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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Tuesday, July 24, 2001.

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

Distinguished Guests.

There being no objection, the Chair (Mr. Rosenberg) introduced, seated in the rear of the Chamber, the Nipmuc Regional Middle/High School "Warriors" varsity baseball team, Division III state champions. The team was accompanied by their head coach Bill McInnis, Assistant Coaches Patrick Allen and Steve DellaRovere, High School Athletic Director Jim Grant, High School Principal Joan Scribner, Superintendent Paul Daigle and parents and siblings of team members. They were the guests of Senators Moore and Glodis.

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, Mark C. Montigny, Frederick E. Berry, Peter J. Koutoujian, Therese Murray, Harriette L. Chandler and other members of the General Court for legislation to require certain health care professionals to file prescription ethics and responsibility confirmation statements,— **and the same was referred to the committee on Health Care.**

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

The House Bill relative to telecommunications lines (House, No. 1753),— came from the House with the endorsement that the House had concurred in the Senate 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."; 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."; inserting after section 23 the following section:

"SECTION 23A. Section 2 of said 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."; and striking out section 89 and inserting in place thereof the following four 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-F0200-3-102' 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 section 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".— *with a further amendment*, striking out section 90 and inserting in place thereof the following section:

"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 permanent and temporary impacts on the value of the property resulting from the proposed use of the easements, 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."

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

Mr. Montigny presented an amendment, striking out section 90 (as amended by the House) and inserting in place thereof the following:—

"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 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."

The further Senate amendment was adopted.

The Senate then concurred in the House amendment, as amended.

Sent to the House for concurrence in the further Senate amendment.

Order Adopted.

Mr. Joyce presented the following order:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the joint committee on Public Service be granted until Friday, September 28, 2001, to make its final report on Senate documents numbered 129, 132, 1223, 1302, 1306, 1340, 1364, 1405, 1425, 1427, 1428, 1429, 1430, 1432, 1463, 1470, 1487, 1494, 1508, 1510, 1519, 1525, 1527, 1886, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2069.

There being no objection, the order was considered forthwith and adopted.

Sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Mrs. Sprague) “congratulating Christopher James Taylor of Plainville upon his elevation to the rank of Eagle Scout.”

Order Adopted.

Ms. Menard presented the following order:—

Ordered, That full consideration shall be allowed by the Senate on Thursday, July 26, 2001, on the Senate Bills maintaining the value of the minimum wage (Senate, No. 1812); and relative to the minimum wage (Senate, No. 2075); and provided further that amendments to said bills must be filed with the Clerk of the Senate no later than twelve o’clock noon on Wednesday, July 25.

There being no objection, the order was considered forthwith and adopted.

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill maintaining the value of the minimum wage (Senate, No. 1812),— ought to pass.

There being no objection, the rules were suspended, on motion of Ms. Resor, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, on petition (accompanied by bill, Senate, No. 107), a Bill relative to the minimum wage (Senate, No. 2075).

The bill was read and, there being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to a water supply easement held by the Massachusetts Water Resources Authority in the town of Southborough (House, No. 1503),— ought to pass.

There being no objection, the rules were suspended, on motion of Ms. Resor, and the bill was read a second time and ordered to a third reading.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill authorizing the Board of Selectmen of the town of Plymouth to operate as a crematory corporation (see House, No. 4004) (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 Acting President and laid before the Acting Governor for her approbation.**

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The Senate Bill designating a certain intersection in the town of Webster as the Elks Memorial Square (Senate, No. 1772) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Tisei,—

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

On motion of Mr. Tisei, at eighteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.
