

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.



Monday, April 8, 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).

Distinguished Guests.

There being no objection, the Chair (Ms. Melconian) introduced, seated in the back of the Chamber, the boys' basketball team of Cathedral High School of Springfield, Division 1 State Champions. The team was accompanied by their coach, Gene Eggleston, and Assistant Coach, John McMahon. The team and coaches were the guests of Senators Lees and Melconian.

Committee Appointments.

A communication was received from the President announcing the appointment of Senators Shannon of Middlesex and Fargo of Middlesex to the Senate committee on Ways and Means. **The communication was placed on file.**

Communications.

The following communications were severally placed on file:

Communication from the Department of Telecommunications and Energy (under the provisions of Section 2 of Chapter 166A of the General Laws, as most recently amended by Chapter 45 of the Acts of 2002) relative to the appeals that came before the Division of Community Antennae Television in 2001 (received Thursday, March 21, 2002);

Communication from the Public Employee Retirement Administration Commission submitting a copy of the Local Experience Study Analysis (received Thursday, March 21, 2002); and

Communication from the Department of Transitional Assistance (under Item 4408-1000 of Section 2 of Chapter 177 of the Acts of 2001) relative to projected budget deficiencies and proposed changes to benefit levels (received Tuesday, March 26, 2002).

Reports.

The following reports were severally read and placed on file:

A report of the Department of Revenue (under the provisions of Section 38 of Chapter 63 of the General Laws) relative to the utilization of the single sales factor by the defense industry (received Friday, March 22, 2002);

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 Monday, March 25, 2002);

A report of the Commission on Indian Affairs (under the provisions of Section 8A of Chapter 6A of the General Laws) relative to its activities for the year ending December, 2000 (received Friday, March 29, 2002); and

A report of the Department of Telecommunications and Energy (under the provisions of Section 69(I) of Chapter 164 of the General Laws) relative to the reliability and diversity of electricity and natural gas supplies in Massachusetts (received Thursday, March 21, 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 Hampshire County Jail and House of Correction (received Wednesday, March 20, 2002),— **was read and sent to the House for its information.**

Petitions.

Petitions were presented and referred, as follows:

By Ms. Resor, a petition (subject to Joint Rule 12) of Pamela P. Resor, Karyn E. Polito and George N. Peterson, Jr. for legislation to authorize the Division of Capital Asset Management to convey certain property in the town of Westborough to the Division of Law Enforcement; and

By Mr. Shannon, a petition (subject to Joint Rule 12) of Charles E. Shannon for legislation exempting supportive braces sold to persons 65 years of age and older from the sales tax;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

By Mr. Glodis, for the committee on Public Safety, that the recommitted Senate Bill regulating the use of paint ball guns (Senate, No. 1261),— ought to pass, with an amendment, substituting a new draft entitled, “An Act further regulating the use of paint ball guns” (Senate, No. 2308).

Referred, under Senate Rule 26, to the committee on Steering and Policy.

By Mr. Glodis, for the committee on Public Safety, on the recommitted petition, a Bill relative to the modification of the helmet law (Senate, No. 1266) (Representatives Toomey of Cambridge and Murphy of Lowell dissenting);

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

Committee Discharged.

Ms. Menard, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Taxation 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 income and excise taxes and tax expenditures (Senate, No. 1945), reported, in part, asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 1756) of Marian Walsh, David P. Magnani, Brian P. Lees, James H. Fagan and other members of the General Court for legislation relative to the fuel excise tax,— and recommending that the same be recommitted to the committee on Taxation.

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. 5002) of David L. Flynn, Thomas J. O’Brien, Marc R. Pacheco and Robert S. Creedon, Jr. (by vote of the town) relative to establishing high and low levels for the Monponsett ponds located in the town of Halifax;

To the committee on Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 5003) of Thomas J. O’Brien, David L. Flynn, Marc R. Pacheco and Robert S. Creedon, Jr. (by vote of the town) relative to the disability retirement of police officers and firefighters in the town of Halifax;

To the committee on Public Service.

Resolutions.

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

Resolutions (filed by Ms. Melconian and Mr. Lees) “honoring the Cathedral High School State Championship Division 1 Boys Basketball Team.”

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill providing for the annual observance of April as Autistic Awareness Month (see House, No. 4942) (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.**

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 designating Route 146A in the town of Uxbridge as the Lydia Taft highway (Senate, No. 2189),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill authorizing the city of Quincy to lease a property and building located at 111 Newbury Street to the William R. Caddy Detachment Marine Corps League Building Corporation (Senate, No. 2287),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the city of Quincy to lease certain property.”**

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Knapik,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Recess.

There being no objection, at eleven minutes past eleven o’clock A.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and at a half past two o’clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bills.

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:

Designating a certain bridge in the town of Sharon as the Lance Corporal Daniel J. Dabreu Memorial Bridge (see Senate, No. 2190, amended); and

Relative to the financial conditions in the town of Swansea (see House, No. 4935).

An engrossed Bill relative to a voting precinct in the town of Dracut (see House Bill, printed in House, No. 4954) (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.**

A Bill appointing the clerk of the town of Brookfield to the board of selectmen of the town (printed in House, No. 4998,— being a message from Her Honor, the Lieutenant-Governor, Acting Governor),— was read.

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the clerk of the town of Brookfield to act temporarily as a selectman.”

On motion of Mr. Knapik, at twenty-eight minutes before three o’clock P.M., the Senate adjourned to meet on the following day at eleven o’clock A.M.
