

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, November 14, 2001.

Met at eight minutes past eleven o'clock A.M. (Ms. Murray in the Chair).

Communications.

The following communications were severally placed on file.

Communication from the Hampden County Sheriff's Office relative to its plan of correction in response to an inspection of the Hampden County Sheriff's Department and Correctional Center (received Monday, October 29, 2001); and

Communication from the Public Employee Retirement Administration Commission submitting a copy of the Actuarial Valuation Report for the Massachusetts Teachers' Retirement System as of January 1, 2001 (received Friday, November 2, 2001).

Reports.

A report of the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a listing of various police eligibility lists which were revoked effective October 1, 2001 (received Thursday, November 1, 2001),— **was placed on file.**

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 inspection of the Northeastern Correctional Center (received Monday, October 29, 2001),— **was read and sent to the House for its information.**

Petition.

Mr. Moore presented a petition (subject to Joint Rule 12) of Richard T. Moore and Paul Kujawski for legislation to designate Route 146A in the town of Uxbridge as the Lydia Taft highway,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Report of a Committee.

By Mr. Joyce, for the committee on Public Service, on petition (accompanied by bill, Senate, No. 2126), a Bill relative to public service in the Armed Forces of the United States (Senate, No. 2177);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

Committee Discharged.

Ms. Menard, for the committee on Rules, to whom was referred

The Senate Order relative to authorizing and directing the joint committee on Public Service to make an investigation and study of several Senate documents relative to retirement system membership; system administration and funding (Senate, No. 2061), reported, asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 1378) of Michael R. Knapik, Michael F. Kane and Stephen J. Buoniconti for legislation to authorize and direct the reinstatement of David Entin to the state retirement system,— and recommending that the same be recommitted to the committee on Public Service; and

The Senate Order relative to authorizing and directing the joint committee on Taxation 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 income and excise taxes and tax expenditures (Senate, No. 1945), reported, asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 1689) of David P. Magnani, Mary Jane Simmons, Paul J. P. Loscocco and Richard T. Moore for legislation to authorize the establishment of tax increment financing districts,— and recommending that the same be recommitted to the committee on Taxation.

Under Senate Rule 36, the reports were considered forthwith and accepted.

PAPER FROM THE HOUSE.

A Bill relative to elections for town meeting members in the town of Milford (printed in House, No. 4069,— being a message from His Excellency the Governor),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

Resolutions.

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

Resolutions (filed by Mr. Morrissey) “congratulating Lawrence A. Connors as the 2001-2002 Massachusetts Department Commander of the American Legion.”

Bill Previously Recalled from the Acting Governor

Laid Before the Senate.

The engrossed Bill relative to certain subdivisions of land in the city of Gloucester (see House, No. 490) which, at a previous session, had been returned by Her Honor the Lieutenant-Governor, Acting Governor, at the request of the Senate,— was laid before the Senate.

There being no objection, on motion of Mr. Tolman, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of Mr. Tarr, Senate Rule 49 was suspended and the bill was amended, on further motion of the same Senator, in section 1, by striking out paragraph (3) and inserting in place thereof the following paragraph:—

“(3) The interim planning district to be created is located within Ward 5-2 and is approximately bounded as follows: From the intersection of the R-RB and R-3 zoning districts located approximately 800 feet southwest of the intersection 3 of Essex Avenue and the Essex Town line northeast on a line 2.8 miles to the Gloucester section of Castle Neck, southeast approximately 200 feet northwest of Laurel Street to Essex Avenue, then west along the boundary between the R-2 and R-2A Zoning districts, roughly parallel to Essex Avenue, and further west along the northern boundary of the R-RB Zoning District and the southern boundary of the R-3 Zoning District to the Essex Town Line. Public and Private Ways located in the West Gloucester Interim Planning District and including all or parts of the following: Abbey Road, Anderson Way, Andrews Court, Atlantic Avenue, Atlantic Street, Bayberry Lane, Bayle Lane, Becker Lane, Biskie Head Point, Boynton Island, Bray Street, Brookfield Drive, Brooks Lane, Brooks Road, Bungalow Road, Cabot Lane, Castle Hill Road, Causeway Street, Chickadee Road, Clover Lane, Cole’s Island Road, Concord Street, Cove Way, Crafts Road, Crane Way, Digby Lane, Dune Circle, Duane Lane, Elmo Lane, Elva Road, Essex Avenue, Eveleth Road, Fenley Road, Fernald Street, Forest Lane, Great Hill Road, Great Ledge Lane, Gull Lane, Hidden Way, Hilltop Road, Hunter Road, Jebeka Lane, Jer Jean Circle, Jones River Road, Julie Court, Kent Road, Keystone Road, Landing Road, Larose Avenue, Laurel Street, Lawrence Court, Lawrence Mountain Road, Leaman Drive, Lily Road, Lincoln Street, Longview Road, Longview Terrace, Massachusetts Avenue, Mathieu Hill Road, New Way Lane, North Landing Way, Old Bray Street, Overlook Avenue, Pebble Path, Point Road, Presson Point Road, Ridgewood Lane, Russ Road, Rust Island Road, Sand Dollar Circle, Sandy Way, Saville Road, Skipper Way, Skipper Way Terrace, Sleepy Hollow Road, Sumner Street, Totten Lane, Two Penny Lane, Valley Road, Walker Court, Walker Street, Waterman Road, Wauketa Road, West Parish Lane, Whale Rocks Road, Whipple Woods Road, Wyoma Road, Ye Ole County Road, Castle View Drive, Cedarwood Road, Ram Rule Lane, Thompson Street, Becker Circle, and Welch Lane.”

Sent to the House for concurrence in the amendment.

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 Senate Bill relative to motor homes (Senate, No. 1896, changed),— was read a third time.

Mr. Moore, for the committee on Bills in the Third Reading, reported, recommending that the bill be amended by substituting a new draft with the same title (Senate, No. 2178).

This amendment was adopted.

Pending the main question on passing the bill to be engrossed, on further motion of Mr. Moore, the further consideration of the bill (Senate, No. 2178) was postponed until the next session.

The Senate Bill relative to extending the rape shield law (Senate, No. 911),— was read third time.

Pending the question on passing the bill to be engrossed, Ms. Jacques presented an amendment by substituting a new draft entitled “An Act establishing a bill of rights for victims of sexual assault” (Senate, No. 2179).

This amendment was adopted.

On motion of Mr. Brewer, the further consideration of the bill (Senate, No. 2179) was postponed until the next session.

The Senate Bill relative to defining principal’s contracts (Senate, No. 2079),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Antonioni presented an amendment adding the following section:—

“SECTION 2. Principals entering into subsequent contracts with a school district that employed them on the effective date of this act shall be treated as school principals entering into their second contract period and subject to all further terms and conditions.”

This amendment was adopted.

On motion of Mr. Tisei, the further consideration of the bill (Senate, No. 2079, amended) was postponed until the next session.

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill protecting consumers from unsolicited loans (Senate, No. 7),— ought to pass, with an amendment, inserting after line 9 the following 2 paragraphs:—

“‘Financial institution’, a state or national bank, a state or federal savings and loan association, a state or federal savings bank, a co-operative bank, a state or federal credit union, or any person doing business similar to any business referred to in section 1 of chapter 167.

‘Lender’, any person, firm, or corporation engaged in lending money.”; and by inserting after line 98 the following section:—

“SECTION . This chapter shall not apply to a transaction in which a consumer has submitted an application or requested an extension of credit from the lender before receiving the check or instrument, or where the lender has an existing account relationship with the consumer.”.

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 (Senate, No. 7, amended) was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill establishing the Upper Cape water supply reserve (printed as House, No. 3579, changed),— ought to pass, with an amendment, substituting a new draft entitled “An Act ensuring the environmental protection of the northern 15,000 acres of the Massachusetts military reservation” (Senate, No. 2180).

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

The bill (Senate, No. 2180) was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to expediting state and federal funding (House, No. 3936),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Moore, 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 exchange of interests in land located in the town of Hingham and for an improved waterfront park and improved access to water transportation facilities (House, No. 4102),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Tarr, 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 authorizing the town of Truro to convey certain conservation land (House, No. 4416),— ought to pass, with an amendment, striking out section 4.

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.

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 natural heritage functions of the Department of Fisheries, Wildlife and Environmental Law Enforcement (Senate, No. 1112) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Resor moved that the bill be amended in section 5 (as printed), by striking out the last sentence.

This amendment was adopted.

The bill (Senate, No. 1112, amended) was then 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 one o'clock P.M.

On motion of Mr. Brewer, at twenty minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at one o'clock P.M.
