

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, December 21, 2000.

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

Distinguished Guest.

There being no objection, the Chair (Ms. Melconian) introduced former Senator Lucile P. Hicks of Wayland. Senator Hicks was the guest of Senator Melconian.

Committee Change.

The President announced the resignation of Senator Moore of Worcester and Norfolk as a member of the committee on Bills in the Third Reading and the appointment of Senator Jajuga of Third Essex to fill the vacancy.

Committee Discharged.

Mr. Antonioni, for the committee on Education, Arts and Humanities, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2239) of Pamela P. Resor, Stephen P. LeDuc and Patricia A. Walrath for legislation relative to the development of an athletic facility by the Assabet Valley Regional Vocational Technical school district,— and recommending that the same be referred to the Senate committee on Ways and Means.

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

Sent to the House for concurrence in the discharge of the joint committee.

PAPERS FROM THE HOUSE.

A Bill providing for the appointment of the treasurer of the Dartmouth Fire District Number 3 (House, No. 5490,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A Bill establishing a public works department in the town of Shirley (House, No. 5492,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Orders Adopted.

The following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were severally 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 Tuesday, January 2, 2001, the time which time to make its final report on House document numbered 5501 and Senate documents numbered 2301 and 2312.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Sunday, December 31, 2000, within which to make its final report on current Senate documents numbered 813 and 906 and House documents numbered 282 676, 808, 1011, 1018, 1026, 1389, 1390, 1582, 2149, 2156, 2544, 2923, 2931, 2932, 2934, 2938, 3108, 3301, 3501, 3504, 3512, 3516, 3680, 3684, 3691, 3703, 3711, 3715, 4026, 4166, 4168, 4809, 4918, 4973, 5092, 5122, 5142, 5307, and 5360.

Petition.

On motion of Ms. Tucker, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Walsh (accompanied by bill) of Marian Walsh for legislation to encourage charitable giving in the Commonwealth,— **and the same was referred to the committee on Taxation.**

Sent to the House for concurrence.

Reports of Committees.

By Mr. Tolman, for the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 2301) of Brian A. Joyce, Walter F. Timilty and Shirley Owens-Hicks (by vote of the town) for legislation to authorize the town of Milton to establish a special fund for the renovation, construction and equipping of school buildings.

There being no objection, on motion of Mr. Joyce, the report was amended by substituting a “Bill authorizing the town of Milton to establish a special fund” (Senate, No. 2331),— and the bill was read.

On further motion of the same Senator, the rules were suspended, 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.

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill relative to certain town ways in the town of Tewksbury (Senate, No. 2312) [Local approval received].

There being no objection, the rules were suspended, on motion of Ms. Tucker, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Tewksbury to accept certain streets.”

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to patient funds at the Soldiers’ Home in Holyoke (Senate, No. 589) — ought to pass, with an amendment, substituting a new draft entitled “An Act relative to patient funds at Soldiers’ Homes” (Senate, No. 2326).

There being no objection, the rules were suspended, on motion of Ms. Melconian, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2326) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to CPR and automatic external defibrillator training (Senate, No. 1085),— ought to pass, with an amendment, substituting a new draft with the same title

(Senate, No. 2327).

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

The bill (Senate, No. 2327) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Charles E. Birchall III, an employee of the Trial Court of the Commonwealth (Senate, No. 2294),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2328).

There being no objection, the rules were suspended, on motion of Ms. Tucker, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2328) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Montigny, for the committee on Ways and Means, on petition (accompanied by resolve, Senate, No. 1771), a Bill relative to Nora O'Reilly (Senate, No. 2329).

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

Sent to the House for concurrence.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the practice of body art (House, No. 5098),— ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2330; 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 regulate the practice of body art, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and welfare.”; and by striking out the title and inserting in place thereof the following title: “An Act regulating the practice of body art.”.

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

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to child safety (House, No. 5099),— ought to pass.

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

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain land to the town of Lancaster (House, No. 5463, amended),— ought to pass, with an amendment in section 3, by striking out the words “, under the care and control of the metropolitan district commission,”.

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

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPER FROM THE HOUSE.

A Bill relative to the filing of an extension of restrictions on certain real property (House, No. 4601,— on petition),— was read. **There being no objection, the rules were suspended, on motion of Ms. Melconian, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Matters Taken Out of the orders of the Day.

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

The House Bill designating a portion of state highway Route 146 as the Veterans of the Battle of the Bulge, Central Massachusetts Chapter Highway (House, No. 5273),— was read a second time.

Mr. Glodis presented an amendment, striking out the first sentence and inserting in place thereof the following sentence:— “The interchange of the Massachusetts turnpike, at interstate highway route 90 and state highway route 146 in the town of Millbury, shall be designated and known as the Veterans of the Battle of the Bulge, Central Massachusetts Chapter, Highway Interchange, in honor of the veterans from Central Massachusetts who participated in that battle.”.

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill exempting the position of chief of police in the town of Dartmouth from the provisions of civil service law (House, No. 5410),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill validating certain proceedings of the town of Harwich (see House Bill, printed in House, No. 5505) (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.**

Engrossed Bills.

The following engrossed bills (the first four 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:

Authorizing the conservation commission of the town of Andover to establish a certain special account (see Senate, No. 2057);

Authorizing creditable service for Carolyn M. Farley (see Senate, No. 2090);

Relative to the town of Ipswich (see Senate, No. 2306);

Authorizing Donald Campbell to take a civil service examination for the position of police officer in the towns of Rockport and Rowley notwithstanding the maximum age requirement (see Senate, No. 2308, amended);

Authorizing the town of Stockbridge to continue the employment of Police Sergeant Louis J. Peyron, Sr. (see House, No. 5235, amended);

Authorizing the town of Lunenburg to appropriate money for the celebration of certain anniversaries (see House, No. 5328);

Relative to the granting of licenses for the sale of alcoholic beverages in the town of Belmont (see House, No. 5369, amended); and

Authorizing the Division of Capital Asset Management and Maintenance to transfer certain parcels of land in the towns of Westborough and Grafton (see House, No. 5392, amended).

Emergency Preamble Adopted.

An engrossed Bill further regulating the rates of pilotage for the port of Boston (see House, No. 2570, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 2 to 0. The bill was signed by the President and sent to the House for enactment.**

Recess.

There being no objection, at twenty-four minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at eleven minutes past five o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE.

A Bill making appropriations to fund certain collective bargaining agreements and providing for simulcast wagering on horse and dog racing in the commonwealth. (House, No. 5510, printed as amended,— on House No. 5467),— was read.

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

The Senate Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2310, amended),— came from the House with the endorsement that the House had concurred in the *further* Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2323) *with a still further amendment*, striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5513.

The rules were suspended, on motion of Mr. Tarr, and the still further House amendment was considered forthwith and adopted, in concurrence.

Engrossed Bill.

An engrossed Bill further regulating the rates of pilotage for the port of Boston (see House, No. 2570, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President and laid before the Governor for his approbation.

The House Bill authorizing the city of Leominster to borrow money to renovate a certain city building for use as a courthouse (House, No. 4603),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out section 1; and in section 2, in line 1, striking out the word “The” and inserting in place thereof the words “Notwithstanding any general or special law to the contrary, the”.

The rules were suspended, on motion of Mr. Tarr, and, on further motion of the same Senator, the Senate insisted on its amendment.

The bill was returned to the House endorsed accordingly.

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 Taxation be granted until Friday, December 29, 2000, the time within which to report on current House documents numbered 5493 and 5498.

The House Bill providing insurance coverage for human leukocyte antigen testing for certain individuals and patients (House, No. 5404),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2321, *with a further amendment*, striking out section 6 (as changed by the Senate committee on Bills in the Third Reading) and inserting in place thereof the following section:

“SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after section 4M, as inserted by section 10 of chapter 80 of the acts of 2000, the following section:—

Section 4N. Any group health maintenance contract, except contracts providing supplemental coverage to Medicare or to other government programs, delivered, issued, or renewed by agreement within or without the commonwealth shall provide for all members or enrollees coverage for the cost of human leukocyte antigen testing, histocompatibility locus antigen testing that is necessary to establish such member’s or enrollee’s bone marrow transplant donor suitability.”.

The rules were suspended, on motion of Mr. Tarr, and the further House amendment was considered forthwith.

Ms. Menard presented a still further amendment to the further House amendment, in section 6 (inserted by the House) by adding the following sentence:— “The coverage shall cover the costs of testing for A, B or DR antigens, or any combination thereof, consistent with rules, regulations and criteria established by the department of public health pursuant to section 218 of chapter 111.”

The still further amendment was adopted.

The House further amendment was then adopted, as amended.

Sent to the House for concurrence in the still further amendment.

A Bill authorizing the city of Lawrence to enter into contracts for the sale or lease and operation and maintenance, financing, repair and replacement, design and construction, and modifications for the water works system and sewer works system (House, No. 5165,— on petition),— was read.

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

Recess.

There being no objection, at seventeen minutes past five o’clock P.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at eleven minutes past six o’clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

Committee Change.

The President announced the resignation of Senator Jajuga of Essex as a member of the committee on Bills in the Third Reading and the reappointment of Senator Moore of Worcester and Norfolk thereto.

Emergency Preambles Adopted; Engrossed Bills Enacted.

An engrossed Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (see Senate, No. 2310, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 2 to 0.

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

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President.

An engrossed Bill making appropriations to fund certain collective bargaining agreements and providing for simulcast wagering on horse and dog racing in the commonwealth (see House, No. 5510, printed as amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 2 to 0.

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

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that

branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President.

Order Adopted.

On motion of Mr. Tarr,—

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

On motion of Mr. Tarr, at twenty-nine minutes past six o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.
