

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, October 28, 1999.

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

Distinguished Guest.

There being no objection, during consideration of the Orders of the Day, the President introduced Gerry Joyce, seated in the back of the Chamber. Mr. Joyce is the father of Senator Brian A. Joyce from the Suffolk and Norfolk District.

Report.

A report of the Department of Employment and Training (under the provisions of Chapter 233 of the Acts of 1983) submitting a quarterly update on the condition of the Commonwealth's unemployment insurance trust fund (received Monday, October 25, 1999),— **was placed on file.**

Reports of Committees.

By Ms. Walsh, for the committee on Taxation, on petition, a Bill to exempt photocopies provided by libraries from sales tax (Senate, No. 1520, changed in section 2, in line 1, by striking out the words "be effective for the tax year beginning on or after January 1, 1991" and inserting in place thereof the following words:— "take effect on or after July 1, 1999"; and by striking out section 3);

By the same Senator, for the same committee, on petition, a Bill to amend the 1995 bank tax reform act (Senate, No. 1657); and
By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1508), a Bill clarifying the tax treatment of prepaid calling arrangements (Senate, No. 2032);

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

By Ms. Creem, for the committee on Criminal Justice, on petition, a Bill to increase volunteer service (Senate, No. 1932);
Read and, under Senate Rule 26, referred to the committee on Steering and Policy.

PAPERS FROM THE HOUSE.

A Bill making certain appropriations for the fiscal year ending June 30, 2000, prior to final action on the General Appropriation Bill for said fiscal year (printed in House, No. 4843,— being a message from His Excellency the Governor),— was read.

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

Report of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to certain capital spending authorizations (House, No. 4574), ought to pass, with amendments:

Striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2033; and by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for certain capital spending authorizations for the fiscal year ending June 30, 1999, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time, amended, as recommended by the committee on Ways and Means, and ordered to a third reading. The bill was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Nuciforo moved that the bill be amended, in section 3, by striking out line: "6001-880 6001-8840".

The amendment was adopted.

Mr. Nuciforo further moved to amend the bill, in section 2, by striking out items "7502-0961" and "7502-0963".

The amendment was adopted.

Mr. Nuciforo further moved to amend the bill, in section 2, by striking out items "7113-0963", "7113-2960", "7113-2961", "7113-2962", "7113-2963" and "7113-2964".

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

To regulate restocking fees (Senate, No. 1966);

Relative to the conservation commission in the town of Boxford (Senate, No. 1978);

Authorizing the establishment of the Wood Road betterment fund in the town of Braintree (House, No. 4141);

Relative to the harbor master, assistant harbor masters, shellfish warden and assistant shellfish wardens of the town of Fairhaven (House, No. 4449); and

Relative to dangerous dogs (House, No. 4750);

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

The Senate bills

Exempting certain school transportation personnel from liability for rendering first aid to students (Senate, No. 781) (its title having been changed by the committee on Bills in the Third Reading);

Releasing a reversionary interest of the Commonwealth in land in the town of Tewksbury (Senate, No. 1488) (its title having been changed by the committee on Bills in the Third Reading);

Relative to billboards (Senate, No. 1967) (its title having been changed by the committee on Bills in the Third Reading);

Relative to marriage and family therapy (Senate, No. 2030) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land under the care and control of the Department of Correction to the town of Concord housing authority (printed as House, No. 2047) (its title having been changed by the committee on Bills in the Third Reading);

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

Severally sent to the House for concurrence.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to release certain easements in the town of Reading (House, No. 4461),—**was read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to the construction and maintenance of the statewide Vietnam veterans memorial at Green Hill Park in the city of Worcester (House, No. 4481),— was read a second time.

Pending the question on ordering the bill to a third reading, on motion of Ms. Melconian, the bill was referred to the committee on Ways and Means.

The Senate Bill relative to medical examinations required by certain boards of registration (Senate, No. 416),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Berry presented the following amendment:

Striking out section 1 and inserting in place thereof the following two sections:—

"SECTION 1. Subsection (a) of section 33 of chapter 13 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

There shall be a board of public accountancy, in this section and in sections 34 and 35 called the board, consisting of five members, to be appointed by the governor. Four of the members shall hold a valid biennial permit issued under section 87B of

chapter 112 and shall have been actively engaged on his account or as a member of a partnership in the practice of public accountancy for at least seven years, or as an officer, director, or a shareholder of a professional corporation organized pursuant to chapter 156A. The fifth member shall be a representative of the public, subject to the provisions of section 9B.

SECTION 1A. Section 87I of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 to 10, inclusive, the words:—", and shall furnish to the board a certificate of a registered physician that such student is not afflicted with any contagious or infectious disease, of said chapter 112".

Pending the question on adoption of the amendment, and pending the main question on passing the bill to be engrossed, the further consideration thereof was postponed until the next session, on motion of Mr. Clancy.

The Senate Bill relative to domestic violence (Senate, No. 1889),— was read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at eight minutes before two o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 36 — nay 1):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., 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.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 36.

NAYS.

Creedon, Robert S., Jr. — 1.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at three minutes before two o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bill.

There being no objection, during consideration of the Orders of the Day, an engrossed Bill making certain appropriations for the fiscal year ending June 30, 2000, prior to final action on the General Appropriation Bill for said fiscal year (see House Bill, printed in House, No. 4843) (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.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, attwo o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0):

YEAS.

NAYS — 0.

ABSENT OR NOT VOTING.

Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rauschenbach, Henri S.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 37.
Montigny, Mark C.	

Berry, Frederick E. — 1.

The yeas and nays having been completed at two minutes past two o'clock P.M., the bill was passed to be enacted and it was signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The Senate Bill authorizing school committees to award diplomas to veterans of World War II (Senate, No. 1972),— was read a third time.

Ms. Melconian in the Chair, after remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at eight minutes past two o'clock P.M., on motion of Mr. Rosenberg, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.	Brewer, Stephen M.
Bernstein, Robert A.	Clancy, Edward J., Jr.
Creedon, Robert S., Jr.	Murray, Therese
Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Havern, Robert A.	Rauschenbach, Henri S.

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.

Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twelve minutes past two o'clock P.M., the bill was 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 Bills — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the county commissioners of Bristol County to convey certain land to the town of Somerset (see House, No. 1895) (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 fourteen minutes past two o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrisey, Michael 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.
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.

Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela

Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

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

An engrossed Bill authorizing the town of Amherst to convey a certain easement (see House, No. 288) (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 past two o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
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.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

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

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in a certain parcel of land in the city of Boston (see House, No. 2977, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-three minutes past two o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rauschenbach, Henri S.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 37.
Montigny, Mark C.	

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

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

An engrossed Bill relative to certain conservation restrictions in the town of Sudbury (see printed in House, No. 4228) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-eight minutes past two o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
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.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

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

Orders of the Day.

The Orders of the Day were considered, as follows:

The President in the Chair, the Senate Bill relative to charter schools (Senate, No. 2027),—was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Creem moved to amend the bill by inserting after section 2 the following section:—

"SECTION 2A. Said section 89 of said chapter 71, as so appearing, is hereby further amended by adding the following subsection:—

(qq) Any commonwealth charter schools established after December 1, 1999 shall be funded by local school districts pursuant to subsection (nn), and in addition to the state approval process established in this section, commonwealth charter schools must receive the approval of each city or town from which the charter school intends to draw students. The approval shall be valid only if every local school committee from each local school district from which the charter school intends to draw students votes to approve the commonwealth charter school."

After remarks, the amendment was *rejected*.

Mr. Tolman moved to amend the bill by inserting, after section 2, the following section:—

"SECTION 2A. Said section 89 of said chapter 71, as so appearing, is hereby further amended by adding the following subsection:—

(rr) Notwithstanding any general or special law to the contrary, commonwealth charter schools which have not received local approval shall be funded as follows:— the commonwealth shall pay to the charter school tuition in an amount equal to the average cost per student of the district in which a charter school student resides, the tuition shall be based upon the student's grade level and type of education provided; provided, that the tuition amount paid to the charter school shall not exceed the foundation budget amount for the fiscal year that the student is enrolled in the charter school. The funding for this subsection shall be subject to

appropriation and the fundingshall not be deducted from funds distributed pursuant to chapter 70."

After debate, the question on adoption of the amendment was determined by a call of the yeas andnays, at six minutes before three o'clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas17 — nays 20):

YEAS.

Creedon, Robert S., Jr.	Murray, Therese
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
Moore, Richard T.	Wilkerson, Dianne — 17.
Morrissey, Michael W.	

NAYS.

Antonioni, Robert A.	Clancy, Edward J., Jr.
Birmingham, Thomas F.	Hedlund, Robert L.
Brewer, Stephen M.	Jacques, Cheryl A.
Jajuga, James P.	Rauschenbach, Henri S.
Knapik, Michael R.	Rosenberg, Stanley C.
Lees, Brian P.	Sprague, Jo Ann
Lynch, Stephen F.	Tarr, Bruce E.
Melconian, Linda J.	Tisei, Richard R.
Montigny, Mark C.	Travaglini, Robert E.
Nuciforo, Andrea F., Jr.	Walsh, Marian — 20.

PAIRED.

YEA.	NAY.
Robert A. Bernstein (present),	Frederick E. Berry — 2.

The yeas and nays having been completed at threeo'clock P.M., the amendment was *rejected*.

Mr. Havern moved to amend the bill by strikingout section 3; and the amendment was *rejected*.

Mr. Pacheco moved to amend the bill by insertingafter section 1 the following section:—

"SECTION 1A. Subsection (j) of said section 89 of said chapter 71, as so appearing, is herebyamended by striking out clause (5) and inserting in place thereof the following clause:

(5) to make contracts and leases for the procurement of services, equipment and supplies;provided, however, that the board may not procure substantially all educational or managementservices under contract with a for-profit entity; provided further, that no contract may be enteredinto the purpose or effect of which is to avoid the prohibition of this section against charter schoolstatus for private and parochial schools or for-profit entities."

After debate, the question on adoption of the amendment was determined by a call of the yeas andnays, at twenty-six minutes past three o'clock P.M., on motion of Mr. Pacheco, as follows, to wit(yeas 14 — nays 23):

YEAS.

Bernstein, Robert A.	Moore, Richard T.
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Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Joyce, Brian A.

Morrissey, Michael W.
Murray, Therese
Pacheco, Marc R.
Resor, Pamela
Tolman, Steven A.
Wilkerson, Dianne — 14.

NAYS.

PAIRED.

Antonioni, Robert A.
Birmingham, Thomas F.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Knapik, Michael R.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.

Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Nuciforo, Andrea F., Jr.
Rauschenbach, Henri S.
Rosenberg, Stanley C.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian — 23.

YEA.

Steven C. Panagiotakos (present),

NAY.

Frederick E. Berry — 2.

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

After debate, Ms. Melconian in the Chair, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at one minute past four o'clock P.M., on motion of Mr. Havern, as follows, to wit (yeas 21 — nays 17):

YEAS.

Antonioni, Robert A.
Birmingham, Thomas F.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Jacques, Cheryl A.
Jajuga, James P.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Melconian, Linda J.
Montigny, Mark C.

Nuciforo, Andrea F., Jr.
Rauschenbach, Henri S.
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian — 21.

NAYS.

Bernstein, Robert A.	Moore, Richard T.
Creedon, Robert S., Jr.	Morrissey, Michael W.
Creem, Cynthia Stone	Murray, Therese
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Hedlund, Robert L.	Tolman, Steven A.
Joyce, Brian A.	Wilkerson, Dianne — 17.
Magnani, David P.	

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The President in the Chair, the yeas and nays having been completed at five minutes past four o'clock P.M., the bill (Senate, No. 2027) was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to unemployment insurance rates and workforce training (Senate, No. 2028),— was read a third time. After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty minutes past four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rauschenbach, Henri S.
Glodis, Guy W.	Resor, Pamela
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.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.

Havern, Robert A. — 2.

The yeas and nays having been completed at twenty-six minutes past four o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to mental health benefits (Senate, No.2029),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Bernstein moved that the bill be amended, in section 1, by striking out the second, third and fourth sentences of subparagraph (g) and inserting in place thereof the following three sentences:— "For purposes of this section: inpatient services may be provided in a general hospital licensed to provide such services, in a facility under the direction and supervision of the department of mental health, in a private mental hospital licensed by the department of mental health, or in a substance abuse facility licensed by the department of public health. Intermediate services shall include, but not be limited to, Level III community-based detoxification, acute residential treatment, partial hospitalization, day treatment and crisis stabilization licensed or approved by the department of public health or the department of mental health. Outpatient services may be provided in a licensed hospital; a mental health or substance abuse clinic licensed by the department of public health; a public community mental health center, a professional office; or home-based services; provided however, services delivered in such offices or settings are rendered by a licensed mental health professional acting within the scope of his license.";

In section 2, by striking out, the second, third and fourth sentences of subparagraph (g) and inserting in place thereof the following three sentences:— "For purposes of this section: inpatient services may be provided in a general hospital licensed to provide such services, in a facility under the direction and supervision of the department of mental health, in a private mental hospital licensed by the department of mental health, or in a substance abuse facility licensed by the department of public health. Intermediate services shall include, but not be limited to, Level III community-based detoxification, acute residential treatment, partial hospitalization, day treatment and crisis stabilization licensed or approved by the department of public health or the department of mental health. Outpatient services may be provided in a licensed hospital; a mental health or substance abuse clinic licensed by the department of public health; a public community mental health center, a professional office; or home-based services; provided however, services delivered in such offices or settings are rendered by a licensed mental health professional acting within the scope of his license.";

In section 4, by striking out the second, third and fourth sentences of subparagraph (g) and inserting in place thereof the following three sentences:— "For purposes of this section: inpatient services may be provided in a general hospital licensed to provide such services, in a facility under the direction and supervision of the department of mental health, in a private mental hospital licensed by the department of mental health, or in a substance abuse facility licensed by the department of public health. Intermediate services shall include, but not be limited to, Level III community-based detoxification, acute residential treatment, partial hospitalization, day treatment and crisis stabilization licensed or approved by the department of public health or the department of mental health. Outpatient services may be provided in a licensed hospital; a mental health or substance abuse clinic licensed by the department of public health; a public community mental health center, a professional office; or home-based services; provided however, services delivered in such offices or settings are rendered by a licensed mental health professional acting within the scope of his license.";

In section 6, by striking out the second, third and fourth sentences of subparagraph (g) and inserting in place thereof the following three sentences:— "For purposes of this section: inpatient services may be provided in a general hospital licensed to provide such services, in a facility under the direction and supervision of the department of mental health, in a private mental hospital licensed by the department of mental health, or in a substance abuse facility licensed by the department of public health. Intermediate services shall include, but not be limited to, Level III community-based detoxification, acute residential treatment, partial hospitalization, day treatment and crisis stabilization licensed or approved by the department of public health or the department of mental health. Outpatient services may be provided in a licensed hospital; a mental health or substance abuse clinic licensed by the department of public health; a public community mental health center, a professional office; or home-based services; provided however, services delivered in such offices or settings are rendered by a licensed mental health professional acting within the scope of his license.";

In section 10, by striking out the second, third and fourth sentences of subparagraph (g) and inserting in place thereof the following three sentences:— "For purposes of this section: inpatient services may be provided in a general hospital licensed to provide such services, in a facility under the direction and supervision of the department of mental health, in a private mental hospital licensed by the department of mental health, or in a substance abuse facility licensed by the department of public health. Intermediate services shall include, but not be limited to, Level III community-based detoxification, acute residential treatment, partial hospitalization, day treatment and crisis stabilization licensed or approved by the department of public health or the department of mental health. Outpatient services may be provided in a licensed hospital; a mental health or substance abuse clinic licensed by the department of public health; a public community mental health center, a professional office; or home-based services; provided however, services delivered in such offices or settings are rendered by a licensed mental health professional acting within the scope of his license."

After remarks, the amendment was adopted.

After remarks, the question on passing the bill, as amended, to be engrossed, was determined by a call of the yeas and nays, at twenty minutes before five o'clock P.M., on motion of Mr. Bernstein, as follows, to wit (yeas 37 — nays 0):—

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rauschenbach, Henri S.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 37.
Montigny, Mark C.	

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at seventeen minutes before five o'clock P.M., the bill (Senate, No. 2036, printed as amended) was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill authorizing licensed educational psychologists to receive certain insurance payments (Senate, No. 2031),— was read a third time and was amended, on motion of Ms. Wilkerson, in section 4, by striking out the words "shall be the subject of" and inserting in place thereof the following words:— shall be subject to the terms of.

The bill (Senate, No. 2031, amended), was then passed to be engrossed, in concurrence.

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, the question being on accepting it.

Mr. Lees moved that the report be amended by substituting, in part, an Order relative to establishing a special committee of the Senate to make an investigation and study relative to legislative proposals to allow for the primary enforcement of the seat belt law of the Commonwealth (Senate, No. 2035). After remarks, the amendment was adopted; and accordingly, the order was adopted.

The recurring question on accepting the adverse report was then considered. On motion of Mr. Lees, the further consideration thereof was postponed until Tuesday, February 1, 2000.

The House Bill relative to disclosure of information to the state police violent fugitive arrest squad (House, No. 130),— was considered, the main question being on passing it to be engrossed.

The pending motion, previously moved by Mr. Lees, to lay the matter on the table,— was considered; and it was *negatived*.

Mr. Lees moved that the vote by which the Senate adopted the amendment, previously moved by Ms. Jacques, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1990; and by striking out the title and inserting in place thereof the following title:—"An Act bringing wanted fugitives to justice."— be reconsidered; and, after remarks, this motion was *negatived*.

Pending the main question on passing the bill to be engrossed, in concurrence, Mr. Lees moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

Order Adopted.

Ms. Fargo, Mr. Antonioni and Ms. Creem offered an Order relative to requiring the opinions of the Honorable the Justices of the Supreme Judicial Court on an important question of law relative to Senate, No. 148, An Act relative to health care facilities (Senate, No. 2034).

The order was considered forthwith, and adopted.

PAPERS FROM THE HOUSE.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed 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 (see House, No. 4293, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,—was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at three minutes past five o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rauschenbach, Henri S.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 37.
Montigny, Mark C.	

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at six minutes 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 and laid before the Governor for his approbation.

An engrossed Bill authorizing the placement of a portable classroom on Jackson Park in the town of Swampscott (see House bill printed in House, No. 4638) (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 seven minutes after five o'clock P.M., as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Bernstein, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rauschenbach, Henri S.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 37.
Montigny, Mark C.	

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at nine minutes 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 and laid before the Governor for his approbation.

Report of a Committee.

By Mr. Antonioni, for the committee on Education, Arts and Humanities, on petition, a Bill relative to certain school projects in the city of Medford (Senate, No. 2024)[Local approval received];
There being no objection, the rules were suspended, on motion of Mr. Shannon, and the bill 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.

Matter Taken Out of the Notice Section.

There being no objection, the following matter was taken out of the notice section of the Calendar and considered, as follows: The Senate Bill allowing for the sale of innovative insurance and financial planning products (Senate, No. 1996),— **was read a second time and ordered to a third reading.**

PAPERS FROM THE HOUSE.

Engrossed Bills.

An engrossed Bill validating the authorization of certain bonds by the Holmes Park Water District (see Senate, No. 1969, changed and amended) (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.**

An engrossed Bill validating the acts and proceedings of the annual town meeting held in the town of Halifax (see printed in House, No. 4299) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted, two-thirds of the members present having voted in the affirmative, and it was signed by the President and laid before the Governor for his approbation.**

Report of 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 E. Travaglini and Kathi-Anne Reinstein for legislation relative to the appointment of Joseph Cafarelli to the Massachusetts State Police.

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

Sent to the House for concurrence.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:— Resolutions (filed by Mr. Panagiotakos) "on the occasion of the thirtieth anniversary of the Nashua River Watershed Association".

Order Adopted.

On motion of Ms. Fargo,—

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. Lees, at thirteen minutes past five o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
