

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.



Tuesday, March 26, 2002.

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

Distinguished Guests.

There being no objection, during the consideration of the Orders of the Day, the President introduced, seated in the Senate gallery, students from the Quabbin Regional Middle School in Barre who are participating in Project Citizen. The students were accompanied by their teachers and were the guests of Senator Brewer.

There being no objection, the President introduced, seated in the Senate gallery, Katelyn Vita and Jason Najalian from Waltham High School. The two students are participating in Student Government Day and were the guests of Senator Fargo.

Communication.

A communication from the Department of Transitional Assistance submitting changes to benefit levels of the Rent Arrearage Program (received Friday, March 15, 2002),— **was placed on file.**

Reports.

A report of MassDevelopment (under the provisions of Section 24(k) of Chapter 463 of the Acts of 1998) submitting a report on the Brownfields Redevelopment Fund for the period March 16, 2001 through March 15, 2002 (received Friday, March 15, 2002),— **was placed on file.**

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 M.C.I. Concord (received Tuesday, March 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 Franklin County House of Correction (received Monday, March 11, 2002); and

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 Western Massachusetts Correctional Alcohol Center (received Wednesday, March 13, 2002) .

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 certain current Senate documents relative to alcoholic beverages (Senate, No. 2292),— 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 Senate Order relative to authorizing and directing the joint committee on Public Service to make an investigation and study of several Senate documents relative to retirement benefits and other matters (Senate, No. 2060), reported, in part, asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 1356) of James P. Jajuga and Arthur J. Broadhurst for legislation relative to the retirement allowance of David San Antonio,— and recommending that the same be recommitted to the committee on Public Service.

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

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 group reclassification (Senate, No. 2043), reported, in part, asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 1391) of Stephen F. Lynch, Ruth W. Provost, John A. Hart, Jr. and Martin J. Walsh for legislation to place certain emergency medical service personnel in Group 4 of the contributory retirement system,— and recommending that the same be recommitted to the committee on Public Service.

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

Subsequently, Ms. Chandler, for the committee on Public Service, reported, on the recommitted petition, a Bill relative to the retirement benefits of emergency medical technicians (Senate, No. 1391);

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

Mr. Creedon, for the committee on the Judiciary, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 670) of Susan C. Fargo, John A. Lepper, Charles E. Shannon, Kevin W. Fitzgerald and other members of the General Court for legislation relative to the disclosure of vital statistics,— and recommending that the same be referred to the committee on Health Care.

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

Sent to the House for concurrence.

Mr. Brewer, for the committee on Natural Resources and Agriculture, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2283) of Harriette L. Chandler and John P. Fresolo for legislation relative to certain sewer lines in the city of Worcester,— and recommending that the same be referred to the Senate committee on Ways and Means.

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

Sent to the House for concurrence in the discharge of the joint committee.

PAPERS FROM THE HOUSE.

Bills

Relative to the underground cable reimbursement schedule (House, No. 4074,— on House, No. 1743); and

Providing for the merger of the Boylston and Morningdale water districts (House, No. 4815,— on House, No. 4773);

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

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to elections in the town of Huntington (House, No. 4741, changed); and

Providing for recall elections in the town of Huntington (House, No. 4742);

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

The Senate Bill authorizing access by the Commissioner of Veterans' Services to the central registry of voters (Senate, No. 2084) (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.

The Senate Bill clarifying the prohibition against disseminating child pornography (Senate, No. 192) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Lees moved that the bill be amended by inserting after the enacting clause the following section:—

“SECTION 1. The general court hereby finds that: (1) child pornography is increasingly disseminated over the Internet and stored on computers; (2) adults who sexually exploit children frequently provide their victims with sexually explicit material, including material stored on or generated by computer, as part of an effort to desensitize and entice the children; (3) it is necessary to restate its intention to prohibit the creation, dissemination and possession of pictures of child pornography, without regard to the medium used to store or create such images; and (4) the commonwealth has a compelling interest in outlawing the creation, dissemination and possession of any materials that sexually exploit children in order to protect the privacy, health and emotional welfare of children and society as a whole, whatever medium is used to create, store or disseminate such materials.”; and by inserting before the enacting clause the following emergency preamble:—

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to clarify forthwith the prohibition against disseminating child pornography, in whatever form it is found, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

After remarks, the amendments were adopted.

The question on passing the bill to be engrossed was then determined by a call of the yeas and nays, at twenty-four minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
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
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.	Tolman, Steven A.

Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Moore, Richard T.
Tisei, Richard R. — 2.

The yeas and nays having been completed at sixteen minutes before two o'clock P.M., the bill (Senate, No. 2297, printed as amended) was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to complaints of sexual harassment and other forms of discrimination (Senate, No. 915),— 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 nine minutes before two o'clock P.M., on motion of Ms. Jacques, as follows, to wit (yeas 35 — nays 0):

YEAS.

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

NAYS — 0.

ABSENT OR NOT VOTING.

Moore, Richard T. Tisei, Richard R. — 3.
Shannon, Charles E.

The yeas and nays having been completed at six minutes before two o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to handicapped stickers for motorcycle license plates (House, No. 4099),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence, with the amendments previously adopted by the Senate.**

Sent to the House for concurrence in the amendments.

The House Bill relative to veteran registration plates for motorcycles (House, No. 4334),— 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 one minute past two o'clock P.M., on motion of Mrs. Sprague, as follows, to wit (yeas 35 — nays 0):

YEAS.

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

NAYS — 0.

ABSENT OR NOT VOTING.

Moore, Richard T. Tisei, Richard R. — 3.
Shannon, Charles E.

The yeas and nays having been completed at four minutes past two o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments previously adopted by the Senate.

Sent to the House for concurrence in the amendments.

The House bills

Relative to providing for increased safety at pedestrian crosswalks (House, No. 2642, amended); and

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

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

Resolutions.

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

Resolutions (filed by Ms. Resor, Ms. Creem and Ms. Chandler) “celebrating the ninetieth anniversary of Hadassah”;

Resolutions (filed by Mrs. Sprague) “congratulating Daniel Alexander Binder of Medfield upon his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mrs. Sprague) “congratulating Kyle Andrew Smith of Seekonk upon his elevation to the rank of Eagle Scout.”

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (the first three 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 one trial system for civil cases in certain counties (see Senate, No. 1937, amended);

Relative to the debt limit of the town of Holliston (see Senate, No. 2155);

Relative to the recreation revolving fund in the town of Rutland (see Senate, No. 2195); and

Authorizing the town of Tyngsborough to refund certain payments (see House, No. 4661).

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 certain actions and authorizing certain reimbursements by the town of Oak Bluffs (printed in House, No. 4906).

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.

Order Adopted.

On motion of Ms. Melconian,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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 seventeen minutes past two o’clock P.M., the Senate adjourned to meet on the following Thursday at eleven o’clock A.M.
