

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Monday, September 11, 2000.

Met at three minutes past eleven o'clock A.M. (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).

Communications.

A communication was received from the President announcing the following appointments:

The President, the Senator from Bristol, Mr. Montigny, the Senator from Worcester and Middlesex, Mr. Antonioni, to the commission (pursuant to section 19(c) of Chapter 159 of the Acts of 2000) relative to the foundation budget;

The President, the Senator from Bristol, Mr. Montigny, and the Senator from Worcester and Norfolk, Mr. Moore, to the special commission (pursuant to section 46 of Chapter 159 of the Acts of 2000) relative to prescription drug review;

The Senator from Worcester and Norfolk, Mr. Moore, and the Senator from Plymouth and Barnstable, Ms. Murray, to the task force (pursuant to section 404 of Chapter 159 of the Acts of 2000) on senior care options demonstration project;

The Senator from Worcester and Norfolk, Mr. Moore, and the Senator from Hampshire and Franklin, Mr. Rosenberg, to the special commission (pursuant to section 469 of Chapter 159 of the Acts of 2000) relative to the licensing of complementary and alternative medical practitioners;

The Senator from Worcester and Middlesex, Mr. Antonioni, to the special commission (pursuant to section 470 of Chapter 159 of the Acts of 2000) relative to recruiting and training public school principals;

The Senator from Worcester, Mr. Bernstein, to a one-year term, and the Senator from Worcester and Norfolk, Mr. Moore, to a two-year term on the special commission (pursuant to section 480 of Chapter 159 of the Acts of 2000) relative to the provision of end of life care services;

The Senator from Plymouth and Barnstable, Ms. Murray, and the Senator from Suffolk, Ms. Wilkerson, to the special commission established (pursuant to section 481 of chapter 159 of the Acts of 2000) relative to regulatory and licensure requirements in the contracting of state-funded human services and social services programs;

The Senator from Worcester, Mr. Bernstein, the Senator from Worcester and Middlesex, Mr. Antonioni, and the Senator from Worcester and Norfolk, Mr. Moore, to the to the special commission established (pursuant to section 483 of Chapter 159 of the Acts of 2000) relative to individual insurance policies and costs of special education;

The Senator from Worcester, Mr. Bernstein, the Senator from Worcester and Norfolk, Mr. Moore, and the Senator from Norfolk, Bristol and Middlesex, Ms. Jacques, to the special committee (pursuant to section 21 of Chapter 140 of the Acts of 2000) relative to nongroup health insurance reforms; and

The Senator from Bristol, Mr. Montigny, as Co-Chairman, and the Senator from Norfolk and Suffolk, Ms. Walsh, the Senator from Worcester and Norfolk, Mr. Moore, and the Senator from Worcester, Mr. Bernstein to the advisory committee, (pursuant to section 32 of Chapter 141 of the Acts of 2000) relative to establishing a system of consolidated health care financing.

A communication was received from the Minority Leader announcing the following appointments:

The Senator from the Cape and Islands, Mr. Rauschenbach, to the special commission established (pursuant to section 169 of chapter 159 of the Acts of 2000) to study the foundation budget;

The Senator from the Cape and Islands, Mr. Rauschenbach, to the special commission established (pursuant to section 469 of chapter 159 of the Acts of 2000) relative to the licensing of complementary and alternative medical practitioners;

The Senator from Essex and Middlesex, Mr. Tarr, to the special commission established (pursuant to section 480 of chapter 159 of the Acts of 2000) relative to the provision of end of life care services;

The Senator from Middlesex, Mr. Tisei, to the special commission established (pursuant to section 481 of chapter 159 of the Acts of 2000) relative to the evaluation of regulatory and licensure requirements in the contracting of state-funded human services and social services programs; and

The Senator from Plymouth and Norfolk, Mr. Hedlund, to the special commission established (pursuant to section 483 of chapter 159 of the Acts of 2000) relative to individual insurance policies and costs of special education.

A communication from the Joint Labor-Management Committee (under Section 1(4) of Chapter 589 of the Acts of 1987) relative to proposed amendments to the Committee's rules (Senate, No. 2286),— **was referred to the committee on Public Service.**

Sent to the House for concurrence.

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 Robert A. Antonioni and Brian Knuuttila for legislation relative to including Ashburnham in the territorial jurisdiction of the Winchendon district court.

Senate Rule 36 was suspended, on motion of Mr. Jajuga, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

Sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Mr. Antonioni) “congratulating Chief Hector J. Morin on the occasion of his retirement from the Lunenburg police department”;

Resolutions (filed By Messrs. Bernstein, Glodis, Antonioni, Brewer, Moore and Ms. Resor) “commemorating the most Reverend Daniel P. Reilly's 25 years as a bishop and the fiftieth anniversary of the Diocese of Worcester”; and

Resolutions (filed by Ms. Creem) “commemorating the one hundredth anniversary of Brookline's Corey Hill Park.”

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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 Truro to establish a capital improvements fund (see House, No. 5168); and

Authorizing the town of Clinton to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 5321).

A Bill providing for the annual observance of survivors of victims of homicide awareness (House, No. 5093, amended,— on petition),— was read.

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

A Bill designating certain pavilions in the city of Revere as the Senator Francis D. Doris Pavilions (House, No. 5412,— on petition),— was read.

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

Recess.

There being no objection, at nine minutes past eleven o'clock A.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at twenty-nine minutes past eleven o'clock A.M., the Senate reassembled, Ms. Melconian in the Chair.

Emergency Preamble Adopted.

An engrossed Bill providing for the temporary certification of teachers (see Senate, No. 2136), 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 3 to 0.**

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

PAPERS FROM THE HOUSE.

Engrossed Bill Returned to House by His Excellency the Governor with Recommendation of Amendment.

The engrossed Bill relative to community preservation (see House, No. 4866, amended),— having been returned to the House by His Excellency the Governor, in accordance with the provisions of Article LVI of the Amendments to the Constitution, with recommendation of amendment (for message, see House, No. 5430),— came from the House, amended as follows:

In section 1, by striking out subsection 5(a) (as printed in House document numbered 5370) and inserting in place thereof the following subsection:

“Section 4. (a) Upon acceptance of section 3 to 7, inclusive, on the assessors’ warrant to the tax collector, the accepted surcharge shall be imposed.”; in said section 1 by striking out subsection 9 (as printed in House document numbered 5370) and inserting in place thereof the following subsection:

“Section 8. (a) The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is left for recording, filing or deposit shall be subject to a surcharge of \$20. The fees for so recording, filing or depositing a municipal lien certificate shall be subject to a surcharge of \$10. The surcharges shall be imposed for the purposes of community preservation. No surcharge shall apply to a declaration of homestead under chapter 188. No surcharge shall apply to the fees charged for additional pages, photostatic copies, abstract cards, additional square feet for the filing and recording of plans or for additional or required marginal references.

(b) The fees of the assistant recorder, except as otherwise provided, to be paid when the instrument is left for registering, filing or entering with respect to registered land shall be subject to a surcharge of \$20. The fees for so registering, filing or entering a municipal lien certificate shall be subject to a surcharge of \$10. The surcharges shall be imposed for the purposes of community preservation. No surcharge shall apply to a declaration of homestead of chapter 188. No surcharge shall apply to the fees charged for additional lots shown on plans, for indexing instruments recorded while a petition for registering is pending, for additional certificates of sewer assessments, for old age assistance liens, for duplicates and for photocopies.

(c) All surcharges on fees collected pursuant to this section shall be forwarded to the Massachusetts Community Preservation Trust Fund, established in section 9.”;

By striking out section 2 and inserting in place thereof the following two sections:

“SECTION 2. Section 38 of chapter 262 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following paragraph:—

The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is left for recording, filing or deposit shall be subject to a surcharge under section 8 of chapter 44B.”

SECTION 3. Section 39 of said chapter 262, as so appearing, is hereby amended by adding the following paragraph:—

The fees of the assistant recorder, except as otherwise provided, to be paid when the instrument is left for registering, filing or entering with respect to registered land shall be subject to a surcharge under section 8 of chapter 44B.”; and

By striking out the emergency preamble.

The message of His Excellency the Governor was read.

The rules were suspended, on motion of Ms. Walsh, and the matter was considered forthwith.

The Chair (Ms. Melconian) stated that inasmuch as, under the provisions of Article LVI of the Amendments to the Constitution, the bill was “before the General Court subject to amendment and re-enactment”, the bill was before the Senate subject to

amendment.

On motion of Ms. Walsh, the Senate concurred in the adoption of the House amendment.

Recess.

There being no objection, at twenty-seven minutes before twelve o'clock noon, the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at six minutes before twelve o'clock noon, the Senate reassembled, Ms. Melconian in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bills.

An engrossed Bill providing for the temporary certification of teachers (see Senate, No. 2136) (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 Acting President and laid before the Governor for his approbation.**

An engrossed Bill relative to community preservation (see House, No. 4866, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the Acting President and again laid before the Governor for his approbation.**

Order Adopted.

On motion of Ms. Walsh,—

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

On motion of Mr. Knapik, at five minutes before twelve o'clock noon, the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.
