

**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 21, 2002.

Met at three 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).

### *Communications.*

A communication was received from the President announcing the following appointments: the Senator from Bristol, Mr. Montigny, the Senator from Worcester and Norfolk, Mr. Moore, the Senator from Plymouth and Barnstable, Ms. Murray, the Senator from Essex and Middlesex, Ms. Tucker, the Senator from Middlesex, Mr. Panagiotakos, and the Senator from Worcester, Ms. Chandler, to the special commission established (pursuant to section 2, item 9110-0100 of Chapter 177 of the Acts of 2001) relative to the future of long-term health care and the status and needs of the long-term care workforce.

A communication from the State Ethics Commission relative to a report filed for the fiscal year 2001 (received Thursday, February 7, 2002),— **was placed on file.**

### *Reports.*

The following reports were severally read and placed on file:

A report of the Executive Office of Elder Affairs (under the provisions of item 9110-9002 of Chapter 177 of the Acts of 2001) relative to the financial situations of Councils on Aging in the Commonwealth (received Monday, February 11, 2002); and

A report of the Division of Employment and Training (under the provisions of Chapter 233 of the Acts of 1983) submitting its quarterly report on the condition of the

Commonwealth's unemployment insurance trust fund (received Friday, February 8, 2002).

The following reports were severally read and sent to the House for its information:

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 Worcester County Jail and House of Correction (received Monday, February 4, 2002);

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 Massachusetts Boot Camp/Longwood Treatment Facility (received Tuesday, February 5, 2002);

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 Worcester County Jail and House of Correction (received Wednesday, February 6, 2002);

### ***Committee Discharged.***

Ms. Menard, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Service 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 collective bargaining (Senate, No. 2045), reported, in part, asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 1309) of the Massachusetts Coalition of Police, AFL-CIO, by Kenneth J. Scanzio, vice president, and Stephen M. Brewer for legislation to provide for the inclusion of a major police labor organization in the process of mediating municipal police labor agreements,— and recommending that the same be recommitted to the committee on Public Service.

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

### **PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4916) of J. Michael Ruane (with the approval of the mayor and city council) relative to establishing an affordable housing trust fund in the city of Salem;

**To the committee on Housing and Urban Development.**

Petition (accompanied by bill, House, No. 4917) of Viriato Manuel deMacedo, Thomas J. O'Brien and Therese Murray ((by vote of the town) relative to establishing the Plymouth Development Corporation;

**To the committee on Local Affairs.**

A report of the committee on Education, Arts and Humanities, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4745) of Angelo M. Scaccia relative to increasing school safety, and recommending that the same

be referred to the committee on Criminal Justice,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

***Communication.***

The Clerk read the following communication:

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

February 20, 2002.

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

Dear Mr. Clerk:

On Wednesday, January 23, I was away from the State House, due to a scheduling conflict, and I was therefore unable to be present for the roll call votes on the following items:

A Message from Her Honor the Lieutenant-Governor, Acting Governor, Returning with Recommendation of Amendment the Engrossed Bill Establishing Congressional Districts (H. 4778 — question on amendment), and

An Act Authorizing the Town of Sudbury to Use Certain Conservation Land for Municipal Purposes (H. 4394 — question on enactment).

Had I been present I would have voted in the negative on the former item and in the affirmative on the latter item.

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

Sincerely,

ROBERT A. O'LEARY,  
*State Senator,*  
*Cape and Islands District.*

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

### *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 Charles E. Shannon and Timothy J. Toomey, Jr. for legislation relative to real estate tax exemptions for veterans and fraternal organizations.

**Senate Rule 36 was suspended, on motion of Mr. Baddour, 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 David P. Magnani and other members of the General Court [for complete list of petitioners, see printed bill] for legislation relative to a freeze on toll rates, to provide local cities and towns funding for transportation projects, and to provide funding for the central artery/tunnel project.

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

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 David P. Magnani and other members of the General Court [for complete list of petitioners, see printed bill] for legislation relative to a temporary freeze on toll rates, and to provide funding for the central artery/tunnel project.

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

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

### **PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4924) of Brian Paul Golden, Reed V. Hillman, David M. Torrisi and Edward G. Connolly relative to the compensation of principals of the Horace Mann Charter School;

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

Petition (accompanied by bill, House, No. 4923) of Brian S. Dempsey relative to the sale of wine in gift baskets;

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

Petition (accompanied by bill, House, No. 4922) of Brian S. Dempsey relative to excluding substitution costs in determining motor vehicle insurance premiums;

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

Petition (accompanied by bill, House, No. 4921) of Marie J. Parente and Richard T. Moore (by vote of the town) relative to the appointment of Luann M. Tomaso as a police officer in the town of Milford, notwithstanding the maximum age requirements;  
**Under suspension of Joint Rule 12, to the committee on Public Service.**

### ***Resolutions.***

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

Resolutions (filed by Mr. Moore) “recognizing Peter L. Woodbury for his outstanding leadership on behalf of Thom Child & Family Services”;

Resolutions (filed by Mr. Morrissey) “congratulating Mr. and Mrs. Desmond James Evans on the occasion of their fiftieth wedding anniversary”;

Resolutions (filed by Mr. Pacheco) “congratulating Jeffrey Travers Kelley upon his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mrs. Sprague, Mr. Berry, Ms. Fargo, Messrs. Magnani and Moore, Ms. Resor and Mr. Tarr) “urging the National Football League to allow a rebroadcast of the 2002 Super Bowl.”

### **PAPER FROM THE HOUSE.**

#### ***Engrossed Bill.***

An engrossed Bill relative to the licensing of amusement parks (see House, No. 3529) (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.**

#### ***Emergency Preamble Adopted.***

An engrossed Bill establishing a victims of drunk driving trust fund (see House, No. 4601, 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 4 to 0.

**The bill was signed by the Acting President and sent to the House for enactment.**

#### ***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 House Bill relative to the charter of the town of Reading (House, No. 4776),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

***Report of a Committee.***

By Ms. Chandler, for the committee on Public Service, on petition, a Bill including employees of the Central Massachusetts Regional Planning Commission in the group insurance plan (Senate, No. 2131).

**The bill was read. There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill 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.**

***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 eight 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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