

**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 28, 2000.

Met at four minutes past eleven o'clock A.M. (Ms. Melconian in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

### *Communication.*

A communication (having been transmitted to the Secretary of State under the provisions of Section 5 of Chapter 3 of the General Laws) was received with memorandum relative thereto from the Secretary of State indicating that the petitioners failed to file proof of notice of publication, and was placed on file, to wit:—

Petition (subject to Joint Rules 9 and 12) of Bruce E. Tarr, Bradford Hill and Harriett L. Stanley for legislation relative to a boundary change between the towns of Georgetown and Boxford.

### *Reports of Committees.*

By Mr. Havern, for the committee on Transportation, on petition, a Bill designating the Salisbury Visitors Center as the Maria Miles Visitors Center (Senate, No. 2332);

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

Mr. Brewer, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The House bills

Relative to the payment of benefits by the New Bedford Police Association (House, No. 5413); and

Providing for the appointment of the treasurer of the Dartmouth Fire District Number 3 (House, No. 5490).

### PAPERS FROM THE HOUSE.

A Bill establishing a sick leave bank for a certain employee of the Department of Mental Health (House, No. 5507,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill validating a special town election held in the town of Phillipston (printed in House, No. 5495,— being a message from His Excellency the Governor),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A Bill relative to road improvements in the town of Chatham (House, No. 5213,— on House, Nos. 5213 and 5260) [Local approval received on House, No. 5213],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A Bill relative to contracts of school principals (House, No. 5512,— on House, No. 2767),— was read.

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

Mr. Antonioni presented an amendment, striking out, in line 5, the word “four” and inserting in place thereof the following word:— three.

**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. Sent to the House for concurrence in the amendment.**

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

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 Acting President and laid before the Governor for his approbation, to wit:

Relative to land of the South Essex Sewerage District in the town of Middleton (see Senate, No. 2316, printed as amended); and

Relative to the filing of an extension of restrictions on certain real property (see House, No. 4601).

An engrossed Bill validating certain actions taken by the town of Hingham relative to certain zoning by-laws (see House Bill, printed in House, No. 5506) (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 Acting President and laid before the Governor for his approbation.**

### ***Bill Recalled from the Governor Laid Before the Senate.***

On motion of Ms. Murray, it was voted that a messenger be appointed to wait upon His Excellency the Governor, requesting the return to the Senate of the engrossed Bill changing the name of the Corporation for Business, Work and Learning (see Senate, No. 2309, amended).

Ms. Murray was appointed the messenger. Subsequently, the bill was returned and was laid before the Senate.

There being no objection, on motion of Ms. Murray, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of the same Senator, Senate Rule 49 was suspended.

Mr. Lynch presented an amendment, adding the following two sections:—

“SECTION 6. Subsection (b) of section 200 of chapter 43 of the acts of 1997 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Notwithstanding the provisions of any general or special law to the contrary, the president of the Commonwealth Corporation shall be under the supervision and control of said deputy director with respect to the administration of job training services in the commonwealth.

SECTION 7. Said subsection (b) of said section 200 of said chapter 43 is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:— With respect to the administration of such services, the board of directors of the Commonwealth Corporation shall be an advisory board to the president of the Corporation.”

**The amendment was adopted.**

**Sent to the House for concurrence in the amendment.**

## ***Resolutions.***

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

Resolutions (filed by Mrs. Sprague) “congratulating Matthew R. Barry of Stoughton upon his elevation to the rank of Eagle Scout.”

## ***Report of a Committee.***

Mr. Brewer, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to certain interests in bankruptcy proceedings (House, No. 751).

**There being no objection, the rules were suspended, on motion of Mr. Moore, 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 Senate Bill relative to the town of Saugus (Senate, No. 2281),— **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.**

The House bills

Authorizing employment contracts for fire chiefs (House, No. 2211);

Relative to the conservation commission of the town of Lexington (House, No. 4983);

Relative to utility lines in the town of Lexington (House, No. 5351); and

Establishing a public works department in the town of Shirley (House, No. 5492);

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

The House Bill providing for non-criminal enforcement by the historic districts commission in the town of Lexington (House, No. 5212),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act providing for noncriminal enforcement of the rules and regulations of the Historic Districts Commission in the town of Lexington.”.**

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

A Bill relative to the administrative reorganization of the city of Malden (House, No. 5352,— on petition) [Local approval received],— was read.

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

A Bill relative to the issuance of certain licenses for the sale of alcoholic beverages in the town of Orleans (printed in House, No. 5408,— being a message from His Excellency the Governor),— was read.

**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, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to licenses for the sale of alcoholic beverages in the town of Orleans.”.**

### ***Report of a Committee.***

By Ms. Walsh, for the committee on Taxation, on the recommitted petition, a Bill authorizing the city of Quincy to establish a hotel tax and an open space, recreational and tourism fund (Senate, No. 2322) [Local approval received];

**There being no objection, the rules were suspended, on motion of Mr. Tolman, 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.**

### ***PAPERS FROM THE HOUSE. Engrossed Bills.***

The following engrossed bills (the first three 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:

Relative to the territorial jurisdiction of the Winchendon Court (see Senate, No. 2290);

Authorizing the city of Haverhill to pay or provide for certain costs related to the operations, sale, transfer or closure of the Hale Hospital (see Senate, No. 2313);

Authorizing the town of Milton to establish a special fund (see Senate, No. 2331);

Relative to construction safety training (see House, No. 3030, amended);

Authorizing the city of Leominster to borrow money to renovate a certain city building for use as a courthouse (see House, No. 4603, amended); and

Relative to the sounding of certain warning devices in the town of Newbury (see House, No. 5363, amended).

### ***Order Adopted.***

On motion of Mr. Shannon,—

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

### ***Recess.***

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

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

A Bill relative to group marketing plans (House, No. 5477,— on House, No. 4476, in part),— was read.

**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, in concurrence.**

### *Recess.*

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

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

A Bill relative to the payment of certain betterments in the town of Shirley (House, No. 5493,— on petition) [Local approval received],—was read.

**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, in concurrence.**

### *Engrossed Bills.*

An engrossed Bill relative to contracts between court reporters and an attorney, party or party having a financial interest in an action (see House, No. 4807) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the Acting President and again laid before the Governor for his approbation.**

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain land to the town of Lancaster (see House, No. 5463, 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.**

### *Engrossed Bill.*

An engrossed Bill relative to nuclear pharmacy (see Senate, No. 2076) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— came before the Senate.

There being no objection, on motion of Mr. Shannon, Senate Rule 49 was suspended .

Pending the main question on passing the bill to be enacted, Mr. Tarr moved that the engrossed bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:—

“Section 39B of chapter 112 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word ‘products’, in line 5, the following words:— , except in those instances where radiological and pharmaceutical products are not commercially available in an effective fashion, or in the case of research or clinical trials, as determined by the department of public health”.

**The amendment was rejected.**

**The bill was then passed to be enacted and was signed by the Acting President and laid before the Governor for his approbation.**

### *Recess.*

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

***PAPER FROM THE HOUSE.***  
***Emergency Preamble Adopted; Engrossed Bill Enacted.***

An engrossed Bill relative to group marketing plans (see House, No. 5477), 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 (Mr. Moore) 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 (Mr. Moore) and laid before the Governor for his approbation.**

**Adjournment in Memory of Phillip W. Lees.**

Mr. Birmingham presented a request that when the Senate adjourns today, it adjourn in memory of Phillip W. Lees, father of Minority Leader Brian P. Lees, who passed away on December 23. The Chair (Ms. Melconian) noted that Mr. Lees was a registered Republican, active in local politics and chairman of Amesbury School Committee. Mr. Lees was also a member of the Amesbury Library Board of Trustees.

Accordingly, as a mark of respect to the memory of Phillip W. Lees, at ten minutes before one o'clock P.M., Mr. Moore in the Chair, on motion of Mr. Tarr, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.