

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, November 15, 1999.

Met at eight minutes past one o'clock P.M.

Communication.

A communication from the President announcing the appointment of Senator Tarr to the Steering Committee of the Children's Legislative Caucus,— **was placed on file.**

Report.

A report of the Massachusetts Highway Department (under the provisions of Section 2F of Chapter 55 of the Acts of 1999) submitting a list of contracts to be funded from a certain account (received Friday, November 12, 1999),— **was placed on file.**

Report of a Committee.

By Ms. Creem, for the committee on Criminal Justice, on Senate, Nos. 175 and 1998, an order relative to authorizing and directing the joint committee on Criminal Justice to make an investigation and study of Senate documents numbered 175, relative to drug free elder zones, and 1998, relative to witness protection (Senate, No. 2042);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the results of the annual town election held in the town of Dudley on May 3, 1999 (House, No. 4886);

To the committee on Election Laws.

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to repealing the law authorizing the town of Holbrook to establish a betterment reserve fund (House, No. 4887);

To the committee on Local Affairs.

A Bill relative to countersignature requests of certain insurance policies (House, No. 4883,— on House, Nos. 1571 and 4024),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A petition (accompanied by bill, House, No. 4888) of Demetrius J. Atsalis (by vote of the town) that the town of Barnstable be

authorized to transfer control of a certain parcel of conservation land to the West Barnstable Fire District,— **was referred, in concurrence, to the committee on Local Affairs.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to health care facilities (Senate, No. 148);

Relative to the compensation of a town clerk upon certification (House, No. 1992, amended);

Relative to the underground cable reimbursement schedule (House, No. 2692);

Relative to water supply in the town of West Newbury (House, No. 4044); and

Relative to municipal lighting plants (House, No. 4427, amended);

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

The Senate Bill allowing for the sale of innovative insurance and financial planning products (Senate, No. 1996),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to raffles conducted by political committees (Senate, No. 326),— **was read a second time and, after remarks, was ordered to a third reading.**

The Senate Bill relative to the use of interior lights in motor vehicles (Senate, No. 1072) (its title having been changed by the committee on Bills in the Third Reading) was read third time.

Pending the question on passing the bill to be engrossed, Mr. Creedon presented an amendment, substituting a new draft with the same title (Senate, No. 2041).

This amendment was adopted.

The bill (Senate, No. 2041) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to apprentice training agreements (Senate, No. 33, changed) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill providing improved management of state forests (Senate, No. 971),— was read third time.

Pending the question on passing the bill to be engrossed, Mr. Brewer presented an amendment adding the following sentence:—

"Any such bid or contract requirement shall not result in a reduction of force or displacement of persons employed by the department performing similar responsibilities."

This amendment was adopted.

The bill (Senate, No. 971, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The House report of the committee on Criminal Justice, ought NOT to pass, on the message from His Excellency the Governor (accompanied by bill, House, No. 3963) recommending legislation relative to reinstituting the death penalty in the Commonwealth,— was considered.

Mr. Lees moved that the bill be amended by substituting a "Bill reinstituting the death penalty in the Commonwealth" (printed in House, No. 3963), for the report of the committee.

Ms. Melconian in the Chair (having been appointed by the President, under authority of Senate Rule 4, to perform the duties of the Chair), after debate, the question on substitution of the bill for the report was determined by a call of the yeas and nays, at seven minutes before three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 21 — nays 16):

YEAS.

Bernstein, Robert A.

Brewer, Stephen M.

Moore, Richard T.

Morrissey, Michael W.

Clancy, Edward J., Jr.
Glodis, Guy W.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Melconian, Linda J.

Murray, Therese
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 21.

NAYS.

Antonioni, Robert A.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Havern, Robert A.
Joyce, Brian A.
Magnani, David P.
Montigny, Mark C.

Nuciforo, Andrea F., Jr.
Resor, Pamela
Rosenberg, Stanley C.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 16.

ABSENT OR NOT VOTING.

The yeas and nays having been completed at one minute before three o'clock P.M., the bill (printed in House, No. 3963) was substituted and read.

The rules were suspended, on motion of Mr. Travaglini, 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.

Report of a Committee.

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

By Ms. Creem, for the committee on Criminal Justice, ought NOT to pass, on the petitions (accompanied by bills, Senate, Nos. 155, 164, 180 and 190) [relative to the death penalty] (Senators Bernstein and Knapik dissenting).

The rules were suspended, on motion of Mr. Rosenberg, and the report was considered forthwith; and it was accepted.

Orders of the Day.

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

The Senate Bill relative to medical examinations required by certain boards of registration (Senate, No. 416),— was considered, the main question being on passing it to be engrossed.

The pending amendment, previously moved by Mr. Berry, 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' ",— was considered; and it was adopted.
The bill (Senate, No. 2046, printed as amended) was then passed to be engrossed.

Sent to the House for concurrence.

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.
There being no objection, the pending motion, previously moved by Mr. Lees, that the matter be laid upon the table was withdrawn, on further motion of the same Senator.
After remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at seven minutes past three o'clock P.M., on motion of Ms. Jacques, as follows, to wit (yeas 37 — nays 0):

YEAS.

Berry, Frederick E. — 1.

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 eleven minutes past three o'clock P.M., the bill was passed to be engrossed, in concurrence.
Sent to the House for concurrence in the amendments previously adopted by the Senate.

The Senate Bill relative to teacher certification (Senate, No. 207),— **was read a second time and ordered to a third reading.**

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, on petition (accompanied by bill, Senate, No. 1387), a Bill providing equal employment benefits for public sector employees (Senate, No. 2044).

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Shannon, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill prohibiting discrimination in insurance policies (Senate, No. 2004), ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2043).

There being on objection, on motion of Mr. Creedon, the bill was read a second time and was amended, as recommended, by the committee on Ways and Means. The bill (Senate, No. 2043) was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, pursuant to the provisions of Senate Rule 19, a Bill relative to administrative reforms in the unemployment insurance system (Senate, No. 5), ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Messrs. Lees and Knapik moved to amend the bill by inserting after section 15 the following new sections:—

"SECTION . Section 39 of chapter 151A, as so appearing, is hereby amended by striking out, in lines 1, 19-20, 39, 41-42 and 48, the words or his authorized representative' and by striking out, in lines 22-23, the words before an impartial hearing officer designated by the commissioner."

SECTION . Subsection (b) of said section 41 of said chapter 151A, as so appearing, is hereby amended by inserting after the word "rights", in line 16, the following words:— of the parties.

SECTION . Said subsection (b) of said section 41 of said chapter 151A, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following new sentence:— Unless action is taken under section forty-two, the decision of the board shall be final with respect to the parties."

After debate, on motion of Mr. Lees, a call of the yeas and nays was ordered on the question of adoption of the amendment.

Pending the amendment, and pending the main question on ordering the bill to a third reading, on motion of Mr. Rauschenbach, the further consideration thereof was postponed until the next session.

PAPERS FROM THE HOUSE.

A Bill relative to unemployment insurance rates and workforce training (House, No. 4867,— on House, No. 4667, in part),— was read.

There being no objection, the rules were suspended, on motion of Mr. Lynch. The bill was read a second time, and, after remarks, was ordered to a third reading, and read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, Mr. Lynch moved that the bill be amended by inserting after section 4 (as corrected by Senate BTR) the following two sections:—

"SECTION 1A. Section 25 of chapter 175 of the acts of 1998 is hereby amended by striking out the figure 2001' and inserting in place thereof the following figure:— 2002.

SECTION 1B. Section 26 of said chapter 175 is hereby amended by striking out the figure 2002' and inserting in place thereof the following figure:— 2003."; and by striking out section 5 (as corrected by Senate B.T.R.).

The amendment was adopted.

The bill, as amended, was passed to be engrossed, in concurrence.

Sent to the House for concurrence in the amendment.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Wayland to convey a certain conservation easement (see House, No. 4793) (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 ten minutes before four 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.

Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., 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.

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 six minutes before four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President and laid before the Governor for his approbation.

Report of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to members of financially troubled health maintenance organizations (House, No. 4848) ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Glodis, and the bill was read a second time and, after remarks, ordered to a third reading.

The bill was read a third time, and, after remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at thirteen minutes past four o'clock P.M., on motion of Mr. Moore, 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.

Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann

Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.

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 eighteen minutes past four o'clock P.M., the bill was passed to be engrossed, in concurrence.

Petition.

On motion of Mr. Panagiotakos, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Nuciforo (accompanied by bill) of Andrea F. Nuciforo, Jr., for legislation relative to local real estate tax bill payment dates,— **and the same was referred to the committee on Taxation**

Sent to the House for concurrence.

Senate Order Adopted.

Mr. Creedon offered the following order, to wit:

Ordered, That the joint committee on the Judiciary be granted until Wednesday, March 1, 2000 within which to file its final report on House documents numbered 203, 282, 676, 808, 1011, 1018, 1026, 1378, 1389, 1390, 1582, 1762, 2149, 2156, 2544, 2546, 2923, 2925, 2931, 2932, 2934, 2938, 3108, 3301, 3302, 3501, 3504, 3506, 3508, 3512, 3516, 3518, 3680, 3684, 3691, 3703, 3711, 3715, 4026, 4166, 4168, 4227, 4365, 4733 and 4809; and Senate documents numbered 745, 749, 789, 813 and 906.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Order Adopted.

The following House order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted, in concurrence, to wit:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Local Affairs be granted until Friday, December 3, 1999 within which time to make its final report on Senate documents numbered 1975, 1986, 1992 and 2018 and House documents numbered 4696, 4763, 4782 and 4795, concerning the establishment of trust funds, the transfer of certain land or easements, the acceptance of streets, and local government changes in certain cities and towns.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Bernstein) "commending Stephen M. Cahn for his efforts in improving the lives of children";
Resolutions (filed by Mr. Travaglini) "congratulating Robert Loiacono upon being selected as the 1999 Business Person of the Year" by the East Boston Chamber of Commerce"; and
Resolutions (filed by Ms. Walsh) "congratulating Andrew G. Harnett on the occasion of his court of honor."

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4893) of Brian S. Dempsey and James P. Jajuga that the Registrar of Motor Vehicles be authorized to issue a school bus operator's license to Nancy Augusta of the city of Haverhill;

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

Petition (accompanied by bill, House, No. 4894) of Joseph F. Wagner and Linda J. Melconian (with the approval of the mayor and board of aldermen) relative to authorizing the city of Chicopee to lease certain park land located in said city, notwithstanding the provisions of the uniform procurement law;

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

Order Adopted.

Mr. Rosenberg offered the following order, to wit:

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., and that full consideration, without delay, by the Senate shall be allowed on the Senate Bill providing equal employment benefits for public sector employees, Senate, No. 2044.

All amendments offered by members shall be third reading amendments, and shall be filed in the Office of the Clerk of the Senate no later than tomorrow, at twelve o'clock noon.

The order was considered forthwith; and, there being no objection, it was adopted.

On motion of Mr. Lees, at twenty-three minutes past four o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.
