

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, April 30, 2001.

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

Distinguished Guests.

The President introduced the Hanover High School Hockey Team, the Division III State Champions. The team was accompanied by their coach, Jim Silvia, and they were the guests of Senator Creedon.

Communications.

Several communications were received from Senator Stephen F. Lynch in compliance with Massachusetts General Laws Chapter 268A (received April 26, 2001). **The communications were placed on file.**

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 Rule 9) of Frederick E. Berry for legislation relative to the Massachusetts Municipal Wholesale Electric Company.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Antonioni, a petition (subject to Joint Rule 12) of Robert A. Antonioni and Brian Knuuttila for legislation to create the public safety officers' catastrophic injury fund;

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco, Stephen Kulik, Michael J. Rodrigues, John F. Quinn and other members of the General Court for legislation to protect local food supplies, farmland and farm viability; and

By Mr. Panagiotakos, a petition (subject to Joint Rule 12) of Steven C. Panagiotakos for legislation to establish a sick leave bank for Thomas Bragan, an employee of the Department of Correction;

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

Reports of Committees.

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill relative to municipal bonding for underground utilities (Senate, No. 1029, changed in Section 1, in line 8 by inserting after the word “Laws” the following words:— , ten years);
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 Senate bills

Relative to the crimes of assault and battery and assault and battery by means of a dangerous weapon (Senate, No. 167);

Relative to the siting of telecommunications facilities (Senate, No. 1014);

Relative to regional charter commissions (Senate, No. 1031);

Relative to the election of town officials (Senate, No. 1033); and

Relative to parking for handicapped individuals and disabled veterans (Senate, No. 1173); and

The Senate reports

Of the committee on Government Regulations, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 402) of Richard T. Moore, David C. Bunker, Jr., Mary Jane Simmons, Philip Travis, other members of the General Court and another for legislation relative to the practice of public accountancy;

On the petition (accompanied by bill, Senate, No. 426) of Michael W. Morrissey and Philip Travis for legislation to authorize examiners of plumbers and gas fitters to promulgate rules and regulations for the requirements of continuing education programs for all plumbing and gas fitting inspectors; and

On the petition (accompanied by bill, Senate, No. 456) of Bruce E. Tarr, Anthony J. Verga, Scott P. Brown, Mary Jeanette Murray and Brian M. Cresta for legislation to further regulate the serving or furnishing of alcoholic beverages to persons under twenty-one years of age;

Of the committee on Public Safety, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 1167) of Cynthia S. Creem, Cheryl A. Jacques, Bruce E. Tarr, Carol A. Donovan and Mary Jane Simmons for legislation to require the tagging of explosive materials;

On the petition (accompanied by bill, Senate, No. 1175) of Nico Lang for legislation to authorize and direct the Registry of Motor Vehicles to grant handicap license plates and place cards to persons diagnosed with Acromesamiliak Skeletal Dysplasia; and

On the petition (accompanied by bill, Senate, No. 1192) of Cheryl A. Jacques, Ellen Story, Cele Hahn and other members of the General Court for legislation to clarify and to strengthen enforcement of the handicapped placard and parking laws.

*Reports of Committees on Proposals for
Legislative Amendments to the Constitution.*

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:—

Of the committee on the Judiciary, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, Senate, No. 894) of James J. Carroll for a legislative amendment to the Constitution relative to the tenure of judges;

On the petition (accompanied by proposal, Senate, No. 938) of Rosaire J. Rajotte for a legislative amendment to the Constitution relative to the election of judges;

On the petition (accompanied by proposal, House, No. 293) of Rosaire J. Rajotte for a legislative amendment to the Constitution to increase the terms of office for Senators and Representatives in the General Court from two years to four years;

On the petition (accompanied by proposal, House, No. 1061) of Kathleen M. Teahan and other members of the General Court for a legislative amendment to the Constitution relative to the rights of persons threatened as a result of a commission or attempted commission of certain crimes;

On the petition (accompanied by proposal, House, No. 1429) of Brian Paul Golden and other members of the General Court for a legislative amendment to the Constitution to confirm the authority of the Commonwealth and its political subdivisions and public instrumentalities to do business with private and religious entities;

On the petition (accompanied by proposal, House, No. 3129) of Paul C. Demakis, David Paul Linsky and Cheryl A. Jacques for a legislative amendment to the Constitution to ensure the right to choose; and

On the petition (accompanied by proposal, House, No. 3357) of Michael P. Cahill for a legislative amendment to the Constitution relative to the tenure of judicial officers; and

Of the committee on Natural Resources and Agriculture, ought NOT to pass (under Joint Rule 23):

On the petition (accompanied by proposal, Senate, No. 1062) of Stephen M. Brewer, the Massachusetts Sportsmen's Council, by John Kellstrand, David H. Tuttle and David C. Bunker, Jr. for a legislative amendment to the Constitution to prohibit the use of the Initiative Petition process in matters relating to the taking of fish or wildlife.

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from Her Honor the Lieutenant-Governor, Acting Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the action taken by the town of Swampscott in certifying certain nomination papers for the April 24, 2001 election in the town of Swampscott (House, No. 4133);

To the committee on Election Laws.

Message from Her Honor the Lieutenant-Governor, Acting Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) relative to validating action taken at the special town meeting held by the town of Seekonk on October 23, 2000 (House, No. 4134);

To the committee on Local Affairs.

A petition (accompanied by bill, House, No. 4132) of Brian S. Dempsey and James P. Jajuga (with the approval of the mayor and city council) for legislation to facilitate the viability of Hale Hospital in the city of Haverhill,— **was referred, in concurrence, to the committee on Health Care.**

A Bill relative to certain bonds issued by the Commonwealth (House, No. 3907,— on House, No. 3899, in part),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A report of the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the House Bill relative to the noncriminal disposition of violations of regulations (House, No. 2943), and recommending that the same be referred to the committee on the Judiciary,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, inasmuch as relates to the reference to the joint committee.**

Resolutions.

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

Resolutions (filed by Ms. Creem) “congratulating Michael S. Garshick upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Hedlund) “commending the Polly Logan Fund and the McCormack Institute for their contributions to women in politics & government”;

Resolutions (filed by Mr. Moore) “commending Tufts Health Plan and Advance PCS”; and

Resolutions (filed by Ms. Wilkerson) “honoring Mrs. Lois Wells.”

PAPER FROM THE HOUSE.

Senate Order — Amended.

The Senate Order allowing the Joint Rules of the previous General Court to remain in effect until Friday, May 25, 2001 as the temporary Joint Rules for the present General Court, came from the House, adopted, in concurrence, *with an amendment*, striking out the date “Friday, May 25, 2001” and inserting in place thereof the date: “Thursday, May 10, 2001”.

There being no objection, the rules were suspended, and the amendment was considered forthwith and adopted, in concurrence.

Reports of Committees.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Thomas G. Ambrosino, mayor, Robert E. Travaglini, Kathi-Anne Reinstein and other members of the General Court (with the approval of the mayor and city council) to exempt the position of chief of police in the city of Revere from the provisions of civil service law and providing requirements for appointment of chief of police [Local approval received].
Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Susan C. Fargo, J. James Marzilli, Jr., Stanley C. Rosenberg, Mark J. Carron and other members of the General Court for legislation to establish a green building income tax credit.
Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation. Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Michael Sylvia, an employee of the Juvenile Court Department (see House, No. 4049) (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 President and laid before the Acting Governor for her approbation.**

A Bill authorizing the town of Ashby to grant certain easements (House, No. 4015,— on petition) [Local approval received],— was read.

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

Order Adopted.

On motion of Ms. Melconian,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Wednesday 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. Knapik, at seven minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.
