

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 31, 2002.

Met at twenty-seven minutes past two o'clock P.M.

Distinguished Guests.

There being no objection, the President introduced the Charlestown High School Townies Football Team. The team is the Division 7 MIAA Eastern Massachusetts Super Bowl Champions. The team was accompanied by their coach, Tippy Johnson, and was the guest of Senator Birmingham.

There being no objection, during the consideration of the Orders of the Day, the Chair (Mr. Rosenberg) introduced, seated in the rear of the Chamber, Donna Balaouras, a sophomore from Watertown High. Ms. Balaouras is participating in the school's Job Shadowing Program and is the guest of Senator Tolman.

There being no objection, during the consideration of the Orders of the Day, the Chair (Mr. Rosenberg) recognized, seated in the gallery, Ms. Maureen Moore. Ms. Moore was the guest of Senator Pacheco.

Committee Discharged.

Ms. Menard, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Taxation to make an investigation and study of Senate document numbered 1895, relative to farm viability (Senate, No. 2128), reported, asking to be discharged from further consideration

Of part of the petition (sections 7, 8, 9, 11, 12, 13, 14, 15, 17-22, 24-33) (accompanied by bill, Senate, No. 1895) 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 recommending that the same be recommitted to the committee on Taxation.

Under Senate Rule 36, the report was considered forthwith and accepted.

The same Senator, for the same committee, on Senate, No. 2128, reported, asking to be discharged from further consideration

Of the residue of the petition (sections 1-6, 10, 16, 23 and 34) (accompanied by bill, Senate, No. 1895) 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 recommending that the same be referred to the committee on Natural Resources and Agriculture.

Under Senate Rule 36, the report was considered forthwith and accepted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4879) of Christopher G. Fallon, Paul J. Donato and Richard R. Tisei (with the approval of the mayor and city council) relative to the withdrawal of candidates nominated for elective office in the city of Malden; and

Petition (accompanied by bill, House, No. 4880) of J. Michael Ruane (with the approval of the mayor and city council) relative to providing recall elections in the city of Salem;
Severally to the committee on Election Laws.

Petition (accompanied by bill, House, No. 4878) of Paul J. Donato and Vincent P. Ciampa (with the approval of the mayor and city council) relative to establishing the city of Medford stadium and athletic commission;
To the committee on Local Affairs.

Petition (accompanied by bill, House, No. 4881) of Emile J. Goguen (with the approval of the mayor and city council) for legislation to exempt the position of chief of police in the city of Fitchburg from the provisions of the civil service law;
To the committee on Public Service.

Bills

Promoting energy efficiency and conservation (House, No 4006, amended,— on House, Nos. 3926 and 4006); and

Providing for an early retirement incentive program for certain employees of the Springfield Water and Sewer Commission (House, No. 4685,— on House, No. 2610) [Local approval received on House, No. 2610];

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

A Bill exempting certain positions in the town of Burlington from the civil service law (House, No. 4307,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Resolutions.

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

Resolutions (filed by Mr. Birmingham) “congratulating the Charlestown High School Townies Football team on winning the 2001 Division 7, Massachusetts Interscholastic Athletic Association Super Bowl”;

Resolutions (filed by Mr. Creedon) “on the occasion of the ninetieth anniversary of Troop 1, Boy Scouts of America of Hanover”;

Resolutions (filed by Mr. Magnini) “recognizing February 9, 2002 as ‘Cabin Fever Sports Festival Day’ in the town of Framingham”; and

Resolutions (filed by Mr. Pacheco) “congratulating Rhoda B. Newman on the happy occasion of her one hundredth birthday.”

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the town of Brewster to establish a road betterment fund (Senate, No. 2206);

Relative to certain school construction projects in the city of Revere (Senate, No. 2227);

Providing for alternate members to the city of Methuen Community Development Board (House, No. 2007);

Relative to the town of Medfield and the Medfield Shelter 2000, Inc. (House, No. 4360);

Relative to the board of licensing commissioners in the city of Springfield (House, No. 4743); and

Relative to voting precincts in the town of Framingham (House, No. 4805);

Were severally read a second time and ordered to a third reading.

The Senate Bill authorizing the Department of Highways to acquire land in the city of Quincy for the purpose of flood control and prevention (Senate, No. 2232),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill authorizing and directing the reinstatement of Robert W. Aylward as a member in service of the teachers' retirement system (House, No. 4738),— **was read a third time and passed to be engrossed, in concurrence.**

Bills

Relative to the issuance of firearm licenses to environmental police officers (Senate, No. 1222); and

Establishing a limited access deposit account (House, No. 4633);

Were severally read a second time and, after remarks, in each instance, were severally ordered to a third reading.

The Senate Bill relative to public employees serving in the Armed Forces of the United States (Senate, No. 2233),— was read a third time. The question on passing it to be engrossed was determined by a call of the yeas and nays, at twenty-one minutes before three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0):

YEAS.

| | |
|--------------------------|-------------------------|
| Antonioni, Robert A. | Fargo, Susan C. |
| Baddour, Steven A. | Glodis, Guy W. |
| Berry, Frederick E. | Havern, Robert A. |
| Brewer, Stephen M. | Hedlund, Robert L. |
| Chandler, Harriette L. | Jacques, Cheryl A. |
| Creedon, Robert S., Jr. | Joyce, Brian A. |
| Creem, Cynthia Stone | Knapik, Michael R. |
| Lees, Brian P. | Resor, Pamela |
| Magnani, David P. | Rosenberg, Stanley C. |
| Melconian, Linda J. | Shannon, Charles E. |
| Menard, Joan M. | Sprague, Jo Ann |
| Montigny, Mark C. | Tarr, Bruce E. |
| Moore, Richard T. | Tisei, Richard R. |
| Morrissey, Michael W. | Tolman, Steven A. |
| Murray, Therese | Travaglini, Robert E. |
| Nuciforo, Andrea F., Jr. | Tucker, Susan C. |
| O'Leary, Robert A. | Walsh, Marian |
| Pacheco, Marc R. | Wilkerson, Dianne — 37. |
| Panagiotakos, Steven C. | |

NAYS — 0.

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), the yeas

and nays having been completed at sixteen minutes before three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to open trenches and construction safety (Senate, No. 2234),—
was read a third time.

After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at five minutes before three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0):

YEAS.

| | |
|--------------------------|-------------------------|
| Antonioni, Robert A. | Fargo, Susan C. |
| Baddour, Steven A. | Glodis, Guy W. |
| Berry, Frederick E. | Havern, Robert A. |
| Brewer, Stephen M. | Hedlund, Robert L. |
| Chandler, Harriette L. | Jacques, Cheryl A. |
| Creedon, Robert S., Jr. | Joyce, Brian A. |
| Creem, Cynthia Stone | Knapik, Michael R. |
| Lees, Brian P. | Resor, Pamela |
| Magnani, David P. | Rosenberg, Stanley C. |
| Melconian, Linda J. | Shannon, Charles E. |
| Menard, Joan M. | Sprague, Jo Ann |
| Montigny, Mark C. | Tarr, Bruce E. |
| Moore, Richard T. | Tisei, Richard R. |
| Morrissey, Michael W. | Tolman, Steven A. |
| Murray, Therese | Travaglini, Robert E. |
| Nuciforo, Andrea F., Jr. | Tucker, Susan C. |
| O'Leary, Robert A. | Walsh, Marian |
| Pacheco, Marc R. | Wilkerson, Dianne — 37. |
| Panagiotakos, Steven C. | |

NAYS — 0.

The yeas and nays having been completed at one minute before three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

There being no objection, during consideration of the Orders of the Day, a Bill providing for the 2002 annual town election in the town of Milton to be held on March 26, 2002 (printed in House, No. 4883, — being a message from Her Honor the Lieutenant-Governor, Acting Governor),— was read.

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

Orders of the Day,

The Orders of the Day were further considered, as follows.

The House Bill establishing a victims of drunk driving trust fund (House, No. 4601, amended),— was read a third time.

After remarks, the question on passing it to be engrossed, in concurrence, with an amendment, was determined by a call of the yeas and nays, at three minutes past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0):

YEAS.

| | |
|--------------------------|-------------------------|
| Antonioni, Robert A. | Fargo, Susan C. |
| Baddour, Steven A. | Glodis, Guy W. |
| Berry, Frederick E. | Havern, Robert A. |
| Brewer, Stephen M. | Hedlund, Robert L. |
| Chandler, Harriette L. | Jacques, Cheryl A. |
| Creedon, Robert S., Jr. | Joyce, Brian A. |
| Creem, Cynthia Stone | Knapik, Michael R. |
| Lees, Brian P. | Resor, Pamela |
| Magnani, David P. | Rosenberg, Stanley C. |
| Melconian, Linda J. | Shannon, Charles E. |
| Menard, Joan M. | Sprague, Jo Ann |
| Montigny, Mark C. | Tarr, Bruce E. |
| Moore, Richard T. | Tisei, Richard R. |
| Morrissey, Michael W. | Tolman, Steven A. |
| Murray, Therese | Travaglini, Robert E. |
| Nuciforo, Andrea F., Jr. | Tucker, Susan C. |
| O'Leary, Robert A. | Walsh, Marian |
| Pacheco, Marc R. | Wilkerson, Dianne — 37. |
| Panagiotakos, Steven C. | |

NAYS — 0.

The yeas and nays having been completed at six minutes past three o'clock P.M., the bill was passed to be engrossed, in concurrence, with an amendment. Sent to the House for concurrence in the amendment previously adopted by the Senate.

The House Bill authorizing leaves of absence for certain employees participating in Red Cross emergencies (House, No. 4602),— was read a third time. After remarks, the question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at a quarter past three o'clock P.M. on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 1):

YEAS.

| | |
|-------------------------|-------------------------|
| Antonioni, Robert A. | Fargo, Susan C. |
| Baddour, Steven A. | Glodis, Guy W. |
| Berry, Frederick E. | Havern, Robert A. |
| Brewer, Stephen M. | Hedlund, Robert L. |
| Chandler, Harriette L. | Jacques, Cheryl A. |
| Creedon, Robert S., Jr. | Joyce, Brian A. |
| Creem, Cynthia Stone | Knapik, Michael R. |
| Lees, Brian P. | Resor, Pamela |
| Magnani, David P. | Rosenberg, Stanley C. |
| Melconian, Linda J. | Shannon, Charles E. |
| Menard, Joan M. | Sprague, Jo Ann |
| Montigny, Mark C. | Tarr, Bruce E. |
| Moore, Richard T. | Tisei, Richard R. |
| Morrissey, Michael W. | Tolman, Steven A. |
| Murray, Therese | Travaglini, Robert E. |
| O'Leary, Robert A. | Tucker, Susan C. |
| Pacheco, Marc R. | Walsh, Marian |
| Panagiotakos, Steven C. | Wilkerson, Dianne — 36. |

NAYS.

Nuciforo, Andrea F., Jr. — 1.

The yeas and nays having been completed at nineteen minutes past three o'clock P.M., the bill was passed to be engrossed, in concurrence.

The engrossed Bill providing for civil service commission review of state police disciplinary proceedings (see House, No. 1808),— was considered, the question being on passing the bill, the objections of Her Honor the Lieutenant-Governor, Acting Governor, to the contrary, notwithstanding.

Mr. Baddour moved that the matter be laid on the table; and, in accordance with

the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill establishing Congressional districts (see House Bill, printed in House, No. 4778, Appendix A, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

After remarks, the question on passing the bill to be re-enacted was determined by a call of the yeas and nays, at twenty-five minutes past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 31 — nays 6):

YEAS.

| | |
|-------------------------|--------------------------|
| Antonioni, Robert A. | Moore, Richard T. |
| Berry, Frederick E. | Morrissey, Michael W. |
| Brewer, Stephen M. | Murray, Therese |
| Chandler, Harriette L. | Nuciforo, Andrea F., Jr. |
| Creedon, Robert S., Jr. | O'Leary, Robert A. |
| Creem, Cynthia Stone | Pacheco, Marc R. |
| Fargo, Susan C. | Panagiotakos, Steven C. |
| Glodis, Guy W. | Resor, Pamela |
| Havern, Robert A. | Rosenberg, Stanley C. |
| Hedlund, Robert L. | Shannon, Charles E. |
| Jacques, Cheryl A. | Tolman, Steven A. |
| Joyce, Brian A. | Travaglini, Robert E. |
| Magnani, David P. | Tucker, Susan C. |
| Melconian, Linda J. | Walsh, Marian |
| Menard, Joan M. | Wilkerson, Dianne — |
| Montigny, Mark C. | 31. |

NAYS.

| | |
|--------------------|------------------------|
| Baddour, Steven A. | Sprague, Jo Ann |
| Knapik, Michael R. | Tarr, Bruce E. |
| Lees, Brian P. | Tisei, Richard R. — 6. |

The yeas and nays having been completed at twenty-eight minutes past three o'clock P.M., the bill was passed to be re-enacted and it was signed by the Acting President and again laid before the Acting Governor for her approbation.

Order Adopted.

The following order (filed by Ms. Menard) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of an order previously adopted, the temporary Joint Rules of the General Court shall remain in effect until Friday, February 15, 2002; and be it further ordered that notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Friday, February 15, 2002, within which to make reports on matters referred to them.

Subsequently, Ms. Menard, for the said committees on Rules of the two branches, acting concurrently, reported that the order ought to be adopted; and, there being no objection, the order was considered forthwith, and it was adopted.

Sent to the House for concurrence.

Report of a Committee.

Ms. Resor, 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 House Bill validating the actions taken at certain town meetings held in the town of Oak Bluffs (printed in House, No. 4383).

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

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The Senate Bill validating certain actions by the Blackstone Valley Vocational Regional School District and its member towns (Senate, No. 2212, changed),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The Senate Bill relative to the crimes of assault and battery and assault and battery by means of a dangerous weapon (Senate, No. 167, amended),— came from the House with the endorsement that the House had concurred in the further Senate amendment, *with a still further amendment*, striking out all after the enacting clause and inserting in place

thereof the text contained in House document numbered 4870.

The rules were suspended, on motion of Ms. Creem, and the further House amendment was considered forthwith and adopted, in concurrence.

Engrossed Bills.

An engrossed Bill relating to the debt limit of the town of Millis (see House, No. 4421) (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.**

An engrossed Bill providing for the 2002 annual town election in the town of Milton to be held on March 26, 2002 (see House Bill, printed in House, No. 4883) (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, two-thirds of the members present having voted in the affirmative, and it was signed by the Acting President and laid before the Acting Governor for her approbation.**

The Senate Bill relative to certain school construction projects in the towns of Milton and Winchester and the cities of Brockton, Revere and Waltham (Senate, No. 2228, amended),— came from the House passed to be engrossed, in concurrence, *with amendments* in section 1, in line 3, and in section 3, in line 2, by inserting after the word “Brockton” the word “Everett”;

In section 2, in line 3, by inserting after the word “Laws” the following: “except for the form of contract set forth in paragraph (c) of subsection (4) of said section 44F”;

In section 3, in line 11, by inserting after the word “contracts.” the following sentence: “Submission of bidding documents, for the review by the Inspector General as provided in this section, and notice and advertising thereof, before the effective date of this Act, shall be regarded as being within this Act, provided this Act is effective before any contracts are awarded pursuant to said bidding documents.”; and

By inserting after section 5 the following section:

“SECTION 5A. Subsection (1) of section 39F of chapter 30 of the General Laws shall be applicable to all subcontract executed in connection with any school building program undertaken pursuant to this act.”.

The rules were suspended, on motion of Mr. Joyce, and the House amendments were considered forthwith and adopted, in concurrence.

Recess.

There being no objection, at twenty minutes before four o’clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at nineteen minutes past four o’clock P.M., the Senate reassembled, 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).

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to certain school construction projects in the towns of Milton and Winchester and the cities of Brockton, Everett, Revere and Waltham (see Senate, No. 2228, amended) (which originated in the Senate), **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 (Ms. Melconian) and laid before the Acting Governor for her approbation.**

Order Adopted.

On motion of Mr. Tarr,—

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. Tarr, at twenty minutes past four o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
