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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Wednesday, January 23, 2002.

Met at four minutes past twelve o'clock noon.

Committee Changes.

The President announced the following changes to Senate and Joint Standing Committees:

The appointment of the Senator from Middlesex, Mr. Shannon to the first position on the Senate committee on Bills in the Third Reading caused by the recent resignation of the Senator from Essex, Mr. Clancy; the resignation of the Senator from Middlesex and Worcester, Ms. Resor from the first position on the Senate committee on Ethics and the appointment of the Senator from Essex, Mr. Baddour to said vacancy; the resignation of the Senator from Middlesex, Mr. Shannon from the third position on the Senate committee on Ways and Means and the appointment of the Senator from Suffolk and Norfolk, Mr. Joyce to said vacancy; the resignation of the Senator from Suffolk and Norfolk, Mr. Joyce from the first position on the joint committee on Public Service and the appointment of the Senator from Worcester, Ms. Chandler to said position; and the appointment of the Senator from Suffolk and Norfolk, Mr. Joyce to the third position on the joint committee on Public Service to fill an existing vacancy.

Report.

A report of the Division of Insurance (under the provisions of Section 4A of Chapter 175 of the General Laws) relative to the current state of the homeowners insurance market in the Commonwealth (received Wednesday, January 16, 2002),— **was placed on file.**

Petition.

Ms. Fargo presented a petition (subject to Joint Rule 12) of Susan C. Fargo, David P. Linsky, Pamela P. Resor, Harriette L. Chandler and other members of the General Court for legislation relative to the reimbursement of the gas tax to consumers traveling the Massachusetts Turnpike,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

PAPERS FROM THE HOUSE.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to amending the economic development incentive program (House, No. 4860),— **was referred, in concurrence, to the committee on Taxation.**

A report of the Public Employee Retirement Administration Commission (under Sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the percentum change in the average cost-of-living as shown by the United States consumer price index for the year 2001 compared with such index for the year 2000 (House, No. 4866),— **was referred, in concurrence, to the committee on Public Service.**

A petition (accompanied by bill, House, No. 4865) of Thomas J. O'Brien, Viriato Manuel deMacedo and Therese Murray (by vote of the town) that the town of Plymouth be authorized to use certain land for public way purposes,— **was referred, in concurrence, to the committee on Local Affairs.**

A Bill establishing the Mashpee economic development and industrial corporation (House, No. 4430,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to jury exemptions for parents of children under the age of two years (House, No. 3567, amended,— on petition); and

Further regulating the sale of mercury thermometers (House, No. 3772, amended, — on petition) ;

Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

A Bill relative to sewer by-laws and regulations of the town of Sturbridge (House, No. 4305,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A report of the committee on Local Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4846) of Paul Kujawski (by vote of the town) that the town of Douglas be authorized to convey a certain parcel of land, and recommending that the same be referred to the committee on State Administration,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

A report of the committee on Education, Arts and Humanities, recommending that the report of the Department of Education (under the provisions of Section 9 of Chapter 70B of the General Laws) submitting a copy of interim regulations for the school building assistance program ((House, No. 4024) be placed on file,— came from the House, accepted by the House.

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

Order Adopted.

On motion of Mr. Travaglini,—

Ordered, That a committee of the Senate be appointed to wait upon Her Honor Jane M. Swift, the Acting Governor, and the Honorable Council and inform them that the Senate is in session and awaits their presence for the swearing in of Steven A. Baddour as Senator from the Third Essex district.

Senators Panagiotakos, Tucker and Tarr were appointed to the committee.

Subsequently, Mr. Panagiotakos, for the committee, reported that Her Honor Jane M. Swift, the Acting Governor and the Honorable Council would immediately attend upon the Senate. The committee was discharged.

Soon after, Jane M. Swift, the Acting Governor, and the Honorable Council came into the Senate Chamber under the escort of the Sergeant-at-Arms.

The Honorable Steven A. Baddour, at eighteen minutes past noon, on Wednesday, January 23, 2002, before the Acting Governor and Council, did take and subscribe the oath of office as State Senator from the Third Essex district.

After taking the oath of office, Senator Baddour briefly addressed the Senate.

Remarks of Senator Steven A. Baddour.

Thank You.

Your Excellency, thank you very much. I look forward to working with you throughout the years to come.

Mr. President, thank you as well. On behalf of the people of the Third Essex District, I want to thank you for your commitment to democracy and representation. The fact that you scheduled this election, so soon after the resignation of the now Secretary of Public Safety, is proof that you place public service over politics. Thank you.

Speaking of the Secretary of Public Safety. I want to thank him for his unwavering commitment on behalf of the citizens he represented with such distinction and honor. It is truly an honor for me to succeed my friend and mentor, the Secretary of Public Safety.

Please join me in thanking him for all that he has done for the citizens he has so ably represented.

Attorney General Tom Reilly — thank you so much for being here and for all that you have done for me. As the leader of the best professional public law office — you have said repeatedly — you expect nothing but the best of your employees — and as the newspapers are reporting day after day — it shows. You are a mentor and a good friend and I am so proud to have worked for you. You gave me a chance and hired me, and more importantly, you gave me an opportunity to represent the entire Commonwealth and fight for working families — a valuable experience that will benefit me and the district that I now represent. To all of the Assistant Attorneys General who are here, thank you for your friendship and your commitment to public service. You are the unsung heroes of state government.

To the local officials who are here today and to those who could not make it, I pledge to you my cooperation and vow to work with you to make our government better for the people we collectively represent.

I would not be here today if it were not for the support of so many people, actually just about everyone in this room. To those of you whom are here in this historic chamber today for the first time — come back. The energy and enthusiasm you displayed during this campaign is needed in government. Get involved and stay involved. This is your government and your input, now more than ever, is greatly needed.

I especially want to thank someone whom I love very much and if not for her support I would not be here. I always knew during the campaign and even before that if I had a bad day, I could just go home and get all the support I needed. My wife Ann may be quiet but she is strong and I couldn't ask for a better friend, wife and mother to my child. Ann, thank you.

My life changed forever in December. And not because of the election. But because of the birth of my first daughter Isabella. I now know what the term “daddy's little girl” means. The first time she looked at me and smiled it was all over. I hope that someday, she smiles at me and says that she is proud of the work I did as a member of the Massachusetts State Senate.

I also want to thank the members of my family. I learned at a very early age the importance of community. My parents Shae and Phyllis were great role models and I want to thank them for their love and support over the years. They deserve a round of applause because if it were not for their nurturing and encouragement, I would not be here today. My step-mother Marie is also here and I want to thank her for the countless hours she spent on the telephone and for all that she has done for me over the years.

My brother Shae is also here today with his wife Michelle and their three children, Matthew, Nicole and Shaena. I want to thank them, especially my brother, for always being there when I needed him. He is a great brother, but more importantly a great husband and a super dad.

To my new colleagues, I look forward to working with each of you. I look forward to building a friendship. Over the next few days, I will be calling each of you to set a meeting where we can sit down and begin to build a friendship as well as a partnership. I look forward to working with you as a productive member of this great body.

To my supporters I pledge to work everyday fighting for the issues that I campaigned on. Opening the political process, a commitment to education, especially Adult learning, and the list goes on. I am a true believer in the phrase coined by Tip O'Neill that all politics is local and I truly look forward to representing and working for the people of Methuen, North Andover, Haverhill, Salisbury, Merrimac, Amesbury and Newburyport.

As anyone can tell — the geography of this district is as diverse as its people. And the challenges that lay in the months ahead could easily make one turn his or her head the other way from public service. But having already worked for the district, having represented the Commonwealth as an Assistant Attorney General — I look forward and am excited to meet those challenges head on.

Today, I stand before you and reiterate the one promise that I made throughout this campaign: I will never forget where I came from.

I am the son of a working class family and a product of public education from kindergarten through college.

The daily struggles I witnessed and experienced along with my family, friends and neighbors have made me who I am and have brought me here today.

I will remain true to that promise and to the commitments I made during this campaign. I will not forget where I came from.

Thank you.

On motion of Mr. Joyce, the remarks were ordered printed in the Senate Journal.

Communication.

The Clerk read the following communication from the Secretary of the Commonwealth, to wit:

The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts

January 23, 2002.

To the Honorable Senate:

I have the honor to lay before you the return of votes cast at the special election held in this Commonwealth on the eighth day of January, 2002 for Senator from the Third Essex

District, together with the schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the Senate, as required by the Constitution.

Very Truly Yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

FOR STATE SENATOR IN GENERAL COURT
THIRD ESSEX DISTRICT
(to fill vacancy)

Steven A. Baddour of Methuen (Democratic) has	
.....	7022 Votes
Mary M. Carrier of Newburyport (Republican) has	
.....	2398 Votes
All	
others.....	
.....	20 Votes
Blanks.....	
.....	59 Votes
Total	
.....	
.....	9499 Votes.

Order Adopted

On motion of Ms. Melconian,

Ordered, That the returns of votes for Senator to fill a vacancy in the Third Essex district be referred to a special committee to consist of three members of the Senate.

Senators Montigny, Rosenberg and Tisei were appointed the committee.

Subsequently, Mr. Montigny, for the committee, reported, that from an examination of the returns, it appears the Honorable Steven A. Baddour of Methuen had been duly elected to said district.

The report was read and accepted.

The President briefly addressed the Senate and welcomed Senator Baddour to the Senate. He then recognized Attorney General Thomas F. Reilly, Sheriff Cousins of Essex County, former State Senator and current mayor of Methuen Sharon Pollard, Mayor Guerin of Haverhill and Lisa Mead, former mayor of Newburyport.

Recess.

There being no objection, at twenty-four minutes before one o'clock P.M., the President declared a recess subject to the call of the Chair; and, at one minute past two o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill relative to the Massachusetts Medal of Merit (House, No. 161),— **was read a third time and passed to be engrossed, in concurrence.**

The House report of the committee on Taxation, ought NOT to pass, on the message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to promoting fiscal responsibility in the Commonwealth (accompanied by bill, House, No. 4106),— **was considered; and it was accepted, in concurrence.**

Senate bills

Requiring certain notice to lessees of vehicles for motor vehicle excise tax (Senate, No. 1654) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to stealing registration plates and the possession of stolen registration plates (Senate, No. 1836);

Were severally read a third time and, after remarks, in each instance, were severally passed to be engrossed.

Severally sent to the House for concurrence.

The House Bill relative to clinical reports in certain actions for the appointment of guardians and conservators (House, No. 3367),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence.**

The Senate report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1673) of Brian P. Lees, Bruce E. Tarr, Richard R. Tisei and other members of the General Court for legislation to make the investment tax credit permanent,— was considered, the main question being on accepting the adverse report. **After remarks, on motion of Ms. Walsh, the further consideration thereof was postponed until Wednesday, February 20, 2002.**

Mr. Rosenberg in the Chair, the Senate Bill requiring certain religious officials to be mandated reporters of abuse of children (Senate, No. 2223, amended),— was considered.

Pending the main question on passing the bill to be engrossed, Mr. Magnani moved that the bill be amended in section 2, by striking out the words “and concerning that person’s own activities” (previously inserted by amendment by the Senate).

The amendment was adopted.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at three minutes before three o'clock P.M., on motion of Ms. Tucker, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at one minute past three o'clock P.M., the bill (Senate, No. 2230, printed as amended), was passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Bill Returned with Recommendation of Amendment.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill establishing Congressional districts (see House Bill, printed in House, No. 4778, Appendix A, amended) [for message, see

House, No. 4868] was filed in the office of the Clerk of the House on Thursday, January 17.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

Mr. Lees moved that the engrossed bill be amended by substitution of the amendment recommended by Her Honor the Lieutenant-Governor, Acting Governor (printed in House, No. 4868).

Ms. Melconian in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 6 — nays 29):

YEAS.

Baddour, Steven A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 6.

NAYS.

Antonioni, Robert A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 29.
Montigny, Mark C.	

ABSENT OR NOT VOTING.

Berry, Frederick E.
O’Leary, Robert A. — 2.

The yeas and nays having been completed at twenty-five minutes past three o’clock P.M., the Senate *refused* to amend the bill.

Returned to the House for re-enactment.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Sudbury to use certain conservation land for municipal purposes (see House, No. 4394) (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-five minutes past three o’clock P.M., as follows, to wit (yeas 34 — nays 1):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 34.

NAY.

Lees, Brian P. — 1.

ABSENT OR NOT VOTING.

Berry, Frederick E.
O'Leary, Robert A. — 2.

The yeas and nays having been completed at twenty-eight minutes past three 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 Ms. Melconian, the Acting President (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Acting Governor for her approbation.

Bill Returned by Acting Governor With Her Objections Thereto.

The engrossed Bill providing for civil service commission review of state police disciplinary proceedings (see House No. 1808) which, on Friday, December 21, 2001, had been laid before the Acting Governor for her approbation, and which, at sixteen minutes past seven o'clock P.M., on Monday, December 31, 2001, had been returned by Her Honor the Lieutenant-Governor, Acting Governor, under Article II of Section I of Chapter I of Part the Second of the Constitution, to the House Clerk, together with her objections thereto in writing,— came from the House having passed that branch, notwithstanding said objections.

The message (House, No. 4834) was read and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

Pending the question on passing the bill, the objections of Her Honor, the Lieutenant-Governor, Acting Governor, to the contrary notwithstanding, on motion of Mr. Lees, the further consideration thereof was postponed until Wednesday, January 30th.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The House Bill authorizing the town of Maynard to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4200),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (the first two 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 Acting Governor for her approbation, to wit:

Further defining the crime of incest (see Senate, No. 175, amended);

Establishing an elected water and sewer commission in the town of Charlton (see Senate, No. 2138);

Authorizing the town of Natick to grant certain licenses for the sale of wines and malt beverages to be drunk on the premises (see House, No. 3923, amended);

Authorizing the town of Ware to extend health insurance to retired town employees (see House, No. 4245, changed);

Changing responsibility for assessing in the town of Acushnet (see House, No. 4292);
and

Establishing the position of director of finance in the town of Dedham (see House, No. 4822).

Emergency Preamble Adopted.

An engrossed Bill authorizing the Trial Court to establish a sick leave bank for Roseanne Moore, an employee of the Trial Court (see Senate, No. 2188, 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 12 to 0.**

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

Order Adopted.

On motion of Mr. Rosenberg,—

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.

Adjournment in Memory of Joseph A. Langone.

Senator Travaglini moved that when the Senate adjourns today, it adjourn in memory of Joseph A. Langone, a member of the House of Representatives from Boston from 1961 until 1964, inclusive, and from 1969 until 1972, inclusive. The motion prevailed.

Accordingly, as a mark of respect to the memory of Joseph A. Langone, at twenty-seven minutes before four o'clock P.M., on motion of Mr. Lees, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.