

***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 28, 2002.

Met at four minutes past two o'clock P.M.

Distinguished Guests.

There being no objection, the President introduced students from the ACC (Another Course to College) Program in Boston. The students were accompanied by their mentors from the Brown Rudnick Center for the Public Interest and were the guests of Senator Wilkerson.

Communication.

A communication was received from the President announcing the appointment of the Senator from Worcester and Norfolk, Mr. Moore, to the special commission established (pursuant to section 74 of Chapter 177 of the Acts of 2001) to devise a fair and equitable allocation of the burden of uncompensated care.

Petition.

Mrs. Sprague (by request) presented a petition (subject to Joint Rule 12) of Charles Randolph Schulkers for legislation relative to the sales tax on motor vehicles or trailers purchased outside the Commonwealth,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4932) of David F. Gately (mayor), Peter J. Koutoujian, Thomas M. Stanley and others (with the approval of the city council) that the city of Waltham be authorized to appropriate funds for the continued operation of the Deaconess-Waltham Hospital or successor entity;

To the committee on Health Care.

Petition (accompanied by bill, House, No. 4933) of Benjamin Swan and other members of the General Court (with the approval of the mayor and city council) that the retirement board of the city of Springfield be authorized to pay certain surviving spouse benefits to Linda Gagne;

To the committee on Public Service.

Bills

Establishing a citizens advisory board on uses of the Rumney Marsh Area (House, No. 1877,— on petition);

Relative to the curriculum in public schools (House, No. 4409, amended,— on House, Nos. 1360 and 2872);

Providing for the installation of certain traffic devices in the city of Medford (House, No. 4635,— on House, No. 1766);

Authorizing the Division of Capital Asset Management and Maintenance to convey an easement to the town of Milford (House, No. 4754, amended,— on petition);

Relative to the terms of certain notes issued by the Commonwealth (printed in House, No. 4765,— being a message from Her Honor the Lieutenant-Governor, Acting Governor); and

Making appropriations for the fiscal year 2002 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4914, — having been reported from the House committee on Ways and Means pursuant to House Rule 30);

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

Bills

Relative to the assessment of local taxes (House, No. 376, amended,— on petition); and

Relative to the water and sewer commission of the town of Mattapoisett (House, No. 4843, amended,— on petition);

Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

Bills

Authorizing the town of Bellingham to establish a tax stabilization fund (House, No. 4732,— on petition) [Local approval received];

Relative to elections in the town of Huntington (House, No. 4741, changed,— on petition) [Local approval received]; and

Providing for recall elections in the town of Huntington (House, No. 4742,— on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Report of the committee on Public Safety, asking to be discharged from further consideration of the message from her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to further promoting public safety in the Commonwealth (accompanied by bill, House, No. 4907) ,— and recommending that the same be referred to the House committee on Ways and Means;

Was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.

Engrossed Bill.

An engrossed Bill providing equitable coverage of services under health plans (see Senate, No. 2139, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at five minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.

Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
Menard, Joan M.	35.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Travaglini, Robert E. —
Resor, Pamela	3.

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

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill relative to a certain parcel of conservation land in the town of North Reading (see House, No. 4733, 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; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eleven minutes past two o'clock P.M., as follows, to wit (yeas 34 — nays 0):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.

Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
	34.

NAYS — 0.

PAIRED.

YEA.

Therese Murray
(present),

NAY.

Robert E. Tavaglini —
2.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Resor, Pamela — 2.
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The yeas and nays having been completed at fourteen minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Acting Governor for her approbation.

An engrossed Bill authorizing the town of Mashpee to convey a certain parcel of land (see House, No. 4299, 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; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at a quarter past two o'clock P.M., as follows, to wit (yeas 34 — nays 0):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.

Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
	34.

NAYS — 0.

PAIRED.

YEA.

Therese Murray
(present),

NAY.

Robert E. Travaglini —
2.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Resor, Pamela — 2.
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The yeas and nays having been completed at seventeen minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Acting Governor for her approbation.

An engrossed Bill relative to the environmental protection of the Massachusetts Military Reservation (see Senate, No. 2180, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nineteen minutes past two o'clock P.M., as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
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Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O’Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
Menard, Joan M.	35.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Travaglini, Robert E. —
Resor, Pamela	3.

The yeas and nays having been completed at twenty-two minutes past two o’clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Acting Governor for her approbation.

Engrossed Bills.

The following engrossed bills (the first two 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 President and laid before the Acting Governor for her approbation, to wit:

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

Relative to motor homes (see Senate, No. 2178); and

Promoting energy efficiency and conservation (see House, No. 4006, amended).

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the town of Framingham to offer an elderly discount program for water and sewer rates (House, No. 4463);

Authorizing the town of North Andover to grant a certain conservation restriction (House, No. 4830, changed); and

Authorizing the town of Winchester to establish stabilization funds (House, No. 4831);
Were severally read a second time and ordered to a third reading.

The Senate Bill relative to the inspection, registration, construction and reconstruction of dams (Senate, No. 2269),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill to protect tipped employees (Senate, No. 72),— **was read a second time and, after remarks, was ordered to a third reading.**

The Senate Bill allowing the release of police reports to school administrators (Senate, No. 1212),— was read a second time. The question on ordering it to a third reading was determined by a call of the yeas and nays, at thirteen minutes before three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 34 — nays 1):

YEAS.

Antonioni, Robert A.	Hart, John A., Jr.
Baddour, Steven A.	Havern, Robert A.
Brewer, Stephen M.	Hedlund, Robert L.
Chandler, Harriette L.	Jacques, Cheryl A.
Creem, Cynthia Stone	Joyce, Brian A.
Fargo, Susan C.	Knapik, Michael R.
Glodis, Guy W.	Lees, Brian P.
Magnani, David P.	Panagiotakos, Steven C.
Melconian, Linda J.	Rosenberg, Stanley C.
Menard, Joan M.	Shannon, Charles E.
Montigny, Mark C.	Sprague, Jo Ann
Moore, Richard T.	Tarr, Bruce E.
Morrissey, Michael W.	Tisei, Richard R.
Murray, Therese	Tolman, Steven A.

Nuciforo, Andrea F., Jr. Tucker, Susan C.
O’Leary, Robert A. Walsh, Marian
Pacheco, Marc R. Wilkerson, Dianne —
34.

NAYS.

Creedon, Robert S., Jr. — 1.

ABSENT OR NOT VOTING.

Berry, Frederick E. Travaglini, Robert E. —
3.
Resor, Pamela

The yeas and nays having been completed at ten minutes before three o’clock P.M., the bill was ordered to a third reading.

The Senate Bill providing that no other flag or pennant be flown higher than the American flag (Senate, No. 1582),— **was read a second time and ordered to a third reading.**

The Senate Bill relative to leasing motor vehicles (Senate, No. 1240),— was read a third time.

Pending the question on passing the bill to be engrossed, Messrs. Glodis and Shannon moved that the bill be amended by striking out, in line 4, the words “any vehicle” and inserting in place thereof the following words:— “a passenger vehicle under 8,500 pounds gross vehicle weight rating”.

After remarks, this amendment was adopted.

The bill (Senate, No. 1240, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill regulating the use of paint ball guns (Senate, No. 1261) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time. **Pending the main question on passing the bill to be engrossed, on motion of Mr. Glodis, the further consideration thereof was postponed until the next session.**

The House Bill relative to the management of state chartered banks (House, No. 1723, amended),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence.**

The House Bill establishing a limited access deposit account (House, No. 4633),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Nuciforo moved that the bill be amended by striking out, in section 1, the paragraph contained in lines 52 to 62, inclusive, and inserting in place thereof the following two paragraphs:—

“In the event of the incapacity or death of the principal, and receipt of written notice by the financial institution holding the account, withdrawals shall not be permitted, except by a court appointed fiduciary, unless otherwise provided for in the declaration of intent. Notice of the death or incapacity of the principal of a limited access deposit account shall be given, in the case of a bank or federally chartered bank, to the main office of the bank.

A bank shall not be required to monitor the limited access deposit account in a manner different from its other checking or savings accounts. A bank shall not be liable for withdrawals and payments made by the signatory before it receives notice of amendments or revocation of the declaration of intent, or before it receives notice of the death or incapacity of the principal.”; and in section 2, by striking out the paragraph in lines 55 to 65, inclusive, and inserting in place thereof the following two paragraphs:—

“In the event of the incapacity or death of the principal, and receipt of written notice by the financial institution holding the account, no withdrawals shall be permitted except by a court appointed fiduciary, unless otherwise provided for in the declaration of intent. Notice of the death or incapacity of the principal of a limited access deposit account shall be given to the main office of the credit union holding the account.

A credit union shall not be required to monitor the limited access deposit account in a manner different from its other checking or savings accounts. A bank shall not be liable for withdrawals and payments made by the signatory before it receives notice of amendments or revocation of the declaration of intent, or before it receives notice of death or incapacity of the principal.”.

After remarks, this amendment was adopted.

The question on passing the bill to be engrossed, in concurrence, with the amendments, was determined by a call of the yeas and nays, at five minutes past three o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 33 — nays 1):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.

Brewer, Stephen M.	Morrissey, Michael W.
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.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Jacques, Cheryl A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
	33.
Menard, Joan M.	

NAYS.

Lees, Brian P. — 1.

PAIRED.

YEA.

Therese Murray
(present),

NAY.

Robert E. Travaglini —
2.

ABSENT OR NOT VOTING.

Berry, Frederick E. Resor, Pamela — 2.

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

Sent to the House for concurrence in the amendments.

The Senate Bill authorizing farmer-brewers to sell malt beverages on Sundays and legal holidays (Senate, No. 373) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and, after remarks, was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to reporting certain medication errors (Senate, No. 531, amended) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and, after remarks, was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill further regulating the sale and distribution of bottled water and certain other non-alcoholic beverages (Senate, No. 535),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill further regulating the registration of pharmacists (Senate, No. 2268),— was read a third time.

Pending the main question on passing the bill to be engrossed, Mr. Lees moved that the bill 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.

The Senate Bill providing for capital facility improvements and repairs for the Commonwealth (Senate, No. 2270),— was read a third time.

Pending the main question on passing the bill to be engrossed, Mr. Knapik moved to amend the bill in section 2B, in item 0526-2010, by inserting after the word “Wakefield”, in line 44, the following words:— “; provided further, that \$80,000 shall be expended for a feasibility and economic development study of the historic Victory Theatre in the city of Holyoke; provided further, that \$400,000 shall be expended for the repair and restoration of the Old Meeting House in the town of Ware”.

The amendment was adopted.

Mr. Knapik further moved to amend the bill in section 2B, in item 0526-2010, by inserting after the word “Wilmington”, in line 42, the following words:— “; provided further, that \$100,000 shall be expended for roof repairs to the historic Easthampton town hall”.

The amendment was adopted.

Mrs. Sprague moved to amend the bill in section 2, in item 7004-0089, by adding the following words:— “; and provided further, that not less than \$8,000 shall be provided to the Medfield Council on Aging for computer and network upgrading costs”.

The amendment was *rejected*.

Mrs. Sprague further moved to amend the bill in section 2, in item 7004-0089, by adding the following words:— “; and provided further, that not less than \$6,000 shall be provided

to the Rehoboth Council on Aging for the construction of a gazebo”.
The amendment was *rejected*.

Mrs. Sprague further moved to amend the bill in section 2B, in item 0526-2010, by adding the following words:— “; and provided further, that not less than \$8,000 shall be provided to the Walpole Historical Society for renovations of the Deacon Willard Lewis House”.
The amendment was adopted.

Mrs. Sprague further moved to amend the bill in section 2, in item 7004-0089, by adding the following words:— “; and provided further, that not less than \$4,200 shall be provided to the Seekonk Council on Aging for renovation of a handicapped bathroom”.
The amendment was *rejected*.

Mrs. Sprague further moved to amend the bill in section 2, in item 7004-0089, by adding the following words:— “; and provided further, that not less than \$8,000 shall be provided to the Walpole Council on Aging for ventilation system renovations”.
The amendment was *rejected*.

Mr. Shannon moved to amend the bill by inserting after section 7 the following section:—

“SECTION 7A. Item 2495-8968 of section 2A of chapter 277 of the acts of 1995 is hereby amended by striking out, in lines 21 and 22, the words ‘, including groundskeeping, of a certain boathouse on the Mystic River’ and inserting in place thereof the following words:— ‘of Veterans Skating Rink’.”
After remarks, the amendment was adopted.

Messrs. Tarr, Berry and Baddour moved to amend the bill in section 2, in item 1102-2010, by adding the following words:— “; provided, that \$100,000 shall be expended for planning and studies and the preparation of plans and specifications for the construction of a regional vocational school located in the former county of Essex.”
The amendment was adopted.

Mr. Tarr moved to amend the bill in section 2A, in item 8000-2014, by adding the following words:— “; and provided further, that not less than \$150,000 shall be expended for the completion of the fire station in the town of West Newbury”.
The amendment was *rejected*.

Messrs. Tarr and Baddour moved to amend the bill in section 2B, item 0526-2010, by adding the following words:— “; provided further, that not less than \$500,000 shall be expended for the renovation of the town hall in the town of North Andover; and provided further, that said town shall expend not less than an equal sum from combined sources for this purpose”.
The amendment was adopted.

Mr. Tarr moved to amend the bill in section 2, in item 7004-0089, by adding the following words:— “; provided further, that not less than \$75,000 shall be expended for

the construction of a year-round information booth in the town of Rockport; and provided further that the town of Rockport shall expend not less than an equal sum from combined sources for this purpose”.

The amendment was *rejected*.

Mr. Tarr further moved to amend the bill in section 2B, in item 0526-2010, by adding the following words:— “; provided further, that not less than \$28,000 shall be expended for the replacement of the roof of the historic Fitz Hugh Lane House in the city of Gloucester”.

The amendment was adopted.

Mr. O’Leary moved to amend the bill in section 2B, in item 0526-2010, by inserting after the word “Wakefield” the following words:— “; provided further, that \$750,000 shall be expended for the Nantucket Whaling Museum”.

The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, by inserting after item 1102-0004 the following item:—

“Metropolitan District Commission.

2440-1901 To alleviate regional flooding conditions in the towns of Arlington, Belmont and Lexington and

the city of Waltham 8,500,000”;

and by adding the following section:—

“Section 22. (a) Notwithstanding any general or special law to the contrary, the commissioner of the metropolitan district commission shall construct the Beaver Brook Flood Mitigation Project, including an extension of a culvert system across Beaver Brook, construction of a relief culvert and related work in the vicinity of Linden street and Waverly Oaks road in the city of Waltham, construction at Beaver Brook Flood Mitigation Project-Reach II in the vicinity of Mill street and the reconstruction of the Duck Pond dam and Mill Pond dam and related work in the city of Waltham and the town of Belmont. The purpose is to alleviate regional flooding conditions in the Towns of Arlington, Belmont and Lexington and the city of Waltham.

(b) to meet the expenditures necessary to carry out the provisions of item 2440-1901 of section 2, the state treasurer, upon request of the governor, shall issue and sell bonds of the commonwealth, in amounts specified by the governor from time to time, not exceeding in the aggregate the sum of \$8,500,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Beaver Brook Flood Control Program Loan, Act of 1999, and shall be issued for such maximum term of years not exceeding 20 years as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but all such bonds shall be payable not later than June 30, 2020. Bonds and interest

thereon issued under the authority of this section shall, notwithstanding item 2440-1901 of section 2, be general obligations of the commonwealth.

(c) the state treasurer may borrow from time to time on the credit of the commonwealth such sums of money in an amount not to exceed \$8,500,000 as may be necessary for the purpose of making payments authorized by item 2440-1901 of section 2 and may issue and review from time to time notes of the commonwealth therefore, bearing interest payable at such time and at such rates as shall be fixed by the treasurer. Such notes shall be issued and may be renewed one or more times for such term, not exceeding 1 year, as the governor may recommend to the general court in accordance with section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturity date of such notes, whether original or renewal, shall be not later than June 30, 2005. Notwithstanding item 2440-1901 of section 2, notes and interest thereon issued under the authority of said item 2440-1901 shall be general obligations of the commonwealth". After debate, the amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, in item 7066-2010, by adding the following words:— “; provided, that not less than \$2,000,000, shall be expended for renovations to the Massachusetts Bay Community College Framingham facility at the former Farley school; provided that renovations shall be undertaken by the town of Framingham; provided further, that such expenditures shall be contingent upon the town and Massachusetts Bay Community College entering into a lease agreement for the renovated facility for a period of at least 10 years at a rate below the fair market value, which is calculated to reflect the commonwealth’s investment”. After remarks, the amendment was adopted.

Mr. Magnani further moved to amend the bill in section 2, in item 7004-0089 by adding the following words:— “; provided further, that not less than \$2,000,000 shall be expended for the construction of sound barriers in neighborhoods adjacent to the Massachusetts Turnpike in the town of Framingham; and provided further, that not more than \$400,000 shall be expended for the design and construction of sound barriers along the eastbound lane of route 9 adjacent to Hartford street in the town of Natick”; and by striking out the figure “\$10,644,000” and inserting in place thereof the following figure: “\$13,044,000”. The amendment was *rejected*.

Mr. Pacheco and Ms. Menard moved to amend the bill in section 2, in item 4000-2011, by adding the following words:— “for the demolition and remediation of the former Lakeville State Hospital site in the town of Lakeville”. After debate, the amendment was adopted.

Mr. Hedlund moved to amend the bill in section 2A, in item 8000-2011, by striking out the figure “\$200,000” and inserting in place thereof the following words:— “\$250,000; and provided further, that \$250,000 shall be provided to the Massachusetts criminal justice training council for reimbursement of the costs incurred to renovate facilities at the former South Weymouth Naval Air Station”. The amendment was adopted.

Mr. Magnani moved to amend the bill in section 2B, in item 0526-2010, by inserting after the word “Wakefield” the following words:— “; provided further, that \$100,000 shall be expended for the restoration of the Memorial Auditorium in the city of Lynn”.

The amendment was adopted.

Mr. Baddour moved to amend the bill by inserting after section 13 the following section:—

“SECTION 13A. Item 8700-7997 of section 2 of chapter 289 of the acts of 1998 is hereby amended by adding the following words:— ; provided, that funds shall be available directly to the city of Newburyport for the purposes of developing a Senior Center on the Newburyport Armory site.”

The amendment was adopted.

Mr. Pacheco moved to amend the bill in section 2, in item 7066-2010, by adding the following words:— “provided, that not less than \$1,000,000 shall be expended for the development of the Southeast Regional Education and Training Skills Alliance Facility at the former Paul A. Dever State School in the city of Taunton”.

After remarks, the amendment was adopted.

Ms. Chandler moved to amend the bill in section 2, in item 1102-0004, by inserting after the words “Worcester regional lockup” the following words:— “; provided, that the secretary of administration and finance shall conduct a study relative to the economic impact the regional lockup will have on the town of West Boylston, for the purpose of determining an appropriate mitigation amount or payment-in-lieu-of-taxes for the project”.

After remarks, the amendment was adopted.

Mr. Baddour moved to amend the bill in section 2B, in item 0526-2010, by adding the following words:— “; and provided further, that \$500,000 shall be expended for the renovation of town hall in the city known as the town of Amesbury”.

After remarks, the amendment was adopted.

Ms. Melconian and Messrs. Rosenberg and Knapik moved to amend the bill in section 2, by striking out item 7410-7967, and inserting in place thereof the following item:—

“1599-7102 For the design and construction of an integrated science facility at the University of Massachusetts, Amherst and on behalf of a university affiliate, Bay State Medical Center, in the city of Springfield, a life science research facility, as part of the Pioneer Valley life sciences initiative; provided, that funds appropriated herein may be transferred to the University of Massachusetts Building Authority for each facility; provided further, that not less than \$5,000,000 of the funds authorized herein shall be applied to the life science research facility in said Springfield; provided further, that not less than \$5,000,000 authorized herein shall be applied to the integrated science facility in Amherst; provided further, that no funds shall be transferred from this item until the secretary of administration and finance certifies in writing to the house and senate committees on ways and means that all sources of funding for each phase of each facility

has been committed and are available as necessary for commencement of design and construction; provided further, that said written certification shall include copies of all business plans, letters of financial commitment and other documentation as said secretary deems necessary to certify that all other sources of funding have been secured; provided further, that the University of Massachusetts Building Authority shall submit to the clerks of the house and senate a report which includes the following: (a) a copy of the memorandum of understanding between the University of Massachusetts and Bay State Medical center which shall provide for provisions addressing the respective intellectual and other property rights and interests of the parties, the disbursement and assignment of profits royalties and other benefits, and ethical rules and disclosure requirements of the public and private employees, (b) a detailed list of all private donors and amount donated for each facility, (c) a plan for design, construction, operation and maintenance and all associated costs and revenues of each facility, including the projected timeline for the completion of all phases of said project, and (d) a description of proposed title to any and all assets associated with each facility; provided further, that the secretary shall not expend any funds until the report is filed with the house and senate committees on ways and means; provided further, that in the construction and financing of the integrated science facility, notwithstanding any general or special law to the contrary, the Authority may use an alternative mode of procurement of design and construction, including but not limited to, sequential construction management, turnkey, design/build procurement and the phasing of the procurement, including, but not limited to, approval of design and construction stages as separate for combined phases; provided further, that the ability to ensure labor harmony during all phases of the projects shall be determined so as to most efficiently, economically and best serve the interests of the Authority; provided further, that the authority may assess liquidated damages and terminate any contract for failure to maintain said labor harmony; provided further, that the payment of prevailing wages shall be required for all phases of the projects as follows: the rate per hour of the wages paid to mechanics and apprentices, teamsters, chauffeurs and laborers in the construction of public works shall not be less than the rate or rates of wages to be determined by the commissioner pursuant to chapter 149 of the General Laws; provided, that the wages paid to laborers employed on the works shall not be less than those paid to laborers in the municipal service of the town or towns where the works are being constructed; provided, further, that where the same public work is to be constructed in 2 or more towns, the wages paid to laborers shall not be less than those paid to laborers in the municipal service of the town paying the highest rate; provided, further, that if, in any of the towns where the works are to be constructed, a wage rate or wage rates have been established in certain trades and occupations by collective agreements or understandings in the private construction industry between organized labor and employers, the rate or rates to be paid on said works shall not be less than the rates so established; provided further, that in towns where no such rate or rates have been so established, the wages paid to mechanics, teamsters, chauffeurs and laborers on public works, shall not be less than the wages paid to the employees in the same trades and occupations by private employers engaged in the construction industry; provided further, that this shall also apply to regular employees of the commonwealth or of a county, town, authority or district, when such employees are employed in the construction, addition to or alteration of public buildings for which special appropriations of more than \$1,000 are provided; provided further, that payments

by employers to health and welfare plans, pension plans and supplementary unemployment benefit plans under collective bargaining agreements or understandings between organized labor and employers shall be included for the purpose of establishing minimum wage rates as herein provided, and in accordance with sections 27, 27A, 27B, 27C, 27D, and 27F of chapter 149 of the General Laws; and provided further, the University of Massachusetts and Bay State Medical Center shall enter into an agreement to form a not-for-profit corporation as defined in the United States Code 10,000,000". After debate, the amendment was adopted.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at seventeen minutes past four o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 34 — nays 0):

YEAS.

Antonioni, Robert A.	Creem, Cynthia Stone
Baddour, Steven A.	Fargo, Susan C.
Brewer, Stephen M.	Glodis, Guy W.
Chandler, Harriette L.	Hart, John A., Jr.
Creedon, Robert S., Jr.	Havern, Robert A.
Hedlund, Robert L.	O'Leary, Robert A.
Jacques, Cheryl A.	Pacheco, Marc R.
Joyce, Brian A.	Panagiotakos, Steven C.
Knapik, Michael R.	Rosenberg, Stanley C.
Lees, Brian P.	Shannon, Charles E.
Magnani, David P.	Sprague, Jo Ann
Melconian, Linda J.	Tarr, Bruce E.
Menard, Joan M.	Tisei, Richard R.
Montigny, Mark C.	Tolman, Steven A.
Moore, Richard T.	Tucker, Susan C.
Morrissey, Michael W.	Walsh, Marian
Murray, Therese	Wilkerson, Dianne —
	34.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Resor, Pamela
Nuciforo, Andrea F., Jr.	Travaglini, Robert E. —
	4.

The yeas and nays having been completed at twenty-one minutes past four o'clock P.M., the bill (Senate, No. 2271, printed as amended) was passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to certain licenses for alcohol and drug counselors (House, No. 2184),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill further regulating the use of headlights (Senate, No. 2220),— was considered, the question being on passing it to be engrossed.

On motion of Mr. Moore, the further consideration thereof was postponed until Thursday, March 14.

The House Bill relative to production of records for review by the State Auditor (House, No. 3),— was considered, the main question being on passing the bill to be engrossed, in concurrence.

The pending motion, previously moved by Mr. Lees, that the bill be laid upon the table,— was considered; and it was *negatived*.

The bill was then passed to be engrossed, in concurrence.

The Senate report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1673) of Brian P. Lees, Bruce E. Tarr, Richard R. Tisei and other members of the General Court for legislation to make the investment tax credit permanent,— was considered, the main question being on accepting the adverse report.

On motion of Mr. Lees, the further consideration thereof was postponed until Thursday, March 14.

The House Bill relative to voter registration certificates (House, No. 430),— **was considered; and, after remarks, it was ordered to a third reading.**

The Senate Bill clarifying employer sanctions for improper expenditure of withholdings or deductions from wages (Senate, No. 109) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4927) of Carol C. Cleven and other members of the General Court relative to reviving and continuing the Governor's Advisory Council on Alzheimer's Disease;

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

Petition (accompanied by bill, House, No. 4935) of Philip Travis, Patricia A. Haddad and Joan M. Menard (by vote of the town) relative to establishing a finance advisory board in the town of Swansea;

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

***Engrossed Bill Returned to House by
Acting Governor with Recommendation of Amendment.***

The engrossed Bill relative to the maximum fee for bail (see House, No. 843, changed), having been returned to the House by Her Honor the Lieutenant Governor, Acting Governor, in accordance with the provisions of Article LVI of the Amendments to the Constitution, with recommendation of amendment (for message, see House, No. 4869), came from the House, amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4931.

The message of the Acting Governor was read.

The rules were suspended, on motion of Mr. Rosenberg, and the matter was considered forthwith.

The President stated that inasmuch as, under the provisions of Article LVI of the Amendments to the Constitution, the bill was “before the Senate and subject to amendment and re-enactment”.

Mr. Rosenberg moved that the Senate concur in the House amendment.

After remarks, the question on concurring in the House amendment was determined by a call of the yeas and nays, at a half past four o’clock P.M., on motion of Mr. Lees, as follows, to wit (34 yeas — 0 nays):

YEAS.

Antonioni, Robert A.	Creem, Cynthia Stone
Baddour, Steven A.	Fargo, Susan C.
Brewer, Stephen M.	Glodis, Guy W.
Chandler, Harriette L.	Hart, John A., Jr.
Creedon, Robert S., Jr.	Havern, Robert A.
Hedlund, Robert L.	O’Leary, Robert A.
Jacques, Cheryl A.	Pacheco, Marc R.
Joyce, Brian A.	Panagiotakos, Steven C.
Knapik, Michael R.	Rosenberg, Stanley C.
Lees, Brian P.	Shannon, Charles E.
Magnani, David P.	Sprague, Jo Ann
Melconian, Linda J.	Tarr, Bruce E.
Menard, Joan M.	Tisei, Richard R.
Montigny, Mark C.	Tolman, Steven A.

Moore, Richard T.	Tucker, Susan C.
Morrissey, Michael W.	Walsh, Marian
Murray, Therese	Wilkerson, Dianne —
	34.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Resor, Pamela
Nuciforo, Andrea F., Jr.	Travaglini, Robert E. —
	4.

The yeas and nays having been completed at twenty-six minutes before five o'clock P.M., the Senate concurred in the House amendment.

Sent to the House for re-enactment.

The House Order relative to the appointment of a joint special committee to make an investigation and study of the Joint Rules of the two branches of the General Court (House, No. 2824, amended),— came from the House with the endorsement that the House had concurred in the Senate amendments by striking out, in line 2, the word “four” and inserting in place thereof the word “seven”; in line 11 by inserting after the word “them” the words “including matters referred after the initial period”; [A] and by inserting after the word “legislation”, in line 12, the following: “and the procedure for filing legislation after the required time; amending Joint Rule 12A to allow additional formal sessions for limited purposes including overriding vetoes”, *with a further amendment*, striking out the following at “A”— ; and by inserting after the word “legislation”, in line 12, the following words:— “and the procedure for filing legislation after the required time; amending joint rule 12A to allow additional formal sessions for limited purposes including overriding vetoes”.

The rules were suspended, on motion of Ms. Menard, and the further House amendment was considered forthwith. The same Senator moved that the Senate concur with the further House amendment, with a still further amendment, striking out the text contained in House document numbered 2824, amended, and inserting in place thereof the text contained in Senate document numbered 2272.

After remarks, the question on concurring with the further House amendment, as amended, was determined by a call of the yeas and nays, at twenty-four minutes before five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 34 — nays 0):

YEAS.

Antonioni, Robert A.	Creem, Cynthia Stone
Baddour, Steven A.	Fargo, Susan C.

Brewer, Stephen M.	Glodis, Guy W.
Chandler, Harriette L.	Hart, John A., Jr.
Creedon, Robert S., Jr.	Havern, Robert A.
Hedlund, Robert L.	O'Leary, Robert A.
Jacques, Cheryl A.	Pacheco, Marc R.
Joyce, Brian A.	Panagiotakos, Steven C.
Knapik, Michael R.	Rosenberg, Stanley C.
Lees, Brian P.	Shannon, Charles E.
Magnani, David P.	Sprague, Jo Ann
Melconian, Linda J.	Tarr, Bruce E.
Menard, Joan M.	Tisei, Richard R.
Montigny, Mark C.	Tolman, Steven A.
Moore, Richard T.	Tucker, Susan C.
Morrissey, Michael W.	Walsh, Marian
Murray, Therese	Wilkerson, Dianne —
	34.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Resor, Pamela
Nuciforo, Andrea F., Jr.	Travaglini, Robert E. —
	4.

The yeas and nays having been completed at twenty minutes before five o'clock P.M., the Senate concurred in the further House amendment, as amended. Sent to the House for concurrence in the further amendment.

Petition.

On motion of Mr. Moore, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Moore (accompanied by resolve) of the Massachusetts Chapter, American Society for Public Administration, by Richard T. Moore, president, Mark C. Montigny and other members of the General Court [for complete list of petitioners, see printed bill] that provision be made for an investigation and study by a special commission (including members of the General Court) relative to a study of Massachusetts state government accountability, economy and efficiency,— **and the same was referred to the committee on State Administration.**

Sent to the House for 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 authorizing the town of Brewster to establish a road betterment fund (Senate, No. 2206),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. O’Leary moved that the bill be amended in section 1, by striking out the third and fourth sentences and inserting in place thereof the following two sentences:— “Interest earned on the fund shall be credited to the general fund of the town. The principal shall be available for expenditure by the board of selectmen, with the approval of a special or annual town meeting, for the acceptance and improvement of private ways performed in accordance with the code of the town of Brewster and chapter 80 of the General Laws.”.

This amendment was adopted.

The bill (Senate, No. 2273, printed as amended) was then passed to be engrossed.

Sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Ms. Creem, Ms. Jacques, Messrs. Moore and Rosenberg, Ms. Tucker and Ms. Walsh, Ms. Resor, Mr. Tolman, Ms. Fargo, Ms. Menard and Mr. Montigny) “calling upon Acting Governor Jane M. Swift to declare a state of emergency on sexual assault matters on February 28, 2002.”

Order Adopted.

On motion of Ms. Melconian,—

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. Lees, at sixteen minutes before five o’clock P.M., the Senate adjourned to meet on the following Monday at eleven o’clock A.M.
