senate, No. 1896);

Relative to apprentice agreements (Senate, No. 1900); and

Further regulating emergency temporary releases for persons incarcerated for drunk driving convictions (printed as House, No. 3228); and

The Senate Resolutions regarding solid waste planning (Senate, No. 1052, changed).

### **PAPERS FROM THE HOUSE.**

A communication from the Division of Energy Resources (under Section 11G of Chapter 25A of the General Laws) submitting regulations relative to oversight and coordination of electric ratepayer funded energy efficiency activities (House, No. 4691),—**was referred, in concurrence, to the committee on Energy.**

#### Bills

Relative to the position of superintendent in correctional institutions (House, No. 138,— on House, No. 127, in part);  
Establishing a sick leave bank for Jacqueline R. Sacramona, an employee of the Trial Court (House, No. 4364,— on House, No. 4273); and

Authorizing the Division of Capital Asset Management and Maintenance to release certain easements in the town of Reading (House, No. 4461,— on petition);

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

#### Bills

Authorizing the city of Beverly to convey certain land (House, No. 4269,— on petition) [Local approval received];

Relative to certain housing in the town of Groton (House, No. 4318,— on petition) [Local approval received];

Authorizing the town of Dennis to establish a capital improvements fund (House, No. 4415,— on petition) [Local approval received]; and

Relative to the composition of the licensing board of the city known as the town of Watertown (House, No. 4421,— on petition) [Local approval received];

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

### *Resolutions.*

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

Resolutions (filed by Mr. Moore) "honoring the Northbridge High School Rams varsity baseball team on winning the 1999 Massachusetts Division III State Championship"; and

Resolutions (filed by Ms. Tucker) "congratulating Martin and Mary Garry on the occasion of their fortieth wedding anniversary".

### *Reports of Committees.*

By Mr. Lees, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer, Mary S. Rogeness, David H. Tuttle, Thomas M. Petrolati and other members of the General Court for legislation to establish the Quaboag and Ware Rivers Valley Heritage District Commission.

**Senate Rule 36 was suspended, on motion of Mr. Nuciforo, 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.**

**Sent to the House for concurrence.**

By Mr. Morrissey, for the committee on Government Regulations, on Senate, No. 341, in part, a "Bill relative to national directory assistance" (Senate, No. 1959).

**There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to directory assistance service."**

**Sent to the House for concurrence.**

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey permanent and temporary easements on state property in the city of Boston to Emerson College (House, No. 4293, amended),— ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1968.

**There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time, and was amended, as recommended by the committee on Ways and Means. 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 with the amendment.**

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Metropolitan District Commission to dispose of a certain easement in the city of Everett (House, No. 1187),— ought to pass, with an amendment, in section 1, by inserting at the beginning thereof the following words:— "The commissioner of the division of capital asset management and maintenance, in consultation with the commissioner of"; and, in line 2, by inserting after the word "may" (as corrected by Senate B.T.R.) the following words:— "notwithstanding the provisions of section 40E to 40J, inclusive, of chapter 7 of the General Laws."

**There being no objection, the rules were suspended, on motion of Mr. Lees, and the bill was read a second time, and was amended, as recommended by the committee on Ways and Means. 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 with the amendment.**

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in a certain parcel of land in the city of Boston (House, No. 2977, amended),— ought to pass, with an amendment, in section 3, in line 7 (as amended by the House), by inserting before the words "improve vehicular" the following words:— "create or"; and by inserting at the end of section 1 the following words:— "The exact boundaries of which are to be determined by said commissioner after completion of a survey."

**There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time, and was amended, as recommended by the committee on Ways and Means. 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 with the amendment.**

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to the Department of Public Health within the city of Boston (Senate, No. 1857),— ought to pass.

**There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to certain leases for offices of the Department of Public Health in the city of Boston."**

**Sent to the House for concurrence.**

#### **PAPERS FROM THE HOUSE.**

Engrossed Bill.

An engrossed Bill relative to residency requirements for employees of the city of Lawrence (see House, No. 4142) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President and laid before the Governor for his approbation.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4693) of J. Michael Ruane (with the approval of the mayor and city council) that the city of Salem be authorized to issue certain pension obligation bonds;

**Under suspension of Joint Rule 12, to the committee on Public Service.**

Petition (accompanied by bill, House, No. 4694) of J. Michael Ruane relative to authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Salem and the buildings thereon to Salem State College;

**Under suspension of Joint Rule 12, to the committee on State Administration.**

A Bill relative to the division of medical assistance (House, No. 4692,— being a message from Her Honor the Lieutenant Governor, Acting Governor,— was read.

**There being no objection, the rules were suspended, on motion of Mr. Nuciforo, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to the expenditure of certain funds by the Division of Medical Assistance."**

#### ***Recess.***

There being no objection, at nineteen minutes before twelve o'clock noon, the Chair (Mr. Travaglini) declared a recess subject to the call of the Chair; and, at seven minutes past twelve o'clock noon, the Senate reassembled, Mr. Travaglini in the Chair.

#### **PAPERS FROM THE HOUSE.**

Engrossed Bill.

An engrossed Bill relative to the expenditure of certain funds by the Division of Medical Assistance (see House, No. 4692) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President and laid before the Governor for his approbation.**

***Order Adopted.***

On motion of Mr. Tisei,—

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

On motion of Mr. Tisei, at nine minutes past twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.

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