

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, January 29, 2001.

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

Communications. Appointments.

The President announced the following appointments:

Majority Floor Leader. — Senator Melconian of Hampden.

Assistant Majority Floor Leader. — Senator Rosenberg of Hampshire and Franklin.

2nd Assistant Majority Floor Leader. — Senator Travaglini of Suffolk and Middlesex.

Senate Standing Committees.

Rules. — Senator Menard of Bristol, the President, Senators Melconian of Hampden and Rosenberg of Hampshire and Franklin.

Ways and Means. — Senators Montigny of Bristol, Berry of Essex, Shannon of Middlesex, Magnani of Middlesex, Norfolk and Worcester, Jacques of Norfolk, Bristol and Middlesex, Jajuga of Essex, Antonioni of Worcester and Middlesex, Murray of Plymouth and Barnstable, Clancy of Essex, Morrissey of Norfolk and Plymouth, Wilkerson of Suffolk, Nuciforo of Berkshire, Hampden, Hampshire and Franklin, Lynch of Suffolk and Pacheco of Plymouth and Bristol.

Administration. — The President, Senators Melconian of Hampden, Jajuga of Essex and Clancy of Essex.

Bills in the Third Reading. — Senators Clancy of Essex, Moore of Worcester and Norfolk, Murray of Plymouth and Barnstable and Menard of Bristol.

Ethics. — Senators Resor of Middlesex and Worcester, Clancy of Essex, Tucker of Essex and Middlesex, Lynch of Suffolk and Brewer of Worcester, Hampden, Hampshire and Franklin.

Post Audit and Oversight. — Senators Jacques of Norfolk, Bristol and Middlesex, Havern of Middlesex, Pacheco of Plymouth and Bristol, Moore of Worcester and Norfolk, Shannon of Middlesex and Panagiotakos of Middlesex.

Science and Technology. — Senators Magnani of Middlesex, Norfolk and Worcester, Fargo of Middlesex, Tolman of Middlesex and Suffolk, Creedon of Plymouth and Bristol and Resor of Middlesex and Worcester.

Steering and Policy. — The President, Senators Brewer of Worcester, Hampden, Hampshire and Franklin, Jacques of Norfolk, Bristol and Middlesex, Melconian of Hampden, Rosenberg of Hampshire and Franklin, Montigny of Bristol, Jajuga of Essex, Glodis of Worcester and Havern of Middlesex.

Joint Standing Committees.

Banks and Banking. — Senators Nuciforo of Berkshire, Hampden, Hampshire and Franklin, Joyce of Suffolk and Norfolk, Creedon of Plymouth and Bristol, Tolman of Middlesex and Suffolk and O’Leary of Cape and Islands.

Commerce and Labor. — Senators Lynch of Suffolk, Magnani of Middlesex, Norfolk and Worcester, Wilkerson of Suffolk, Pacheco of Plymouth and Bristol and Tucker of Essex and Middlesex.

Counties. — Senators O’Leary of Cape and Islands, Moore of Worcester and Norfolk, Berry of Essex, Panagiotakos of Middlesex and Chandler of Worcester.

Criminal Justice. — Senators Creem of Middlesex and Norfolk, Shannon of Middlesex, Antonioni of Worcester and Middlesex, Creedon of Plymouth and Bristol and Morrissey of Norfolk and Plymouth.

Education, Arts and Humanities. — Senators Antonioni of Worcester and Middlesex, Clancy of Essex, Walsh of Norfolk and Suffolk, Jajuga of Essex and Lynch of Suffolk.

Election Laws. — Senators Glodis of Worcester, Menard of Bristol, Shannon of Middlesex, Creem of Middlesex and Norfolk and Wilkerson of Suffolk.

Energy. — Senators Fargo of Middlesex, Glodis of Worcester, Brewer of Worcester, Hampden, Hampshire and Franklin, Berry of Essex and Joyce of Suffolk and Norfolk.

Federal Financial Assistance. — Senators Chandler of Worcester, Panagiotakos of Middlesex, Menard of Bristol, Creem of Middlesex and Norfolk and Tolman of Middlesex and Suffolk.

Government Regulations. — Senators Morrissey of Norfolk and Plymouth, Jajuga of Essex, Pacheco of Plymouth and Bristol, Joyce of Suffolk and Norfolk and Clancy of Essex.

Health Care. — Senators Moore of Worcester and Norfolk, Pacheco of Plymouth and Bristol, Murray of Plymouth and Barnstable, Fargo of Middlesex and Chandler of Worcester.

Housing and Urban Development. — Senators Panagiotakos of Middlesex, Chandler of Worcester, Berry of Essex, Walsh of Norfolk and Suffolk and Tucker of Essex and Middlesex.

Human Services and Elderly Affairs. — Senators Tucker of Essex and Middlesex, O’Leary of Cape and Islands, Murray of Plymouth and Barnstable, Magnani of Middlesex, Norfolk and Worcester and Nuciforo of Berkshire, Hampden, Hampshire and Franklin.

Insurance. — Senators Murray of Plymouth and Barnstable, Wilkerson of Suffolk, Berry of Essex, Moore of Worcester and Norfolk and Shannon of Middlesex.

The Judiciary. — Senators Creedon of Plymouth and Bristol, Antonioni of Worcester and Middlesex, Walsh of Norfolk and Suffolk, Clancy of Essex and Jacques of Norfolk, Bristol and Middlesex.

Local Affairs. — Senators Tolman of Middlesex and Suffolk, Wilkerson of Suffolk, Brewer of Worcester, Hampden, Hampshire and Franklin, Nuciforo of Berkshire, Hampden, Hampshire and Franklin and Creem of Middlesex and Norfolk.

Natural Resources and Agriculture. — Senators Pacheco of Plymouth and Bristol, Resor of Middlesex and Worcester, Fargo of Middlesex, Tucker of Essex and Middlesex and O’Leary of Cape and Islands.

Public Safety. — Senators Jajuga of Essex, Brewer of Worcester, Hampden, Hampshire and Franklin, Havern of Middlesex, Jacques of Norfolk, Bristol and Middlesex and Glodis of Worcester.

Public Service. — Senators Joyce of Suffolk and Norfolk, Havern of Middlesex, Lynch of Suffolk, Panagiotakos of Middlesex and Fargo of Middlesex.

State Administration. — Senators Wilkerson of Suffolk, Shannon of Middlesex, Berry of Essex, Glodis of Worcester and Tolman of Middlesex and Suffolk.

Taxation. — Senators Walsh of Norfolk and Suffolk, Magnani of Middlesex, Norfolk and Worcester, Antonioni of Worcester and Middlesex, Clancy of Essex and Joyce of Suffolk and Norfolk.

Transportation. — Senators Havern of Middlesex, Murray of Plymouth and Barnstable, Pacheco of Plymouth and Bristol, Moore of Worcester and Norfolk, Fargo of Middlesex and Resor of Middlesex and Worcester.

Special Committee on Redistricting. — Senators Rosenberg of Hampshire and Franklin, Morrissey of Norfolk and Plymouth, Jajuga of Essex, Wilkerson of Suffolk, Magnani of Middlesex, Norfolk and Worcester and Moore of Worcester and Norfolk.

A communication from the Executive Office for Administration and Finance submitting a letter regarding the tardiness of a report on the impact of past salary reserves (received Wednesday, January 3, 2001),— **was placed on file.**

Reports.

The following reports were severally read and placed on file:

A report of the Joint Labor-Management Committee for Municipal Fire and Police (under the provisions of Section 1 of Chapter 589 of the Acts of 1987) submitting a report on dispute resolution (received Wednesday, January 3, 2001);

A report of the State Ethics Commission (under the provisions of Section 2(1) of Chapter 268B of the General Laws) submitting its annual report (received Friday, January 5, 2001);

A report of A. Joseph DeNucci, Auditor of the Commonwealth (under the provisions of Section 3 of Chapter 248 of the Acts of 2000) submitting a report on the financial impact on cities and towns relative to minimum standards for public bathing beaches (received Monday, January 8, 2001);

A report of the Public Employee Retirement Administration Commission (under the provisions of Section 21(3)(f) of Chapter 32 of the General Laws) relative to the cost of living adjustments for retirees and beneficiaries (received Friday, January 12, 2001);

A report of William F. Keating, Norfolk County District Attorney (under the provisions of Section 99(R) of Chapter 272 of the General Laws) relative to interceptions of wire and oral communications (received Tuesday, January 16, 2001);

A report of the Executive Office for Administration and Finance, Operational Services Division (under the provisions of Section 445 of Chapter 159 of the Acts of 2000) relative to the impact of salary reserve (received Friday, January 19, 2001);

A report of the Devens Enterprise Commission (under the provisions of Chapter 489 of the Acts of 1993) relative to its five year review (received Monday, January 22, 2001);

A report of the Community Economic Development Assistance Corporation (under the provisions of Section 6 of Chapter 40H of the General Laws) relative to its annual report (received Monday, January 22, 2001); and

A report of the Department of Education (under the provisions of Chapter 414 of the Acts of 1992) relative to its 2000 school breakfast and summer food service outreach program (received Monday, January 22, 2001).

The following reports were severally read and sent to the House for its information:

A report of the Bureau of Special Investigations (under the provisions of Section 11(8) of Chapter 14 of the General Laws) submitting its report for the month of November, 2000 (received Wednesday, January 3, 2001); and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Braintree Alternative Center (received Thursday, January 11, 2001).

Petitions.

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer and David H. Tuttle for legislation to authorize the Division of Capital Asset Management and Maintenance to sell water to the town of New Braintree;

By the same Senator, a petition (subject to Joint Rule 12) of Stephen M. Brewer for legislation to further regulate home improvement contractors;

By the same Senator, a petition (subject to Joint Rule 12) of Stephen M. Brewer and David C. Bunker, Jr. for legislation relative to the theft of registration plates and the possession of stolen registration plates;

By Mr. Clancy, a petition (subject to Joint Rule 12) of Edward J. Clancy, Jr. and A. Stephen Tobin for legislation relative to escape from correctional electronic monitoring devices;

By Mr. Joyce (by request), a petition (subject to Joint Rule 12) of David H. Morse for legislation to amend the authorization of notice to enter upon private property by the Department of Public Works for the purpose of performing surveys, soundings and drillings;

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey and Stephen F. Lynch for legislation to prohibit anticompetitive practices involving energy related and other services by gas and electric utilities using ratepayer-based assets;

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert O'Leary for legislation to extend creditable service for teacher corps service; and

By Mrs. Sprague, a petition (subject to Joint Rule 12) of Jo Ann Sprague for legislation to modify the Motorcycle Safety Fund to provide for the appointment of a training specialist;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Committee Discharged.

Mr. Tolman, for the committee on Local Affairs, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1817) of Brian P. Lees and Mary S. Rogeness (by vote of the town) for legislation to validate all actions taken at the annual town meeting election of the town of Longmeadow, — and recommending that the same be referred to the committee on Election Laws.

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

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

The Senate Order that the Joint Rules of the last year be observed as the temporary Joint Rules of the two branches for the present General Court,— came from the House adopted, in concurrence, with an amendment by adding after the word “Court”, the following: “; provided, however, that the provisions of this order shall expire on Monday, April 2, 2001”.

On motion of Ms. Melconian, the rules were suspended, and the House amendment was considered forthwith and adopted, in concurrence.

Petition.

On motion of Mr. Moore, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Moore (accompanied by bill) of Richard T. Moore, Timothy J. Toomey, Jr., James P. Jajuga and Brian A. Joyce for legislation to establish a career educational incentive program for firefighters,— **and the same was referred to the committee on Public Service.**

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

The House Order relative to the appointment of a joint special committee to make an investigation and study of the Joint Rules of the two branches of the General Court (House, No. 2824),— was considered.

On motion of Ms. Chandler, the rules were suspended and the order was considered forthwith.

Ms. Menard presented the following amendment; striking out, in line 2, the word “four” and inserting in place thereof the following word:— “seven”; inserting after the word “them”, in line 11, the following words:— “including matters referred after the initial period”; and inserting after the word “legislation”, in line 12, the following words:— “and the procedure for filing legislation after the required time; amending Joint Rule 12A to allow additional formal sessions for limited purposes including overriding vetoes”.

The amendments were adopted.

The order (House, No. 2824), as amended, was then adopted.

Sent to the House for concurrence in the amendments.

Order Adopted.

On motion of Ms. Melconian,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M.
