

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, April 9, 2002.

Met at six minutes past eleven o'clock A.M. (Mr. Shannon 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.

The Chair (Mr. Shannon) recognized, seated in the gallery, the fifth grade class from the Hoover School in the city of Melrose. They were the guests of Senator Tisei.

Report.

A report of the Senate committee on Post Audit and Oversight (under the provisions of Section 63 of Chapter 3 of the General Laws, as most recently amended by chapter 557 of the Acts of 1986) entitled: Long-Term Care, Buyer Beware, Consumers Lack Long-Term Care Insurance Protections (Senate, No. 2305) (received Monday, April 8, 2002),—**was placed on file.**

Report of a Committee.

By Ms. Walsh, for the committee on Taxation, on the recommitted petition, a Bill relative to the taxation of cable television facilities (Senate, No. 1694);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

A Bill relative to reduction of sewer fee liability in the town of Dedham in exchange for volunteer services by persons over age sixty (House, No. 4445, amended,— on petition)

[Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

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:

Providing for a charter for the town of Sandwich (see Senate, No. 2192, changed); and

Relative to the Korean War Veterans Memorial Highway (see House, No. 4577, amended).

Order Adopted.

On motion of Mr. Tisei,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at one o'clock P.M., in a full formal session.

Recess.

There being no objection, at eight minutes past eleven o'clock A.M., the Chair (Mr. Shannon) declared a recess subject to the call of the Chair; and, at twenty-nine minutes past one o'clock P.M., the Senate reassembled, Ms. Chandler in the Chair.

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, on petition, a Bill relative to the state retirement system (Senate, No. 1587, changed by adding the following section:

“SECTION 2. Notwithstanding any general or special law to the contrary, the accumulated deductions, including interest, credited as of the effective date of this act to the annuity savings accounts of persons employed by the Berkshire Regional Planning Commission shall be transferred from the retirement system of the city of Pittsfield and credited to the state retirement system.”).

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Baddour, and the bill was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to the disposition of certain state-owned property in the town of New Salem (Senate, No. 1918), ought to pass, with an amendment, in section 2, by inserting after the first sentence the following sentence:— “If the independent appraisals determine that the watershed preservation restriction described in section 4 is of greater value than the parcel described in section 1, the recipients shall not be entitled to any payment from the

commonwealth.”; and in section 4, by striking out the second paragraph and inserting in place thereof the following paragraph:—

“The recipients shall assume all costs associated with preparing the plans of land, recording the plans and deed, appraisals, surveys and all other expenses.”.

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 1918, amended) was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the licensing of insurance producers (House, No. 28, changed and amended), ought to pass, with an amendment, in section 1 (as printed), by striking out, in line 13, the words “paragraph C” and inserting in place thereof the following words:— paragraph B; by inserting after section 4 (as printed) the following section:

“SECTION 4A. Said section 162 of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 19 and 20, the words ‘as referred to in the first and second paragraph’.”; and

In section 38 (as printed), by striking out the date “January 1, 2002” and inserting in place thereof the following date:— “January 1, 2003”.

There being no objection, the rules were suspended, on motion of Mr. Baddour, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.

Mr. Montigny, for the committee on Ways and Means, on House, No. 4603, reported, in part, a “Bill providing for the preservation and improvement of the environmental assets of the commonwealth” (Senate, No. 2312).

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill (Senate, No. 2312) was read a second time and ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to transfer certain parcels of land in the town of Medfield (House, No. 4108), ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2313.

There being no objection, the rules were suspended, on motion of Mr. Baddour, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to Mini-Fenway Park, Inc. (House, No. 4362), ought to pass, with an amendment, by inserting after section 3, the following section:

“SECTION 3A. Section 2 of said chapter 275 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The parcels referred to in section 1 comprise approximately 11.438 acres and are shown as Lot A on a plan of land entitled ‘Subdivision Plan of Land, Riccutti Drive, Quincy, Mass.,’ prepared by Harry R. Feldman, Inc., dated February 7, 2000.”

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of West Boylston (House, No. 4494), ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2314.

There being no objection, the rules were suspended, on motion of Mr. Baddour, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill providing an early retirement incentive program for certain employees of the Springfield Water and Sewer Commission (House, No. 4685), ought to pass, with an amendment in section 2, by striking out, in lines 33 and 34 and in line 37, the words “December thirty-first, two thousand and one” and inserting in place thereof, in each instance, the following:— “July 1, 2003”.

There being no objection, the rules were suspended, on motion of Mr. Knapik, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to the identification, rehabilitation, maintenance and protection of burial grounds and cemeteries located on any current or former state-owned lands at public facilities of the Commonwealth, and for the establishment of the Commonwealth Public Facilities Burial Ground and Cemetery Preservation Fund (Senate, No. 1530), ought to pass, with an amendment, substituting a new draft entitled: “An Act relative to the identification of burial grounds and cemeteries on certain state-owned lands” (Senate, No. 2315);

There being no objection, the rules were suspended, on motion of Mr. Baddour, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill (Senate, No. 2315) was then ordered to a third reading.

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 Senate Bill relative to the position of Deputy Fire Chief in the town of Athol (Senate, No. 2251),— **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.

Ms. Menard presented the following order, to wit:—

Ordered, That full consideration shall be allowed by the Senate on Thursday, April 11, on Senate, No. 2312, an Environmental Bond Bill, so-called; and provided that all amendments to said bill shall be filed with the Clerk of the Senate no later than one o'clock P.M. on Wednesday, April 10.

There being no objection, the order was considered forthwith and adopted.

On motion of Mr. Knapik, at twenty minutes before two o'clock P.M., the Senate adjourned to meet on the following Thursday at one o'clock P.M.
