

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, April 25, 2002.

Met at fourteen minutes past two o'clock P.M.

Distinguished Guests.

There being no objection, the President introduced, seated in the rear of the Chamber, Siobhan Tolman, the daughter of Senator Steven A. Tolman. Siobhan, who is a 6th grade student at St. Columbkille's School in Brighton, was participating in the "Take Our Daughters To Work Day" day.

There being no objection, during the consideration of the Orders of the Day, the President introduced, seated in the rear of the Chamber, Maggie Joyce, daughter of Senator Brian A. Joyce. Maggie, who is a 4th grade student at the Glover School in Milton, was participating in the "Take Our Daughters To Work Day" day.

There being no objection, during consideration of the Orders of the Day, the President introduced, seated in the rear of the Chamber, Emily Tarr, niece of Senator Bruce E. Tarr. Emily, who is a 7th grade student at the O'Maley Middle School in Gloucester, was participating in the "Take Our Daughters To Work Day" day.

There being no objection, during the consideration of the Orders of the Day, the President introduced seated in the rear of the Chamber, Sudanese Ambassador Abdel Bagi Kabir. Ambassador Kabir was the guest of Senator Susan C. Fargo.

Communication.

A communication from the Secretary of the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws)

transmitting notice relative to increasing five application fees for medical licensure of physicians (received Wednesday, April 24, 2002),— **was placed on file.**

PAPER FROM THE HOUSE.

The Senate Bill requiring certain religious officials to report abuse of children (Senate, No. 2230, amended),— came from the House with the endorsement that the House had concurred in the *further* Senate amendments striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2316; and 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 mandate the reporting of abuse by certain religious officials and to protect the victims of child abuse, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.” *with a still further amendment* striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5034.

The rules were suspended, on motion of Ms. Tucker, and the still further House amendment was considered forthwith.

After remarks, the question on concurring in the still further House amendment was determined by a call of the yeas and nays, at seventeen minutes past two o’clock P.M., on motion of Ms. Tucker, as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	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.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
Montigny, Mark C.	35.

NAYS — 0.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone Travaglini, Robert E. —
3.
Havern, Robert A.

The yeas and nays having been completed at twenty-two minutes past two o'clock P.M., the still further House amendment was adopted, in concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the town of Holden to lease a certain school building for 99 years (Senate, No. 2298);

Relative to reduction of sewer fee liability in the town of Dedham in exchange for volunteer services by persons over age sixty (House, No. 4445, amended); and

Relative to the designation of certain bridges, overpasses and connector roads in the city of Marlborough (House, No. 4994); **Were severally read a second time and ordered to a third reading.**

The Senate bills

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Waltham (Senate, No. 1879);

Relative to the conveyance of a certain parcel of land in Grafton (Senate, No. 2330); and

Providing health care coverage for certain prosthetic devices (Senate, No. 2331);

**Were severally read a third time and passed to be engrossed.
Severally sent to the House for concurrence.**

The House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain easements to the city of Gardner (House, No. 4821),— **was read a third time and passed to be engrossed, in concurrence, with the amendments previously adopted by the Senate.**

Sent to the House for concurrence in the amendments previously adopted by the Senate.

The Senate Bill further regulating advertising on motor fuel dispensing devices (Senate, No. 92) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the main question on passing the bill to be engrossed, Mr. Pacheco moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2327).

This amendment was adopted.

After remarks, the bill (Senate, No. 2327) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to the punishment for the crime of domestic violence (Senate, No. 164),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to the issuance of firearm licenses to environmental police officers (Senate, No. 1222),— was read a third time.

Pending the main question on passing the bill to be engrossed, on motion of Mr. Glodis, the further consideration thereof was postponed until the next session.

The Senate Bill relative to farmer-distillery licenses (Senate, No. 2328),— **was read a third time and, after debate, was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill establishing a comprehensive wastewater reuse and greywater management plan (Senate, No. 2329) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

After remarks, the question on passing it 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 Mr. Magnani, as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.

Chandler, Harriette L. O'Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Hart, John A., Jr. 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. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne —
35.
Montigny, Mark C.

NAYS — 0.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone Travaglini, Robert E. —
3.
Havern, Robert A.

The yeas and nays having been completed at three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.
Emergency Preamble Adopted.

There being no objection, during consideration of the Orders of the Day, an engrossed Bill requiring certain religious officials to report abuse of children (see Senate, No. 2230, printed as amended, 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 26 to 0.

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

Orders of the Day.

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

The Senate Bill further regulating the registration of pharmacists (Senate, No. 2268),— was considered, the main question being on passing it to be engrossed.

Ms. Jacques, Mr. Moore and Ms. Walsh moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2336).

Pending the main question on passing the bill to be engrossed, and pending the question on substituting the new draft (Senate, No. 2336), Mr. Lees moved that the matter be recommitted to the committee on Health Care; and, after extended debate, this motion was withdrawn, on further motion of the same Senator.

On further motion of Mr. Lees, the matter was postponed until Thursday, May 2.

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), the House Bill providing for local government workforce reduction through an early retirement incentive program for certain employees (House, No. 5007, amended),— was read a third time.

Pending the main question on passing the bill to be engrossed, in concurrence, Mr. Shannon and Ms. Melconian moved to amend the bill in section 4, by striking out the figure “1978” and inserting in place thereof the following figure:— “1986”.

The amendment was adopted.

Mr. Morrissey moved to amend the bill in section 1, by inserting after the word “system”, in line 11, the following words:— “or shall be an employee of a regional school district and an active member in service of the state retirement system, but not a member of the state teacher’s retirement system or Boston teacher’s retirement system on the date of the regional school district’s acceptance of this section”; by inserting after the word “authority”, in line 35, the following sentence:— “Any additional retirement benefits provided by this act for employees of regional school districts who are active members in service of the state retirement system shall be funded by the appropriate regional school districts.”; and by inserting after the word “county”, in line 37, the following word:— “state”.

The amendment was adopted.

Ms. Melconian moved to amend the bill by inserting after section 4 the following section:—

“SECTION 4A. Section 19 of chapter 34B of the General Laws, as so appearing, is hereby amended by striking out, in line 19, the word ‘three-year’ and inserting in place thereof the following word:— 6-year.”

The amendment was adopted.

Mr. Montigny moved to amend the bill in section 5, by adding the following sentence:— “A local legislative body may vote to allow the additional time period under this paragraph only once.”

The amendment was adopted.

After remarks, the question on passing the bill to be engrossed, in concurrence, with the amendments, was determined by a call of the yeas and nays at eleven minutes before four o’clock P.M., on motion of Ms. Chandler, as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	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.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
	35.
Montigny, Mark C.	

NAYS — 0.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone	Travaglini, Robert E. —
	3.
Havern, Robert A.	

The yeas and nays having been completed at eight minutes before four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments. Sent to the House for concurrence in the amendments adopted by the Senate.

The House Bill relative to the commitment of mentally ill persons (House, No. 3359),— **was considered; and it was passed to be engrossed, in concurrence.**

PAPER FROM THE HOUSE.
Emergency Preamble Adopted.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of West Boylston (see House, No. 4494, 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

10 to 0.

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

Resolutions.

Mr. Montigny offered “Resolutions forecasting the amount of tax revenue for fiscal year 2003” (Senate, No. 2337). The resolutions read as follows:

“*Whereas*, section 5B of chapter 29 of the General Laws provides for the general court to adopt a joint tax revenue forecast for the ensuing fiscal year reflecting the consensus of the House and Senate committees on ways and means and the commissioner of administration; and

Whereas, said section 5B of said chapter 29 further provides that such tax revenue forecast shall establish the maximum amount of tax revenue which may be considered for the general appropriation act for the ensuing fiscal year in the absence of any changes in statute relating to taxation; and

Whereas, the adoption of such tax revenue forecast will make a significant contribution to a balanced budget and fiscal stability; now therefore be it

Resolved, that the Massachusetts Senate hereby finds and declares that the amount of tax revenue available for the general appropriation act for fiscal year 2003, in the absence of any changes in statute relating to taxation, shall not exceed \$14,031,950,000; and be it further

Resolved, that a copy of this resolution be forwarded by the Clerk of the Senate to the Honorable Jane Swift, acting governor of the Commonwealth.”

On motion of Mr. Lees, the resolutions were ordered printed in the Journal of the Senate.

After remarks, the question on adoption of the resolutions was determined by a call of the yeas and nays, at nine minutes past four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	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. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne —
 35.
Montigny, Mark C.

NAYS — 0.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone Travaglini, Robert E. —
 3.
Havern, Robert A.

The yeas and nays having been completed at twelve minutes past four o'clock P.M., the resolutions were adopted.

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill requiring certain religious officials to report abuse of children (see Senate, No. 2230, printed as amended, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at thirteen minutes past four o'clock P.M., on motion of Ms. Jacques, as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A. Moore, Richard T.
Baddour, Steven A. Morrissey, Michael W.
Berry, Frederick E. Murray, Therese
Brewer, Stephen M. Nuciforo, Andrea F., Jr.
Chandler, Harriette L. O'Leary, Robert A.
Creedon, Robert S., Jr. Pacheco, Marc R.
Fargo, Susan C. Panagiotakos, Steven C.
Glodis, Guy W. Resor, Pamela
Hart, John A., Jr. 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.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
Montigny, Mark C.	35.

NAYS — 0.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone	Travaglini, Robert E. —
	3.
Havern, Robert A.	

The yeas and nays having been completed at a quarter past four o'clock P.M., the bill was passed to be enacted and it was signed by the Acting President and laid before the Acting Governor for her approbation.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Braintree to convey a certain parcel of town forest land (see House, No. 4926, amended) (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 sixteen minutes past four o'clock P.M., as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	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.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
Montigny, Mark C.	35.

NAYS — 0.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone	Travaglini, Robert E. —
	3.
Havern, Robert A.	

The yeas and nays having been completed at eighteen minutes past 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 Acting Governor for her approbation.

Resolutions.

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

Resolutions (filed by Ms. Melconian and Mr. Lees) “honoring the Springfield Golden Age Club on the celebration of its fiftieth anniversary”;

Resolutions (filed by Mr. O’Leary and Ms. Murray) “congratulating Margery McCarthy on the occasion of her retirement”;

Resolutions (filed by Mr. Pacheco) “congratulating Dr. Dana Mohler-Faria on his appointment as president of Bridgewater State College”;

Resolutions (filed by Mrs. Sprague) “congratulating Gregory Genatossio of Medfield upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mrs. Sprague) “congratulating Peter James Mitchell of Medfield upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Tarr) “commending the sister city liaison of the towns of Boxford, Massachusetts and Boxford, County of Suffolk in the United Kingdom”;

Resolutions (filed by Ms. Wilkerson) “congratulating St. Paul A.M.E. Church”; and

Resolutions (filed by Ms. Wilkerson) “honoring Prince Hall Grand Lodge of Masons.”

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5041) of Timothy J. Toomey, Jr., relative to the disposition of certain state-owned property in the city of Somerville,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration.**

Engrossed Bill — Amended.

An engrossed Bill authorizing the town of Mashpee to grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4234) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— came before the Senate for its final passage.

On motion of Ms. Menard, Senate Rule 49 was suspended.

Mr. O’Leary offered an amendment, adding the following sentence:— “Any such license shall be subject to all the provisions of said chapter 138 except said section 17.”

This amendment was adopted.

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Ms. Menard,—

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

On motion of Mr. Lees, at twenty-one minutes past four o’clock P.M., the Senate adjourned to meet on the following Monday at eleven o’clock A.M.
