

**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, March 7, 2002.

Met at six 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 from the Public Employee Retirement Administration Commission submitting said commission's actuarial update (received Tuesday, February 19, 2002),—**was placed on file.**

### *Reports.*

The following reports were severally read and placed on file:

A report of the Office of the Commissioner of Probation (under the provisions of Section 5 of Chapter 211F of the General Laws) relative to community corrections (received Friday, February 15, 2002); and

A report of the Massachusetts Convention Center Authority (under the provisions of Section 5(1) of Chapter 152 of the Acts of 1997) relative to the status of the Boston Convention and Exhibition Center Project (received Wednesday, February 20, 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 Shirley Minimum Facility (received Thursday, February 14, 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 Pondville Correctional Center (received Tuesday, February 19, 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 Souza-Baranowski Correctional Center (received Tuesday, February 19, 2002); and

A report of the Bureau of Special Investigations (under the provisions of Section 11(8) of Chapter 14 of the General Laws) submitting its report for the month of January, 2002 (received Thursday, February 21, 2002);

### ***Petitions.***

Ms. Chandler presented a petition (accompanied by bill, Senate, No. 2277) of Harriette L. Chandler, Guy W. Glodis, Thomas R. Hoover, city manager, and Timothy P. Murray, mayor (with the approval of the mayor and the city council) for legislation to authorize the city of Worcester to place a conservation restriction on Green Hill Park [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs.**

**Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Glodis, a petition (subject to Joint Rule 12) of Guy W. Glodis and Timothy J. Toomey, Jr. for legislation relative to the operation of low-speed vehicles;

By Mr. Joyce, a petition (subject to Joint Rule 12) of Brian A. Joyce, Walter F. Timilty, William C. Galvin, Joseph C. Sullivan and Bruce J. Ayers for legislation to direct the Division of Capital Asset Management and Maintenance to convey a certain parcel of land located in the town of Randolph;

By Ms. Menard (by request), a petition (subject to Joint Rule 12) of Jesse Andrade for legislation to exclude certain motor vehicle accidents in the calculation of unsafe driver points;

By Ms. Murray, a petition (subject to Joint Rule 12) of Therese Murray, Robert E. Travaglini and Robert L. Hedlund for legislation relative to the reimbursement to providers of durable medical equipment;

By Mr. Panagiotakos, a petition (subject to Joint Rule 12) of Steven C. Panagiotakos and Robert S. Hargraves for legislation to create a Harley owners group motorcycle license plate; and

By Ms. Wilkerson, a petition (subject to Joint Rule 12) of Dianne Wilkerson and Kevin W. Fitzgerald for legislation to authorize Roxbury Community College to lease portions of a building located at 1350 Tremont Street to the Reggie Lewis Foundation;  
**Severally, 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 House bills

Relative to the commitment of mentally ill persons (House, No. 3359); and

Relative to the water and sewer commission of the town of Mattapoisett (House, No. 4843).

**PAPER FROM THE HOUSE.**

A report of the committee on Commerce and Labor, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2836) of Daniel E. Bosley, other members of the General Court and another that the Corporation for Business, Work and Learning be directed to establish a self-sufficiency standard for incomes in the Commonwealth, 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.**

*Communication.*

The Clerk read the following communication:

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

March 4, 2002.

Patrick F. Scanlan, *Clerk*  
Massachusetts State Senate

State House, Room 335  
Boston, Massachusetts 02133

Dear Mr. Clerk:

On Thursday, February 28, 2002, I was away from the State House on a personal matter and I was therefore unable to be present for roll call votes taken on the following items:

An Act Providing Equitable Coverage of Services under Health Plans (S. 2139)  
An Act Relative to the Environmental Protection of the Massachusetts Military Reservation (S. 2180)  
An Act Allowing the Release of Police Reports to School Administrators (S. 1212)  
An Act Providing for Capital Facility Improvements (S. 2270)  
An Act Relative to the Maximum Fee for Bail (H. 843)  
An Act 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 (H. 2824)

Had I been present, I would have voted in the affirmative on all six of these matters.

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 E. TRAVAGLINI,  
*Senate Majority Whip.*

**On motion of Mr. Shannon, the above statement was ordered printed in the Journal of the Senate.**

***Report of a Committee.***

By Mr. Glodis, for the committee on Election Laws, on petition, a Bill relative to the special election for the First Essex Senatorial District (Senate, No. 2264).

The bill was read and, there being no objection, the rules were suspended, on motion of Ms. Fargo, and the bill was read a second time.

Messrs. Glodis and Rosenberg presented an amendment, substituting a new draft entitled "An Act relative to the special elections for the First Essex Senatorial District and the First Hampshire Representative District" (Senate, No. 2276).

**The amendment was adopted.**

**The bill (Senate, No. 2276) was then ordered to a third reading, read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

***Petition.***

On motion of Mr. Moore, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Hedlund (accompanied by bill) of Robert L. Hedlund for legislation to authorize the Trial Court of the Commonwealth to establish a sick leave bank for Michael J. Linehan,— **and the same was referred to the committee on the Judiciary.**

**Sent to the House for concurrence.**

***Resolutions.***

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

Resolutions (filed by Mr. Hedlund) “honoring Troop 9 of the Boy Scouts of America”;

Resolutions (filed by Mr. Hedlund) “congratulating Pilgrim Church of North Weymouth on the one hundred and fiftieth anniversary of its founding”;

Resolutions (filed by Mr. Hedlund) “commending the fourth grade class, Linda Goulding and Robert Stella of the Plymouth River School in Hingham”;

Resolutions (filed by Mrs. Sprague) “recognizing Elsie Lillian Cross”;

Resolutions (filed by Mr. Tolman) “honoring James Thomas Oteri”; and

Resolutions (filed by Ms. Wilkerson) “honoring Delta Sigma Theta Sorority, Inc., Boston Alumnae Chapter, on the occasion of International Day of Service.”

**PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4942) of Martin J. Walsh for the issuance of an annual proclamation by the Governor establishing the month of April as Autistic Awareness Month;

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

Petition (accompanied by bill, House, No. 4943) of Ruth W. Provost and Therese Murray relative to providing real estate tax exemptions to surviving spouses of police officers and

fire fighters killed in the line of duty;  
**Under suspension of Joint Rule 12, to the committee on Taxation.**

*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 Bill relative to the town of Holliston and the establishment of a cemetery care fund (Senate, No. 2144, changed),— **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill relative to the town of Medfield and the Medfield Shelter 2000, Inc. (House, No. 4360),— **was read a third time and passed to be engrossed, in concurrence.**

**PAPERS FROM THE HOUSE.**

*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 Acting President and laid before the Acting Governor for her approbation, to wit:

Further regulating the minimum size of American lobsters (see Senate, No. 1847);

Establishing wireless enhanced 911 services (see Senate, No. 1920, amended);

Relative to certain licenses for alcohol and drug counselors (see House, No. 2184); and

Relative to the charter of the town of Reading (see House, No. 4776).

An engrossed Bill increasing the fee for admitting a person to bail (see House, No. 843, changed and amended) (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 re-enacted and was signed by the Acting President and again laid before the Acting Governor for her approbation.**

*Report of Committees.*

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert A. Antonioni, Emile J. Goguen, Mary Jane Simmons, Brian Knuuttila and other members of the General Court for legislation to clarify the eligibility of the employees of the Montachusett Regional Planning Commission to participate in the Commonwealth's group insurance plan.

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

**Sent to the House for concurrence.**

*Recess.*

There being no objection, at nineteen minutes past eleven o'clock A.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at five minutes before twelve o'clock noon, the Senate reassembled, Mr. Baddour in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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

***Emergency Preamble Adopted; Engrossed Bill Enacted.***

An engrossed Bill relative to the special elections for the First Essex Senatorial District and the First Hampshire Representative District (see Senate, No. 2276), 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 2 to 0. The bill was signed by the Acting President (Mr. Baddour) and sent to the House for enactment.

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

**The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Baddour) and laid before the Acting Governor for her approbation.**

***Order Adopted.***

On motion of Ms. Fargo,—

*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 Ms. Fargo, at two minutes past twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.

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