

**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, February 7, 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).

### *Communication.*

A communication was received from the Minority Leader announcing the appointment of the Senator from Norfolk, Bristol, and Plymouth, Mrs. Sprague, to the special commission established (pursuant to item 9110-0100 of Chapter 177 of the Acts of 2001) to study the future of long-term health care and the status and needs of the long-term care workforce.

### *Petition.*

Mr. Glodis presented a petition (subject to Joint Rule 12) of Guy W. Glodis and Joseph F. Wagner for legislation relative to the special election for the First Essex Senatorial District,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

### *Reports of a Committee.*

Ms. Resor, 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

To protect tipped employees (Senate, No. 72);

Allowing release of police reports to school administrators (Senate, No. 1212); and

Providing that no other flag or pennant be flown higher than the American flag (Senate, No. 1582).

### *Committees Discharged.*

Ms. Menard, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Government Regulations to make an investigation and study of Senate document numbered 391, relative to alcoholic beverages (Senate, No. 2237),— and recommending that the same be referred to the Senate committee on Rules.

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

Ms. Menard, for the committee on Rules, to whom was referred the House petition (accompanied by bill, House, No. 4515) of Reed V. Hillman and Stephen M. Brewer (by vote of the town) relative to authorizing the appointment of Steven E. Granlund as a police officer in the town of Ware, notwithstanding the maximum age requirements,— reported, asking to be discharged from

further consideration thereof and recommending that the petition be recommitted to the committee on Public Service.  
**Under Senate Rule 36, the report was considered forthwith and accepted.**

## **PAPERS FROM THE HOUSE.**

Messages were referred, in concurrence, as follows:

Message from Her Honor the Lieutenant-Governor, Acting Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the action taken at the 2000 annual town meeting of the town of Amherst (House, No. 4890);

**To the committee on Local Affairs.**

Message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to improving certain operations of state government (House, No. 4874);

**To the committee on State Administration.**

Message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to providing tax relief to victims of terrorist attacks (House, No. 4893);

**To the committee on Taxation.**

Bills

Authorizing the town of Framingham to offer an elderly discount program for water and sewer rates (House, No. 4463,— on petition) [Local approval received];

Authorizing the town of North Andover to grant a certain conservation restriction (House, No. 4830, changed,— on petition) [Local approval received]; and

Authorizing the town of Winchester to establish stabilization funds (House, No. 4831,— on petition) [Local approval received];  
**Were severally 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 Ms. Chandler and Mr. Antonioni) “congratulating the Clinton High School Gaels on winning the Division III Super Bowl Football Championship”;

Resolutions (filed by Mr. Magnani) “congratulating Lieutenant Colonel John A. Cunningham on the occasion of his retirement from the Massachusetts State Police”;

Resolutions (filed by Mr. O’Leary and Ms. Murray) “acknowledging the contributions of the Mashpee Wampanoag people to the Commonwealth of Massachusetts”; and

Resolutions (filed by Mr. Pacheco) “honoring the Italian Social Club in Taunton on the occasion of its seventy-fifth anniversary.”

## ***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 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.

**Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Commerce and Labor.**

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 R. Tisei and Bradley H. Jones, Jr. for legislation relative to arrest procedures in domestic abuse incidents.

**Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Criminal Justice.**

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 Guy W. Glodis for legislation relative to the prevention of bullying in the public schools.

**Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education, Arts and Humanities.**

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 Cynthia S. Creem, Kay Khan, Ruth B. Balser, Peter J. Koutoujian and others (being the Zervas Elementary School 4th Grade Class) for legislation to declare September 11th the official state day honoring all September 11, 2001 victims and heroes and promoting peace, unity and social action.

**Senate Rule 36 was suspended, on motion of Mr. Moore, 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.**

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 Cynthia S. Creem, Andrea F. Nuciforo, Jr., Robert A. O'Leary, Robert M. Koczera and other members of the General Court for legislation to update and clarify the tax laws regarding individual retirement accounts and to study the impact of recent changes to federal tax laws.

**Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation.**

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 Susan C. Fargo, David P. Linsky, Pamela P. Resor, Harriette L. Chandler and other members of the General Court for legislation relative to the reimbursement of the gas tax to consumers traveling the Massachusetts Turnpike.

**Senate Rule 36 was suspended, on motion of Mr. Moore, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation.**

**Severally sent to the House for concurrence.**

## **PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4896) of Nev Moore relative to establishing criminal liability for certain actions of employees of the Department of Social Services; and

Petition (accompanied by bill, House, No. 4897) of John J. Binienda relative to the penalty for providing false address information by persons arrested by law enforcement officers;

**Severally, under suspension of Joint Rule 12, to the committee on Criminal Justice.**

Petition (accompanied by bill, House, No. 4898) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the appropriation of state aid for public schools in the town of Orleans;

**Under suspension of Joint Rule 12, to the committee on Education, Arts and Humanities.**

Petition (accompanied by bill, House, No. 4899) of Demetrius J. Atsalis that employees of the Department of Social Services be required to wear photo identification;

**Under suspension of Joint Rule 12, to the committee on Human Services and Elderly Affairs.**

Petition (accompanied by bill, House, No. 4901) of William C. Galvin, Louis L. Kafka and other members of the General Court relative to borrowing by cities and towns for the costs of school construction projects;

**Under suspension of Joint Rule 12, to the committee on Local Affairs.**

Petition (accompanied by bill, House, No. 4902) of Paul J. Donato relative to authorizing the reinstatement of Frederick Nasson as a member in service of the state retirement system;

**Under suspension of Joint Rule 12, to the committee on Public Service.**

Petition (accompanied by bill, House, No. 4903) of John J. Binienda and other members of the General Court (with the approval of the mayor and city council) relative to authorizing the Division of Capital Asset Management and Maintenance to enter into a long term lease for the provision of court and program space with the city of Worcester;

**Under suspension of Joint Rule 12, to the committee on State Administration.**

Petition (accompanied by bill, House, No. 4904) of David B. Sullivan and other members of the General Court relative to designating a certain bridge in the city of Fall River as the Richard Magan Memorial Bridge;

**Under suspension of Joint Rule 12, to the committee on Transportation.**

## ***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 bills

Designating a walking path at Squantum Point Park as the Janet Niles Murphy Walkway (Senate, No. 627);

Relative to the Ashland home rule charter (Senate, No. 2105, changed); and

Providing for a charter for the town of Sandwich (Senate, No. 2192, changed);

**Were severally read a third time and passed to be engrossed.**

**Severally sent to the House for concurrence.**

The House Bill exempting certain positions in the town of Burlington from the civil service law (House, No. 4307),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

## **PAPERS FROM THE HOUSE.**

A Bill relative to the conservation commission of the town of Sutton (House, No. 4325,— on petition) [Local approval received],— was read.

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

The Senate Bill authorizing certain military personnel to receive group insurance discounts (Senate, No. 773, changed and amended),— came from the House passed to be engrossed, in concurrence, *with an amendment*, in lines 16 and 17 by striking out the words “or national security or segments or categories thereof”.

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

## ***Engrossed Bills.***

An engrossed Bill validating the actions taken at certain town meetings held in the town of Oak Bluffs (see House Bill, printed in House, No. 4383) (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 following engrossed bills (the first 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:

Validating certain actions by the Blackstone Valley Vocational Regional School District and its member towns (see Senate, No. 2212, changed); and

Authorizing and directing the reinstatement of Robert W. Aylward as a member in service of the teachers’ retirement system (see House, No. 4738).

## ***Order Adopted.***

On motion of Mr. Baddour,—

*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. Rosenberg, at thirteen minutes past eleven o’clock A.M., the Senate adjourned to meet on the following Monday at eleven o’clock A.M.

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