

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, January 10, 2002.

Met at four minutes past eleven o'clock A.M. (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).

Distinguished Guests.

The Chair (Ms. Melconian) introduced, seated in the rear of the Chamber, Mr. Anthony Cignoli of Springfield. Mr. Cignoli was accompanied by Angela Mattie, Vice President of Performance, Sisters of Providence. They were the guests of Senator Melconian.

Petitions.

Petitions were presented and referred, as follows:

By Ms. Creem, a petition (subject to Joint Rule 12) of Cynthia S. Creem, Rachel Kaprielian, Ruth B. Balser, Kay Khan and Terrence Brown for legislation relative to the removal or transportation of trash;

By Ms. Fargo, a petition (subject to Joint Rule 12) of Susan C. Fargo, Richard T. Moore, Patricia D. Jehlen, Dianne Wilkerson and other members of the General Court for legislation to provide coverage for lymphedema treatments;

By Mr. Glodis, a petition (subject to Joint Rule 12) of Guy W. Glodis and George N. Peterson, Jr. for legislation to provide for legislative review of those consumer protection regulations promulgated by the Attorney General; and

By Mr. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore and Kathi-Anne Reinstein for legislation to provide for the entry of the Commonwealth into the International Emergency Management Assistance Compact;

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

Reports of Committees.

By Ms. Tucker, for the committee on Human Services and Elderly Affairs, on Senate, No. 676 and House, No. 1030, a Bill regarding equal choice of long term care settings (Senate, No. 676); and

By Mr. Joyce, for the committee on Public Service, on the recommitted petition, a Bill directing the Public Employee Retirement Administration Commission to review the appropriateness of the ordinary disability retirement of retired Arlington Police Officer Albert Spina (Senate, No. 2012) [Local approval received];

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

Ms. Melconian, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to the issuance of firearm licenses to environmental police officers (Senate, No. 1222).

Communications.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

January 9, 2002.

Mr. Patrick F. Scanlan
Clerk of the Massachusetts State Senate
State House, Room 335
Boston, Massachusetts 02133

Dear Mr. Clerk:

On Tuesday, January 8, 2002, I was unable to be present for the roll call votes on engrossment of the following matters:

Senate Bill 2186, An Act Reducing Medication Waste in the Commonwealth.

Senate Bill 2218, An Act to Support Individuals with Disabilities and Their Families.

Had I been present, I would have voted in the affirmative on each of these bills.

I respectfully request that this letter be read into the record at the next session of the Senate. Thank you for your assistance with this matter.

Sincerely,
CYNTHIA STONE CREEM,
State Senator.

On motion of Mr. Tolman, the above communication was ordered printed in the Journal of the Senate.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

January 9, 2002.

Patrick F. Scanlan, *Clerk*
Massachusetts Senate
State House, Room 335
Boston, Massachusetts 02133

Dear Mr. Clerk:

On January 8, 2002, I was away from the State House on a personal matter, and I was therefore unable to be present for the roll call votes taken on the following items:

Senate Bill 2186, An Act Reducing Medication Waste in Certain Licensed Facilities.

Senate Bill 2218, An Act Relative to Providing Support to Individuals and their Families.

House Bill 4778, An Act Establishing Congressional Districts.

House Bill 4796, An Act Relative To Group Marketing Plans.

House Bill 4091, An Act Authorizing the Town of Norwood to Use Certain Conservation Land for Roadway and Bridge Purposes.

Senate Bill 2098, An Act Authorizing The Town of Milton to Transfer Land to The Milton School Department.

Had I been present, I would have voted in the affirmative on all these matters, however, I would have voted against the amendments to House Bill 4778 offered by Senator Lees and Senator Panagiotakos.

I would respectfully request your assistance with the printing of this communication in the Senate journal. Thank you in advance for your help on this matter.

Sincerely,
ANDREA F. NUCIFORO, JR.,
State Senator.

On motion of Mrs. Sprague, the above communication was ordered printed in the Journal of the Senate.

Resolutions.

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

Resolutions (filed by Mr. Creedon and Ms. Murray) “congratulating Judith A. Riordan on her retirement from the East Bridgewater public schools after 32 years of outstanding service”;

Resolutions (filed by Ms. Creem) “congratulating Rebecca Freedman on attaining her Cadette Girl Scout Silver Award”; and

Resolutions (filed by Mr. Morrissey) “celebrating Gentech’s tenth annual conference for genealogy and technology.”

Report 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 Richard T. Moore, Paul Kujawski and Mark J. Carron for legislation to designate the town of Oxford as the official “Flag Town of Massachusetts”.

Senate Rule 36 was suspended, on motion of Ms. Wilkerson, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4844) of Karyn E. Polito, George N. Peterson, Jr. and Paul J. P. Loscocco relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Westborough,—

was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration.

Engrossed Bills.

The following engrossed bills (both of which originated in the House), 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:

Increasing the fee for admitting a person to bail (see House, No. 843, changed); and

Relative to the charter of the town of Swampscott (see House, No. 4720, amended).

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 Bill eliminating administrative responsibility for assessing from the director or supervisory board of the division of finance (House, No. 4292),— **was 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 changing responsibility for assessing in the town of Acushnet.”**

The House Bill authorizing the town of Sudbury to use certain conservation land for municipal purposes (House, No. 4394),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPER FROM THE HOUSE.

A Bill relative to town meeting members in the town of Burlington (House, No. 4704, amended,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Rosenberg, 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 Mr. Rosenberg,—

Ordered, That, by the authority of article IV of section II of chapter I of the Constitution, the Senate declares that, by reason of the resignation of Edward J. Clancy, Jr. as senator from the First Essex district, the office of senator from the First Essex district is vacant. By the authority of article XXIV of the Amendments to the Constitution, the Senate directs the president of the Senate to issue a precept setting forth April 23, 2002 as the

day for holding an election to fill the vacancy in the First Essex district, comprising the city of Lynn, the towns of Lynnfield, Marblehead, Nahant, and Swampscott, and precincts 1, 3, 5, and 7 to 10, inclusive, of the town of Saugus, all in the county of Essex.

Recess.

There being no objection, at thirteen minutes past eleven o'clock A.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at seventeen minutes past eleven o'clock A.M., the Senate reassembled, Ms. Melconian in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted; Engrossed Bills Enacted.

An engrossed Bill establishing Congressional districts (see House Bill, printed in House, No. 4778, App. A, 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 3 to 0.

The bill was signed by the Acting President 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 and laid before the Acting Governor for her approbation.

An engrossed Bill relative to group marketing plans (see House, No. 4796), 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 3 to 0.

The bill was signed by the Acting President 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 and laid before the Acting Governor for her approbation.

Order Adopted.

On motion of Mr. Rosenberg,—

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. Tisei, at twenty-five minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
