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## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Thursday, September 16, 1999.

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

### *Distinguished Guests.*

There being no objection, during the consideration of the Orders of the Day, the Chair (Ms. Melconian) introduced Laurence Babb, Director of the Film Bureau of the Slovak Republic, and three businessmen from Slovakia, Richard Hausknotz, Vit Gajdosech and Pavol Krist. The delegation is in the United States to help foster closer economic ties between America and the Slovak Republic. They were the guests of Senator Knapik.

### *Reports of a Committee.*

By Mr. Joyce, for the committee on Public Service, on petition, a Bill Wampanoag Tribe of Gay Head (Aquinnah) (Senate, No. 1335) (Representative Casey of Winchester dissenting);  
By the same Senator, for the same committee, on the recommitted petition, a Bill relative to creditable service (Senate, No. 1380) (Representative Casey of Winchester dissenting);  
By the same Senator, for the same committee, on the recommitted petition, a Bill authorizing and directing the reinstatement of Robert Hanlon as a member in service of a Massachusetts retirement system (Senate, No. 1769) (Representative Casey of Winchester dissenting); and  
By the same Senator, for the same committee, on petition, a Bill relative to creditable service for town moderators (printed as House, No. 1066) (Representative Casey of Winchester dissenting);  
**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Glodis, for the committee on Election Laws, on petition, a Bill relative to raffles conducted by political committees (Senate, No. 326);

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

### *Committees Discharged.*

Ms. Melconian, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Health Care to make an investigation and study of certain Senate and House documents relative to nursing staffing levels (Senate, No. 1983),— and recommending that the same be referred to the Senate committee on Rules.

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

### *Matters Taken Out of the Orders of the Day.*

There being no objection, the following matters were taken out of the Orders or the Day and considered, as follows:

The House bills

Authorizing the town of Norfolk to incur debt for the purpose of removing overhead utilities, replacing with underground facilities, and authorizing a surcharge to do the same (House, No. 692); and

Providing for the elimination of term limits in the town of Barnstable (House, No. 4232);

**Were severally read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

### *Orders of the Day.*

The Orders of the Day were considered, as follows:

Bills

Relative to negative option mailings (Senate, No. 98);

Correcting the definition of political party (Senate, No. 315);

Requiring the filing of birth certificates in guardianship proceedings of minors (Senate, No. 778);

Relative to the estate of homestead (Senate, No. 782);

Relative to the siting of telecommunications facilities (Senate, No. 944);

Relative to providers of personal wireless services (Senate, No. 966);

Further regulating change of name or address notices to the Registry of Motor Vehicles (Senate, No. 1065);

Relative to distinctive initial plates (Senate, No. 1067);

Relative to the correspondence of inmates (Senate, No. 1090);

Relative to protecting the identity of a 911 caller (Senate, No. 1431);

Relative to the public records law (Senate, No. 1444);

Authorizing the Massachusetts Water Resources Authority to grant access to its sewer system to the Cambridge School, Inc. of Weston, MA (Senate, No. 1715);

Relative to the postponement or waiver of a parole hearing (Senate, No. 1792);

Relative to the issuance of seasonal licenses for the sale of alcoholic beverages (Senate, No. 1811);

Simplifying the approval of certain subdivisions (Senate, No. 1842);

Providing for the establishment of a traffic commission in the city of Lynn (Senate, No. 1860);

Clarifying wine and malt beverage tastings (Senate, No. 1895);

Limiting liability resulting from the use of automatic external defibrillation (Senate, No. 1918);

Relative to the crime of stalking (printed as House, No. 1898, changed);

Relative to the election of members to the Pension Reserve Investment Board (House, No. 113);

Authorizing the town of Grafton to issue an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4136);

Relative to licenses issued by the Board of Registration of Hearing Instrument Specialists (House, No. 4155); and

Authorizing the town of Reading to transfer control of certain conservation land to the board of cemetery trustees (House, No. 4323);

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

The Senate reports

Of the committee on Banks and Banking, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 15) of Bruce E. Tarr, the Massachusetts Mortgage Association, by Stephen E. Sousa, president, and Brian A. Joyce for legislation to further regulate the licensing of certain entities as collection agencies;

Of the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 314) of Merton B. Baker for legislation to allow nominations by fee and funding clean elections; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 320) of Robert L. Hedlund for legislation to prohibit campaign contributions to General Court candidates by legislative agents unless the agent lives in the candidate's district;

Of the committee on Health Care, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 448) of Robert L. Hedlund and Jeffrey Tonello for legislation relative to the registration of orthopedic physician assistants;

Of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1081) of Robert L. Hedlund and Jo Ann Sprague for legislation to modify the motorcycle safety fund;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1082) of Robert L. Hedlund for legislation relative to the modification of the driver school law to include motorcycle rider education schools;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1117) of Louis C. Marino for legislation relative to the operation of motor vehicles registered to dealers;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1143) of Jeffrey Dropo for legislation relative to defining pyrotechnics;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1161) of Henri S. Rauschenbach for legislation to increase the expenditure of the Barnstable County correctional facility;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1170) of Bruce E. Tarr and Anthony J. Verga for legislation relative to volunteer, non-profit fire departments; and  
Of the same committee, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1174) of Bruce E. Tarr for legislation to allow for contracting with private entities for the labor of prisoners; and  
Of the committee on Public Service, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1277) of Richard T. Moore, Timothy J. Toomey, Jr., and Daniel E. Bosley for legislation to make technical changes in the optional retirement program;

**Were severally considered; and they were accepted.**

The Senate Bill relative to the use of headlights (Senate, No. 1104),— **was read a second time and ordered to a third reading.**

The Senate Bill to enable a community preservation fund to be established in certain municipalities (Senate, No. 1513),— was read a third time.

Mr. Clancy, for the committee on Bills in the Third Reading, reported asking to be discharged from further consideration thereof. The report was accepted.

Ms. Walsh moved that the bill be amended by substituting a new draft entitled a "Bill relative to community preservation" (Senate, No. 1988).

Mr. Shannon moved that the pending new draft (Senate, No. 1988) be amended by striking out, in line 354, the figure "\$100,000" and inserting in place thereof the following figure:— \$300,000.

The amendment was *rejected*.

Mr. Tisei moved that the pending new draft (Senate, No. 1988) be amended by striking out, in lines 352 to 354, inclusive, clause (2).

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eighteen minutes past two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 8 — nays 26):

**YEAS.**

Hedlund, Robert L.  
Knapik, Michael R.  
Lees, Brian P.  
Rauschenbach, Henri S.

Shannon, Charles E.  
Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R. — 8.

**NAYS.**

Antonioni, Robert A.  
Bernstein, Robert A.  
Brewer, Stephen M.  
Clancy, Edward J., Jr.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Montigny, Mark C.  
Moore, Richard T.  
Morrissey, Michael W.  
Murray, Therese  
Nuciforo, Andrea F., Jr.  
Pacheco, Marc R.  
Panagiotakos, Steven C.

Havern, Robert A.  
Jacques, Cheryl A.  
Jajuga, James P.  
Joyce, Brian A.  
Lynch, Stephen F.  
Magnani, David P.  
Resor, Pamela  
Rosenberg, Stanley C.  
Tolman, Steven A.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 26.

**Paired.**

**YEAS.**

**NAYS.**

Linda J. Melconian (present),  
Thomas C. Norton (present),

Susan C. Fargo  
Guy W. Glodis — 4.

**ABSENT OR NOT VOTING.**

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-three minutes past two o'clock P.M., the amendment was *rejected*.

Messrs. Lees, Tisei and Tarr moved that the pending new draft (Senate, No. 1988) be amended by striking out section 4 and inserting in place thereof the following section:

"Section 4. (a) Upon acceptance of this chapter, or upon acceptance of any amendment to the funding mechanism as set forth in subsection (b) of section 10 and upon notice of such acceptance given to the municipal tax collecting authority, the accepted tax shall be imposed. If the deed, instrument, writing, or tax on real property relates to realty in more than one city or town, the consideration allocable to each city or town shall be set forth separately therein.

(b) After receipt of notice of the tax by the municipal tax collecting authority, said authority shall collect the tax in the amount and according to the computation specified in such notices and shall pay the amounts so collected, not less frequently than quarterly or semi-annually, according to the schedule for the collection of property taxes for the tax on real property, to the city's or town's treasurer. The municipal tax collecting authority shall cause appropriate books and accounts to be kept with respect to such tax, which shall be subject to examination by the city or town upon reasonable request from time to time.

(c) The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the tax on real property as created by this chapter.";

By striking out subsections (a), (b), (c) and (d) of section 10 and inserting in place thereof the following subsections:—

"(a) This chapter shall take effect in any city or town upon the approval of the funding mechanism as set forth in this section and its acceptance by the voters in a referendum as set forth in this section.

(b) Notwithstanding the provisions of chapter 59 or any other general or special law to the contrary, the legislative body may vote to accept this chapter by approving the following mechanism for funding community preservation: a tax on real property of not more than 3 per cent of the real estate tax levy against said property, as determined annually by the board of assessors. The amount of said additional tax shall not be included in any calculation of total taxes assessed for purposes of section 21C of chapter 59. All exemptions and abatement of real property authorized by chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. Any amount of the additional tax not paid by the due date shall bear interest at the rate per annum provided in section 57 of chapter 59. Any taxpayer receiving an exemption or abatement of real property authorized by chapter 59 or any other law shall be exempt from any tax on real property established under this section.

(c) The local legislative body may also vote to accept one or more of the following exemptions from the funding mechanism: (1) for property owned and occupied as a domicile by persons who would qualify for low income or low income senior housing in that city or town; (2) for class three, commercial, or class 4, industrial, properties as defined in section 2A of chapter 59; (3) up to one-half of the real estate tax levy against said property, as determined annually by the board of assessors.

(d) Upon the approval of the mechanism for funding community preservation as set forth in subsection (b) of this section, by the legislative body, the actions of said body shall be submitted for acceptance to the voters of a city or town at the next regular state or municipal election. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question:

'Shall this (city or town) accept chapter 40P of the General Laws, as approved by its legislative body, a summary of which appears below? (Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, as the case may be.) If a majority of the voters voting on said question vote in the affirmative, then said provisions shall take effect in said city or town, but not otherwise.'

In section 10, in subsection (f), by striking out the words "a funding mechanism," in line 379, and inserting in place thereof the following:— the funding mechanism as set forth in subsection (b) of section 10 of this chapter; in section 10, in subsection (h) by striking out the last sentence.

After debate, Ms. Melconian in the Chair, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes before four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 9 — nays 23):

**YEAS.**

Hedlund, Robert L.  
Knapik, Michael R.  
Lees, Brian P.  
Moore, Richard T.  
Morrissey, Michael W.

Shannon, Charles E.  
Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R. — 9.

**NAYS.**

Bernstein, Robert A.  
Brewer, Stephen M.  
Clancy, Edward J., Jr.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Havern, Robert A.  
Jacques, Cheryl A.  
Jajuga, James P.  
Lynch, Stephen F.  
Magnani, David P.  
Melconian, Linda J.  
Montigny, Mark C.

Murray, Therese  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Rauschenbach, Henri S.  
Resor, Pamela  
Rosenberg, Stanley C.  
Tolman, Steven A.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 23.

**Paired.**

**YEAS.**

Andrea F. Nuciforo, Jr. (present),  
Thomas C. Norton (present),  
Brian A. Joyce (present),

**NAYS.**

Susan C. Fargo.  
Guy W. Glodis.  
Robert A. Antonioni — 6.

**ABSENT OR NOT VOTING.**

Berry, Frederick E. — 1.

The yeas and nays having been completed at twelve minutes before four o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the pending new draft (Senate, No. 1988) be amended by inserting after the word "structure", in line 28, the following word:— "vessel."

The amendment was adopted.

The pending new draft (Senate, No. 1988, amended) was then substituted.

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 four o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 35 — nays 0):—

**YEAS.**

Bernstein, Robert A.  
Brewer, Stephen M.  
Clancy, Edward J., Jr.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Havern, Robert A.  
Hedlund, Robert L.  
Jacques, Cheryl A.  
Jajuga, James P.  
Joyce, Brian A.  
Knapik, Michael R.

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.  
Panagiotakos, Steven C.  
Rauschenbach, Henri S.

Lees, Brian P.  
Lynch, Stephen F.  
Shannon, Charles E.  
Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R.  
Tolman, Steven A.

Resor, Pamela  
Rosenberg, Stanley C.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 35.

**NAYS. —0**

**ABSENT OR NOT VOTING.**

Antonioni, Robert A.  
Berry, Frederick E.

Fargo, Susan C.  
Glodis, Guy W. — 4.

**The yeas and nays having been completed at two minutes before four o'clock P.M., the bill (Senate, No. 1988, amended) was passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate report of the committee on Public Safety, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1116) of Brian P. Lees, Dennis M. Murphy and Elizabeth A. Malia for legislation relative to the enforcement of the seat belt law,— was considered.

**Pending the question on accepting the adverse report, on motion of Mr. Lees, the further consideration thereof was postponed until the next session.**

***Recess.***

At two minutes past four o'clock P.M., at the request of the Minority Leader, the Chair (Ms. Melconian) declared a recess for a minority party caucus; and, at twenty-nine minutes past four o'clock P.M., the Senate reassembled, the President in the Chair.

***Message from His Excellency the Governor,—***

***Items in Transportation Bond Bill Reduced or Disapproved.***

So much of the message from His Excellency the Governor as relates to his reduction of item 6037-0019 contained in section 2B and his disapproval of section 2F (for message, see Senate, No. 1960) of the engrossed Bill providing for an accelerated transportation development program for the Commonwealth (see Senate, No. 1945) was considered.

Item 6037-0019 contained in section 2B, which had been reduced, was considered, as follows:

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.

[The Governor reduced the item to \$100,000,000.]

After debate, the question on passing item 6037-0019 (contained in section 2B), notwithstanding the reduction of His Excellency the Governor, was determined by a call of the yeas and nays, as required by the Constitution, at thirteen minutes past five o'clock P.M., as follows, to wit (yeas 31 — nays 4):

**YEAS.**

Bernstein, Robert A.

Murray, Therese

Brewer, Stephen M.  
Clancy, Edward J., Jr.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Havern, Robert A.  
Hedlund, Robert L.  
Jacques, Cheryl A.  
Jajuga, James P.  
Joyce, Brian A.  
Lynch, Stephen F.  
Magnani, David P.  
Melconian, Linda J.  
Montigny, Mark C.  
Moore, Richard T.  
Morrissey, Michael W.

Norton, Thomas C.  
Nuciforo, Andrea F., Jr.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Resor, Pamela  
Rosenberg, Stanley C.  
Shannon, Charles E.  
Sprague, Jo Ann  
Tarr, Bruce E.  
Tolman, Steven A.  
Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 31.

**NAYS.**

Knapik, Michael R.  
Lees, Brian P.

Rauschenbach, Henri S.  
Tisei, Richard R. — 4.

**ABSENT OR NOT VOTING.**

Antonioni, Robert A.  
Berry, Frederick E.

Fargo, Susan C.  
Glodis, Guy W. — 4.

**The yeas and nays having been completed at seventeen minutes past five o'clock P.M., item 6037-0019 (contained in section 2B) was passed, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present having approved the same.**

**Sent to the House for its action.**

Section 2F, which had been disapproved, was considered as follows:

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  
ANDOVER \$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 MARL-  
BOROUGH \$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 ATTLE-  
BOROUGH \$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  
OAR 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  
BRIDGEWATER \$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  
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 question on passing section 2F, notwithstanding the objections of His Excellency the Governor, was determined by a call of the yeas and nays, as required by the Constitution, at eighteen minutes past five o'clock P.M., as follows, to wit (yeas 31 — nays 4):

**YEAS.**

Bernstein, Robert A.  
Brewer, Stephen M.  
Clancy, Edward J., Jr.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Havern, Robert A.  
Hedlund, Robert L.  
Jacques, Cheryl A.  
Jajuga, James P.  
Joyce, Brian A.  
Lynch, Stephen F.

Murray, Therese  
Norton, Thomas C.  
Nuciforo, Andrea F., Jr.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Resor, Pamela  
Rosenberg, Stanley C.  
Shannon, Charles E.  
Sprague, Jo Ann  
Tarr, Bruce E.  
Tolman, Steven A.

Magnani, David P.  
Melconian, Linda J.  
Montigny, Mark C.  
Moore, Richard T.  
Morrissey, Michael W.

Travaglini, Robert E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 31.

#### **NAYS.**

Knapik, Michael R.  
Lees, Brian P.

Rauschenbach, Henri S.  
Tisei, Richard R. — 4.

#### **ABSENT OR NOT VOTING.**

Antonioni, Robert A.  
Berry, Frederick E.

Fargo, Susan C.  
Glodis, Guy W. — 4.

**The yeas and nays having been completed at twenty minutes past five o'clock P.M., section 2F was passed, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present having approved the same.**

**Sent to the House for its action.**

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

##### **Engrossed Bills.**

Mr. Rosenberg in the Chair, the following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Establishing the Scantic Valley Water District (see Senate, No. 1724);

Relative to the form of representative town government in the town of North Attleborough (see House, No. 424);

Further regulating the Baker Hill Road District in the town of Lanesborough (see House, No. 1986);

Establishing the position of town administrator in the town of Manchester-by-the-Sea (see House, No. 4138, amended);

Relative to the operation of the sewer system of the town of Ipswich (see House, No. 4192);

Abolishing term limits for elected public officials of the city of Lowell (see House, No. 4213);

Providing for the elimination of term limits in the town of Barnstable (see House, No. 4232); and

Providing for term limits for elected officials in the city known as the town of Methuen (see House, No. 4703).

A petition (accompanied by bill, House, No. 4749) of Ronny M. Sydney and other members of the General Court relative to automobile insurance surcharges,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Insurance.**

##### ***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 Andrea F. Nuciforo, Jr., for legislation to clarify the responsibility of motor vehicle liability insurers for claims arising from personal injury claimants who seek health care services outside those of an established network.

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

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 S. Creedon, Jr., and David T. Donnelly for legislation to minimize the effect of irrelevant lis pendens memoranda.

**Senate Rule 36 was suspended, on motion of Mr. Travaglini, 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. Severally sent to the House for concurrence.**

## PAPERS FROM THE HOUSE.

A Bill relative to disclosure of information to the state police violent fugitive arrest squad (House, No. 130,— on a part of House, No. 127),— was read.

**Ms. Jacques requested unanimous consent to suspend the rules to consider the matter forthwith; but objection was made thereto by Mr. Lees. The matter was laid aside.**

### *Resolutions.*

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

Resolutions (filed by Mr. Bernstein) "congratulating Rachel's Table on the occasion of its tenth anniversary";

Resolutions (filed by Mr. Knapik) "honoring Joseph C. Cassidy upon his retirement";

Resolutions (filed by Mr. Lees) "recognizing Kid's Day America in East Longmeadow";

Resolutions (filed by Ms. Melconian) "on the ordination of Timothy Baymon as Bishop of the Old Catholic Church of Utrecht";

Resolutions (filed by Mr. Montigny) "congratulating Lieutenant Colonel Gary A. Correia on the occasion of his retirement";

Resolutions (filed by Mr. Montigny) "congratulating David Crowley upon the occasion of his retirement";

Resolutions (filed by Mr. Pacheco) "congratulating Ronald F. Arieta";

Resolutions (filed by Mr. Pacheco) "congratulating Connor E. Gaudet of Mattapoisett upon his elevation to the rank of Eagle Scout";

Resolutions (filed by Ms. Wilkerson) "honoring P' Ann Wimberly".

### *Remarks on the Departure of Senator Thomas C. Norton.*

The President recognized Senator Travaglini, who briefly addressed the Senate and paid tribute to Senator Thomas C. Norton, who is leaving the Massachusetts State Senate.

Subsequently, the President recognized Senator Thomas C. Norton, who briefly addressed the Senate and thanked the President, his fellow Senators and others for their support and friendship during his long tenure in the State House.

### *Order Adopted.*

On motion of Mr. Lees,—

*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. Norton, at eleven minutes before six o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.

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