

**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.



Wednesday, June 27, 2001.

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

### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Panagiotakos, a petition (subject to Joint Rule 12) of Steven C. Panagiotakos, David M. Nangle, Thomas A. Golden, Jr., and Kevin J. Murphy (with the approval of the city council) for legislation to authorize the rebuilding of the Julian D. Steele Public Housing Development in the city of Lowell [Local approval received];

By Mrs. Sprague, a petition (subject to Joint Rule 12) of Jo Ann Sprague, William C. Galvin and Louis L. Kafka (by vote of the town) for legislation to authorize the town of Stoughton to join the Massachusetts Water Resources Authority [Local approval received];

By Mr. Travaglini, a petition (subject to Joint Rule 12) of Thomas G. Ambrosino, mayor, Robert E. Travaglini, Kathi-Anne Reinstein, Robert A. DeLeo and Anthony Petruccelli (with the approval of the mayor and city council) for legislation relative to certain school construction projects in the city of Revere [Local approval received]; and

By the same Senator, a petition (subject to Joint Rule 12) of Thomas G. Ambrosino, mayor, Robert E. Travaglini, Kathi-Anne Reinstein, Robert A. De Leo and Anthony Petruccelli (with the approval of the mayor and city council) for legislation to establish a building reserve fund in the city of Revere [Local approval received];

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

### *Reports of Committees.*

By Mr. Magnani, for the committee on Science and Technology, that the Senate Bill relative to obscene materials (Senate, No. 214),— ought to pass, with an amendment, striking out section 2.

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

By Mr. Antonioni, for the committee on Education, Arts and Humanities, on Senate, Nos. 224, 234, 239, 250, 251, 252, 253, 267, 268, 287, 293, 294, 305, 316, 321, 324, 325, 326, 329 and 337, an Order relative to authorizing and directing the joint committee on Education, Arts and Humanities to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to miscellaneous education matters (Senate, No. 1903);

By the same Senator, for the same committee, on Senate, Nos. 233, 235, 236, 248, 257, 258, 262, 274, 285, 291, 295, 296, 297, 300, 304 and 328, an Order relative to authorizing and directing the joint committee on Education, Arts and Humanities to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to public school personnel and school building assistance (Senate, No. 1904);

By the same Senator, for the same committee, on Senate, Nos. 237, 240, 265, 271, 272, 276, 281, 283, 284, 313, 315, 330, 336, 338, 339 and 340, an Order relative to authorizing and directing the joint committee on Education, Arts and Humanities to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to public school finance (Senate, No. 1905);

By the same Senator, for the same committee, on Senate, Nos. 223, 244, 245, 260, 290, 301, 302, 306, 307, 308, 319, 323, 331 and 1863, an Order relative to authorizing and directing the joint committee on Education, Arts and Humanities to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to miscellaneous education matters (Senate, No. 1906);

By the same Senator, for the same committee, on Senate, Nos. 225, 242, 243, 246, 266, 269, 277, 289, 298 and 311, an Order relative to authorizing and directing the joint committee on Education, Arts and Humanities to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to miscellaneous public education matters (Senate, No. 1907);

By the same Senator, for the same committee, on Senate, Nos. 231, 232, 278, 286, 292, 312 and 327, an Order relative to authorizing and directing the joint committee on Education, Arts and Humanities to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to miscellaneous public education matters (Senate, No. 1908);

By the same Senator, for the same committee, on Senate, Nos. 226, 254, 255, 256, 264, 282, 314 and 322, an Order relative to authorizing and directing the joint committee on Education, Arts and Humanities to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to the Massachusetts Comprehensive Assessment System (Senate, No. 1909);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 259), an Order relative to authorizing and directing the joint committee on Education, Arts and Humanities to sit during the recess of the General Court for the purpose of making an investigation and study of a certain current Senate document numbered 259, relative to bilingual education (Senate, No. 1910);

By Mr. Glodis, for the committee on Election Laws, on Senate, Nos. 349 and 351, an Order relative to authorizing the joint committee on Election Laws to make an investigation and study of certain Senate documents relative to election matters (Senate, No. 1912);

By the same Senator, for the same committee, on Senate, Nos. 348, 350, 355 and 1862, an Order relative to authorizing and directing the joint committee on Election Laws to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to election matters (Senate, No. 1913) [Local approval received on Senate, No. 1862]; and

By Mr. Morrissey, for the committee on Government Regulations, on Senate, Nos. 398, 399, 405, 423, 458 and 459, an Order relative to authorizing the joint committee on Government Regulations to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to utilities (Senate, No. 1914); **Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

By Ms. Tucker, for the committee on Human Services and Elderly Affairs, on petition, a Resolve providing for an investigation and study by a special commission relative to the needs of persons with agoraphobia and related disorders (Senate, No. 606); and

By Mr. Havern, for the committee on Transportation, on petition, a Bill relative to the study of mass transportation (Senate, No. 1763);

**Severally read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.**

By Mr. Glodis, for the committee on Election Laws, on petition, a Bill relating to polling locations (Senate, No. 342);

By the same Senator, for the same committee, on petition, a Bill to require voting systems to be accessible to people with disabilities (Senate, No. 343);

By Mr. Morrissey, for the committee on Government Regulations, on petition, a Bill establishing a board of registration of credit counselors (Senate, No. 368);

By the same Senator, for the same committee, on petition, a Bill establishing the home improvement contractor council (Senate, No. 378);

By the same Senator, for the same committee, on petition, a Bill providing for the safer distribution and delivery of natural gas (Senate, No. 415);

By Ms. Tucker, for the committee on Human Services and Elderly Affairs, on petition, a Bill relative to veterans services officers at public institutions of higher education (Senate, No. 667);

By the same Senator, for the same committee, on petition, a Bill relative to the inclusion of the Kosovo Campaign Medal (Senate, No. 678) ;

By the same Senator, for the same committee, on petition, a Bill to require the Division of Medical Assistance to reimburse hospitals for the costs of psychiatric patients on medical units (Senate, No. 702);

By Mr. Jajuga, for the committee on Public Safety, on petition, a Bill requiring health care employers to develop and implement programs to prevent workplace violence (Senate, No. 501);

By the same Senator, for the same committee, on petition, a Bill creating the Public Safety Officers' catastrophic injury fund (Senate, No. 1869); and

By Mr. Havern, for the committee on Transportation, on petition, a Bill relative to reverse commuting services (Senate, No. 1770);

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Morrissey, for the committee on Government Regulations, on petition, a Bill relative to an underage law enforcement agent, acting under direct control of a police officer and/or alcoholic beverages control commission enforcement officer, enabling them to lawfully purchase and take possession of an alcoholic beverage in a selective liquor enforcement program (Senate, No. 410);

By the same Senator, for the same committee, on petition, a Bill providing for the annual inspection of schools, churches, hospitals, theatres, arenas and other public buildings by gas corporations in the Commonwealth (Senate, No. 419); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 462), a Bill providing for public disclosure of ownership of a cemetery corporation (Senate, No. 1899);

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

By Mr. Antonioni, for the committee on Education, Arts and Humanities, ought NOT to pass:

On the petition (accompanied by resolutions, Senate, No. 303) of Rosaire J. Rajotte for the adoption of resolutions relative to the abolition of the United States Department of Education;

On the petition (accompanied by bill, Senate, No. 318) of Pamela P. Resor for legislation to require a minimum square footage for dormitory rooms provided by state colleges and the University of Massachusetts; and

By Mr. Glodis, for the committee on Election Laws, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 347) of Brian P. Lees, Bruce E. Tarr, Richard R. Tisei and other members of the General Court for legislation relative to voting list access and distribution;

**Severally referred, under Senate Rule 36, 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 credit union real estate loans (Senate, No. 6) ;

Providing for a statewide information and referral system utilizing an abbreviated dialing code (Senate, No. 400);

Providing for subdivision control by requiring certain notices (Senate, No. 1019);

Further regulating the siting of asphalt batching facilities (Senate, No. 1021);

Relative to the zoning of adult entertainment (Senate, No. 1044);

Relative to designating a certain square in the town of Webster the Elks memorial square (Senate, No. 1772); and

The House bills

Relative to elderly abuse (House, No. 2533, changed); and

Relative to a boundary change between the towns of Georgetown and Boxford (House, No. 2760); and

#### The Senate reports

Of the committee on Banks and Banking, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 11) of Steven C. Panagiotakos and David M. Nangle for legislation to increase the total borrower liability under the banking laws;

Of the committee on Insurance, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 776) of Bruce E. Tarr, Anthony J. Verga, Brian P. Lees and other members of the General Court for legislation relative to the health insurance purchasing cooperatives;

On the petition (accompanied by bill, Senate, No. 778) of Bruce E. Tarr, Bradford Hill, Anthony J. Verga and Shirley Gomes for legislation to increase the affordability and accessibility of health insurance in the Commonwealth;

On the petition (accompanied by bill, Senate, No. 779) of Bruce E. Tarr and Anthony J. Verga for legislation to improve the availability of health insurance;

On the petition (accompanied by bill, Senate, No. 786) of Robert E. Travaglini and Susan C. Fargo for legislation to require dentists and dental hygienists to obtain professional malpractice liability insurance; and

Of the committee on Local Affairs, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1037) of Pamela P. Resor, Anthony J. Verga, Jose L. Santiago, Cory Atkins and Brian A. Joyce for legislation relative to the protection of historic resources within subdivision control laws; and

#### The House reports

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

On so much of the recommendations of the Executive office of Public Safety (House, No. 136) as relates to National Guard registration plates (accompanied by bill, House, No. 162);

On so much of the recommendations of the Registry of Motor Vehicles (House, No. 173) as relates to clarifying the limits of CORI protection in connection with accident records (accompanied by bill, House, No. 176);

On so much of the recommendations of the Registry of Motor Vehicles (House, No. 173) as relates to allowing the electronic transmission of accident records (accompanied by bill, House, No. 178);

On so much of the recommendations of the Registry of Motor Vehicles (House, No. 173) as relates to the procedures for junking motor vehicles (accompanied by bill, House, No. 182);

On so much of the recommendations of the Registry of Motor Vehicles (House, No. 173) as relates to motor vehicle violations by a minor (accompanied by bill, House, No. 183); and

On so much of the recommendations of the Registry of Motor Vehicles (House, No. 173) as relates to amending the motor vehicle law relative to the issuance of registration plates (accompanied by bill, House, No. 186).

#### *Committee Discharged.*

Mr. Moore, for the committee on Health Care, reported, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2169) of Rachel Kaprielian and other members of the General Court relative to the expansion of health care, the reduction of youth smoking and the use of tobacco products and improving the public health of residents of the Commonwealth,— and recommending that the same be referred to the Senate committee on Ways and Means.

**Under Senate Rule 36, the report was considered forthwith and accepted.  
Sent to the House for concurrence in the discharge of the joint committee.**

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

A Bill amending the uniform commercial code covering provisions dealing with secured transactions (House, No. 2111,— on petition),— was read and, under Senate Rule 27, referred to the committee on Ways and Means. Subsequently, Mr. Montigny, for the committee, reported that the bill (House, No. 2111) (also based on Senate, No. 86),— ought to pass.

**The rules were suspended, on motion of Ms. Murray, 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 amending the Uniform Commercial Code governing secured transactions.”**

A petition (accompanied by bill, House, No. 4149) of Benjamin Swan and Paul E. Caron (with the approval of the mayor and city council) relative to postponing the requirement that public school students in the city of Springfield pass the Massachusetts Comprehensive Assessment System test, so-called, prior to graduation,— **was referred, in concurrence, to the committee on Education, Arts and Humanities.**

A Bill providing for improvements to the horse and greyhound racing industry in the Commonwealth and the regulation thereof (House, No. 4261, printed as amended,— on Senate, Nos. 380, 439, 441 and 470 and House, Nos. 48, 49, 50, 51, 250, 251, 997, 2159, 2306, 2515, 2516, 2518, 3288 and 3289),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill authorizing the park commissioners of the town of Rochester to change the use of a certain parcel of municipal land acquired for outdoor recreational and athletic uses (House, No. 855,— on Senate, No. 1034 and House, No. 855) [Local approval received on Senate, No. 1034 and House, No. 855],— was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

#### Reports

Of the committee on Insurance, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3748) of Cele Hahn for legislation to further regulate the sale of insurance by motor vehicle rental companies,— and recommending that the same be referred to the committee on Commerce and Labor.

Of the petition (accompanied by bill, House, No. 3752) of James R. Miceli that the Group Insurance Commission be directed to forgive Thomas Skowronski for payment of a certain sum of money due to said commission,— and recommending that the same be referred to the committee on Public Service.

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

#### Reports

Of the committee on Commerce and Labor, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3047) of Stephen P. LeDuc, David C. Bunker, Jr., and Harold P. Naughton, Jr., relative to the collection of certain information for the improvement of workforce development; and

Of the committee on Insurance, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1964) of Brian S. Dempsey relative to the equitable compensation of medical injuries of persons by health care providers;

And recommending that the same severally be referred to the House committee on Ways and Means.

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence, inasmuch as relates to the discharge of the joint committees.**

#### *Reports of a Committee.*

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to the safe administration of medication and legible prescriptions (Senate, No. 1842),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 1915).

**The rules were suspended, on motion of Ms. Fargo, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.**

**The bill (Senate, No. 1915) was then ordered to a third reading.**

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to telecommunications lines (House, No. 1753),— ought to pass, with amendments, inserting after section 12 the following section:—

“SECTION 12A. Section 7 of said chapter 288 is hereby amended by striking out, in line 1, the words ‘the county of Hampden’ and inserting in place thereof the following words:— the division of capital asset management and maintenance.”;

By inserting after section 22 the following section:—

“SECTION 22A. Section 1 of chapter 459 of the acts of 1990 is hereby amended by striking out, in line 1, the words ‘the county of Hampden’ and inserting in place thereof the following words:— the division of capital asset management and maintenance.”;

By inserting after section 23 the following section:—

“SECTION 23A. Section 2 of said chapter 459 is hereby amended by striking out, in line 1, the words ‘the county of Hampden’ and inserting in place thereof the following words:— the division of capital asset management and maintenance.”; and

By striking out section 89 and inserting in place thereof the following 4 sections:—

“SECTION 89. The commissioner of the department of food and agriculture may approve the amendment of an existing ‘Amending Right of Way Agreement’ between Charles E. Slater and Tennessee Gas Pipeline Company, dated September 30, 1991, recorded in Berkshire County registry of deeds, Book 1341, page 0663, to provide for a 90-foot wide easement over a parcel of land located in the town of Tyringham, the easement to be located within the existing natural gas transmission line easement recorded in Book 1341, page 0663, which parcel is owned by Charles E. Slater and is subject to an agricultural preservation restriction executed May 18, 1999 by Charles E. Slater, recorded in the Berkshire County registry of deeds at Book 1140, page 93. The amendment shall be for the construction, maintenance, repair and operation of underground telecommunication line for the transmission, reception and switching of voice, data and video signals. The amendment shall be satisfactory to the commissioner, shall provide for nothing above ground and shall have no detrimental effect upon the use of the parcel of land for agricultural purposes. The land, presently being used for agricultural purposes, is shown on a plan of land entitled ‘El Paso Global Networks, proposed fiber optic crossing, the Charles E. Slater property, Berkshire County, Massachusetts, ECB-L12-FO200-3-102’ on file with the commissioner.

SECTION 90. The consideration paid by the El Paso Global Networks Company to the respective grantors for the use of the easements authorized by this act shall be the full and fair market value of the property taking into consideration the expected profits from the proposed use of the easements, the full and fair value in use of the easements, or another appropriate measure of the value of the easements authorized by sections 1 to 89, as determined by the commissioner of the division of capital asset management and maintenance based upon one or more independent appraisals approved by the inspector general and each grantor. The inspector general shall review and approve the appraisal and the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner for submission to the house and senate committees on ways and means and chairmen of the joint committee on state administration.

SECTION 91. The El Paso Global Communications Company shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of the easements or for any costs and liabilities and expenses of any nature and kind for their maintenance or operation. In the event the easements cease to be used at any time for the purposes contained herein the easements shall terminate and all interests therein shall automatically terminate and revert to the care and control of the division of capital asset management and maintenance or to the applicable municipality upon the execution and recording with the applicable registry of deeds by the commonwealth or the municipality of a written notice of the termination and reversion.

SECTION 92. The division of capital asset management and maintenance, on behalf of the commonwealth, shall deposit any sum received pursuant to this act into the general fund.”

**The rules were suspended, on motion of Ms. Murray, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.**

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill to reduce the loss of life due to fires caused by cigarettes (Senate, No. 1194),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 1916).

**The rules were suspended, on motion of Ms. Fargo, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.  
The bill (Senate, No. 1916) was then ordered to a third reading.**

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the financing and development of a new land records management facility for the Plymouth County Registry of Deeds (House, No. 2477),— ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1917.  
**The rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.**

#### *Resolutions.*

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

Resolutions (filed by Mr. Birmingham) “congratulating Sumner Gage Whittier on the occasion of his ninetieth birthday.”

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

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4267) of James H. Fagan for legislation to include employees of churches and other religious organizations under the laws governing unemployment compensation;  
**Under suspension of Joint Rule 12, to the committee on Commerce and Labor.**

Petition (accompanied by bill, House, No. 4268) of Brian S. Dempsey, Harriett L. Stanley and James P. Jajuga for legislation to further regulate the issuance of death certificates;  
**Under suspension of Joint Rule 12, to the committee on Government Regulations.**

Petition (accompanied by bill, House, No. 4269) of Edward G. Connolly relative to designating the conference room in the Everett Allied Rink as the Michael V. Fonzi Memorial Room;  
**Under suspension of Joint Rule 12, to the committee on Housing and Urban Development.**

Petition (accompanied by bill, House, No. 4270) of James H. Fagan and other members of the House relative to the rights of non-biological parents ordered to pay child support;  
**Under suspension of Joint Rule 12, to the committee on the Judiciary.**

Petition (accompanied by bill, House, No. 4271) of Michael F. Kane, Michael R. Knapik and Stephen J. Buoniconti (with the approval of the mayor and city council) for legislation to authorize the city of Holyoke to enter into contracts for the lease, operation and maintenance, repair or replacement, financing, design, construction and installation of the sewer works system;  
**Under suspension of Joint Rule 12, to the committee on State Administration.**

*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 Robert A. Havern and J. James Marzilli, Jr. (by vote of the town) for legislation to authorize the town of Arlington to determine speed limits in the town [Local approval received].  
**Senate Rule 36 was suspended, on motion of Ms. Fargo, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety.**

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 Robert A. Havern and J. James Marzilli, Jr. (by vote of the town) for legislation to authorize the review of the appropriateness of the ordinary disability retirement of retired Arlington Police Officer Albert Spina [Local approval received].  
**Senate Rule 36 was suspended, on motion of Ms. Fargo, 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. Severally sent to the House for 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 House bills

Relative to the operation of sewers in the town of Rockport (House, No. 489); and

Relative to the appointment of firefighters in the city of Boston (House, No. 4137);

**Were severally read a second time, ordered to a third reading, 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:

Relative to certain town ways in the town of Tewksbury (see Senate, No. 1048);

Allowing victims of violent crimes to testify at Parole Board hearings (see Senate, No. 1844); and

Authorizing the town of Hanover to pay a certain bill (see House, No. 3959).

*Recess.*

There being no objection, at thirteen minutes past eleven o'clock A.M., the Chair (Mr. Travaglini) declared a recess subject to the call of the Chair; and, at twenty-one minutes before four o'clock P.M., the Senate reassembled, Mr. Travaglini in the Chair.

PAPER FROM THE HOUSE.

A Bill relative to simulcast wagering of horse and dog racing (House, No. 4265, amended,— on petition),— was read.

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

Messrs. Montigny, Creedon and Morrissey moved to amend the bill by adding the following four sections:—

“SECTION 2. (a) Notwithstanding section 2 of chapter 128C of the General Laws, the running horse racing meeting licensees in Plymouth county who are conducting running horse racing meetings in connection with a state or county fair, may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen in the city or town wherein the fair is located and following a demonstration by the licensees of their ability to complete not less than 50 per cent of the live racing performances approved by the commission, simulcast unlimited interstate thoroughbred horse races except for simulcast signals from the states of Arizona, California, Oregon, Texas and Washington, and the intrastate live races of the racing meeting licensees in the commonwealth on: (1) each Sunday, Tuesday, Thursday and Saturday during the live racing performances only, but any simulcast signal commenced during the live racing performances shall be broadcast to the conclusion of the simulcast racing performance or simulcast racing card; and, in addition, on (2) the 3rd and 4th of July in any calendar year when they fall on a day of the week other than the specified days and a live racing performance is conducted in connection with a state or county fair, for wagering purposes or otherwise from pari-mutuel wagering facilities located within the commonwealth; provided, however, that if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for those reasons. The total number of days simulcast at the state or county fair, which is licensed for live running horse racing meetings, shall not exceed the total number of days the fair has live running horse racing. Licensees in Plymouth county shall pay a premium of 3 per cent for the receipt of any simulcasts of thoroughbred horse racing to the running horse racing meeting licensee located in Suffolk county and shall simulcast their live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county and the harness horse racing meeting licensee located in Norfolk county and receive a fee of 11 per cent; provided, however, that the simulcast shall not be considered a live in-state racing performance for purposes of the sixth paragraph of said section 2 of said chapter 128C.

(b) The racing meeting licensees conducting running horse racing meetings in connection with a state or county fair and simulcasting a live running horse race from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks, as defined in section 5 of chapter 128 of the General Laws, into the Running Horse Capital Improvements Trust Fund, under the direction and supervision of the state racing commissioners.

The racing commission shall promulgate rules and regulations for the simulcast of pari-mutuel races in connection with state or county fairs.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less such breaks and less an amount not to exceed 19 per cent of the total amount so deposited by the patrons wagering on the speed or ability of any 1 running horse or dog, also known as a straight wager, and each such licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a single pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such breaks, and less an amount not to exceed 26 per cent of the total amount so deposited; provided however, that a sum equal to .25 of 1 per cent of the total amount deposited on an exotic wagering pool shall be payable to the division of fairs; provided further, that the division of fairs may expend such funds without further appropriation and for such purposes as authorized under clause (f) of the first paragraph of section 2 of chapter 128 of the General Laws; and provided further, that such expenditures by the division of fairs shall not exceed \$50,000 in a fiscal year.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting, a sum equal to 3/8 per cent; a sum equal to 3/8 per cent to the host Running Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.5 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the host track for the purposes of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26 per cent withheld to the horse owners at the host track for the purses in accordance with the rules and established customs for the conduct of running horse racing meetings. The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic wagering pool shall be paid to the racing meeting licensee at the host track, and 8.75 per cent of the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.50 per cent shall be paid to the horse owners of the

most recent live racing performance at the host track for purses, the percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

(c) Each racing meeting licensee acting as a guest track and simulcasting a live harness horse race from a host track within the commonwealth shall pay daily from the simulcast wagers the total sum of the breaks and a sum equal to 0.5 per cent of the exotic wagering pool into the Harness Horse Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners.

A racing meeting licensee acting as a guest track shall return to the winning patrons wagering on a simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which the pari-mutuel or certificate system has been operated, less the breaks and less an amount not to exceed 19 per cent of the total amount so deposited by patrons wagering on the speed or ability of any 1 harness horse, also known as a straight wager, and each licensee shall return to winning patrons wagering on the speed or ability of a combination of more than 1 horse in a pool, also known as an exotic wager, all sums deposited as an award or dividend, less such breaks and less an amount not to exceed 26 per cent of the total amounts so deposited.

A licensee shall pay to the commission on behalf of the commonwealth the day following each day of simulcasting a sum equal to three-eighths of 1 per cent; a sum equal to .50 of 1 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 5 per cent shall be paid to the horse owners for purses at the host track in accordance with the rules and established customs for the conduct of harness horse racing meetings; a sum equal to 5 and 7/8 per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 7.50 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.50 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 19 per cent withheld from the straight wager as provided in this section.

A licensee shall pay to the commission on behalf of the commonwealth on the day following each day of simulcasting a sum equal to 3/8 per cent; a sum equal to 0.5 per cent to the Harness Horse Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.75 per cent to the Massachusetts Thoroughbred Breeders Association, Inc. of the most recent live racing performance at the guest track for the purpose of promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum equal to 6 per cent to be paid to the horse owners at the host track for purses in accordance with the rules and established custom for the conduct of harness horse racing meetings; a sum equal to 6 and 7/8 per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 11 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.50 per cent shall be paid to the horse owners of the most recent live racing performance at the guest track for purses, the percentages to be paid from the 26 per cent withheld from the exotic wager pool as provided in this section.

(d) A racing meeting licensee acting as a guest track and simulcasting a live greyhound race from a host track within the commonwealth shall return to the winning patrons wagering on the simulcast race all sums deposited as an award or dividend, according to the acknowledged and recognized rules and methods under which such pari-mutuel or certificate system has been operated, less the breaks, as defined in said section 5 of said chapter 128A, and less an amount not to exceed 19 per cent of the total amount deposited; provided, however, that sum equal to 2.50 per cent of the total amount wagered shall be paid daily to the commission on behalf of the commonwealth; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 0.25 per cent of the total amount wagered shall be paid to the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners; a sum equal to 2.50 per cent shall be paid as purses to the dog owners at the host track in accordance with the rules and established customs for the conduct of greyhound racing meetings; a sum equal to 4.25 per cent shall be paid to the racing meeting licensee at the host track and a sum equal to 9.25 per cent shall be retained by the racing meeting licensee at the guest track; provided, however, that not less than 3.50 per cent shall be paid to the dog owners for purses, the percentages to be paid from the 19 per cent withheld as provided in this section.

(e) All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of 1978, 15 U.S.C. sections 3001 et seq., or other applicable federal law. The state racing commission shall promulgate rules and regulations for the simulcast of pari-mutuel races in connection with state or county fairs.

(f) In Plymouth county, a license to hold or conduct a horse racing meeting may be issued for not more than 15 days in calendar year 2001.

(g) This section shall expire on July 31, 2001.

SECTION 3. The last paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by striking out the date 'June 30, 2001', inserted by section 5 of chapter 354 of the acts of 2000, and inserting in place thereof the following date:— July 31, 2001.

SECTION 4. The last paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the date 'June 30, 2001', inserted by section 10 of said chapter 354, and inserting in place thereof the following date:— July 31, 2001.

SECTION 5. The last paragraph of section 4 of said chapter 114 is hereby amended by striking out the date 'June 30, 2001', inserted by section 12 of said chapter 354, and inserting in place thereof the following date:— July 31, 2001."

The amendment was adopted.

**The bill, as amended, was 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.**

*Recess.*

There being no objection, at nineteen minutes before four o'clock P.M., the Chair (Mr. Travaglini) declared a recess subject to the call of the Chair; and at fourteen minutes before six o'clock P.M., the Senate reassembled, Mr. Creedon in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

*Order Adopted.*

Mr. Lynch presented the following order, to wit:

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Commerce and Labor be granted until Wednesday October 31, 2001 in which to report on certain Senate documents numbered 69, 90 and certain current House documents numbered 2842, 2844, 2845, relative to apprentice training.

**The order was considered forthwith and, there being no objection, it was adopted.**

**Sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

*Emergency Preamble Adopted.*

An engrossed Bill amending the Uniform Commercial Code governing secured transactions (see House, No. 2111), 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. Creedon) and sent to the House for enactment.**

*Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill relative to simulcast wagering of horse and dog racing (see House, No. 4265, 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 2 to 0.

The bill was signed by the Acting President (Mr. Creedon) 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. Creedon).**

*Order Adopted.*

On motion of Mr. Hedlund,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M.

*Adjournment in Memory of Frederick C. Langone.*

The Chair (Mr. Travaglini) moved that when the Senate adjourns today it adjourn in memory of Frederick C. Langone, a longtime member of the Boston City Council. Mr. Travaglini noted that Mr. Langone was a tireless fighter for those in need and less fortunate. The motion prevailed.

Subsequently, Mr. Creedon having taken the Chair, on motion of Mr. Hedlund, as a mark of respect to the memory of Mr. Langone, at five minutes before six o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.

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