

*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, April 11, 2002.

Met at nine minutes before two o'clock P.M.

Distinguished Guests.

There being no objection, the President introduced, seated in the gallery, students from the Francis W. Parker Charter Central School in the former Fort Devens area. The students were accompanied by school faculty member Jim Nehring and were the guests of Senator Resor.

There being no objection, during consideration of the Orders of the Day, the President introduced, seated in the rear of the Chamber, the Mattle Family from Bern, Switzerland. They were the guests of Senator O'Leary.

Petition.

Mr. Havern presented a petition (accompanied by bill, Senate, No. 2317) of Robert A. Havern and Carol A. Donovan (with the approval of the mayor and city council) for legislation to provide for the 2002 special election in the city of Woburn [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Election Laws.**

Sent to the House for concurrence.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Glodis, a petition (subject to Joint Rule 12) of Guy W. Glodis, J. Michael Ruane, Linda J. Melconian, Brian Paul Golden and other members of the General Court for legislation to provide for the equitable payment of durable medical equipment providers by the Division of Medical Assistance; and

By Mr. O’Leary, a petition (subject to Joint Rule 12) of Robert A. O’Leary, Cynthia S. Creem, Andrea F. Nuciforo, Jr., Bruce E. Tarr and other members of the General Court for legislation to enable retirement and college education savings in conformity with federal law;

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

Mr. Knapik presented a petition (subject to Joint Rules 9 and 12) of Michael R. Knapik and Michael F. Kane for legislation to change the corporate powers and authority of the Holyoke Water Power Company,— **and the same was transmitted, under the provisions of Section 5 of Chapter 3 of the General Laws, to the Secretary of State.**

Report of Committees.

By Mr. Antonioni, for the committee on Education, Arts and Humanities, on petition, a Bill relative to a separate account for Milton community schools (Senate, No. 2295) [Local approval received];

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

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 Senate bills

Regarding the penalties for crimes against the elderly and disabled persons (Senate, No. 201);

Relative to municipal light plants’ residential conservation service (Senate, No. 367);

Relative to municipal light plants (Senate, No. 413);

Relative to promoting safety by making gas gate boxes easily accessible to gas company service employees and emergency public service personnel (Senate, No. 467);

Relative to the crime of engaging in legal or medical running (Senate, No. 2181); and

Protecting children from physical and sexual abuse (Senate, No. 2266); and

The House bills

Relative to recreational facilities (House, No. 313, changed);

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

Relative to the privacy of municipal employees (House, No. 853); and

Relative to child passenger safety (House, No. 4199, amended).

PAPERS FROM THE HOUSE.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to the creation of the Massachusetts advanced materials and biotechnology tax benefit certificate pilot program (House, No. 5005),— **was referred, in concurrence, to the committee on Taxation.**

A Bill relative to the identity of a minor (House, No. 4798, amended,— on House, No. 2750),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A Bill establishing an open space real property acquisition fund in the city known as the town of Franklin (House, No. 4851,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

The annual report of the Blackstone River and Canal Commission (under Chapter 568 of the Acts of 1981) for the calendar year 2001 (having been sent by the House to the Senate for its information),— **was returned to the House to be placed on file.**

A Bill establishing a certain voting subprecinct in the city of Newton (House, No. 4977,— on petition) [Local approval received],— was read.
There being no objection, the rules were suspended, on motion of Ms. Creem, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

A Bill making appropriations for the fiscal year 2002 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5006, amended,— having been reported from the committee on House Ways and Means pursuant to House Rule 30),— was read.

There being no objection, the rules were suspended, on motion of Mr. Montigny, and the bill was read a second time.

Pending the question of ordering the bill to a third reading, Mr. Montigny moved that the bill be amended by striking out section 9.

The amendment was adopted.

The bill, as amended, was then 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 providing equitable tax deductions for the depreciation of certain assets.”

Sent to the House for concurrence in the amendment.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to the appointment of retired police officers in the town of Stoneham (House, No. 4168, changed); and

Authorizing the town of Amherst to acquire easements and to construct sewerage pumping stations and related facilities thereon (House, No. 4462);

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

The Senate bills

Transferring employees of the Berkshire Regional Planning Commission to the state retirement system (Senate, No. 1587, changed) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the disposition of certain state-owned property in the town of New Salem (Senate, No. 1918, amended);

Were severally read a third time and passed to be engrossed.

Severally sent to the House for concurrence.

The House bills

Authorizing the Division of Capital Asset Management and Maintenance to transfer certain parcels of land in the town of Medfield (House, No. 4108);

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of West Boylston (House, No. 4494); and

Providing for an early retirement incentive program for certain employees of the Springfield Water and Sewer Commission (House, No. 4685);

Were severally read a third time and passed to be engrossed, in concurrence, with amendments previously adopted by the Senate, in each instance.

Severally sent to the House for concurrence in the amendments, previously adopted by the Senate.

Bills

Relative to the sale of wines at auctions (Senate, No. 2238); and

Relative to the unlicensed practice of engineering and land surveying (House, No. 2894);

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

The House Bill relative to name changes by inmates (House, No. 144),— **was read a second time and, after remarks, was ordered to a third reading.**

The House Bill relative to voter registration certificates (House, No. 430),— was read third time.

Pending the question on passing the bill to be engrossed, Mr. Magnani moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:—

“SECTION 1. Section 24 of chapter 51 of the General Laws, as appearing in the 2000 Official Edition is hereby amended by adding the following paragraph:—

Whenever the registrars or a majority of the registrars is required to sign a certificate or similar document it shall be sufficient if they:

(a) authorize the use of a stamp containing the facsimile of the signatures of a majority of the registrars; or

(b) designate in writing their clerk or one or more other agents to sign the agent’s name on the registrars’ behalf. This designation and the signature of the clerk or other agents shall be filed with the city or town clerk.

SECTION 2. This act shall take effect on September 1, 2002.”; and by striking out the title and inserting in place thereof the following title:— “An Act relative to certificates by registrars of voters.”.

The amendments were adopted.

After remarks, the bill was then passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

The House Bill relative to the commitment of mentally ill persons (House, No. 3359),— was read a third time, the question being on passing it to be engrossed, in concurrence. **After remarks, on motion of Mr. Magnani, the further consideration thereof was postponed until the next session.**

The Senate Bill providing for the preservation and improvement of the environmental assets of the Commonwealth (Senate, No. 2312),— was read a third time, the main question being on passing it to be engrossed.

After remarks, there being no objection, the following amendments were considered as one, and rejected, to wit:

Mr. Tarr and Ms. Creem moved to amend the bill by inserting after section 8 the following section:—

“SECTION 8A. Chapter 21 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 17F the following 4 sections:—

Section 17G. The department of environmental management, with assistance and support from the department of environmental protection, shall establish a water conservation and water resources protection program. The program shall be implemented to increase the efficiency of water use, mitigate the environmental impacts of water withdrawals, assess the effectiveness of various water conservation and water resource protection measures in increasing efficiency of water use and to identify effective measures to protect and conserve water resources and biological resources throughout the commonwealth. The program shall include, but not be limited to:

(A) the establishment and implementation of a program for the installation of water conserving plumbing fixtures in residential, municipal and state-owned buildings; for conducting water audits of residential, commercial and municipal buildings, for the installation of new, highly accurate water meters in commercial, municipal and state-owned buildings and for the development and implementation of landscape practices that eliminate or significantly reduce outdoor water use;

(B) technical assistance to municipalities, water districts and water authorities for comprehensive system wide water audits, water use accounting and reporting and intensive leak detection and repair programs;

(C) the preparation of model municipal bylaws and ordinances for site development, stormwater management, including stormwater infiltration and recharge, landscape and recreational facility design and irrigation and water conservation;

(D) the development of model water conserving rate structures and billing procedures that fully incorporate the cost of producing water and protecting water resources;

(E) the development of public education programs, school curricula, and supporting materials relating to water conservation and water resource protection;

(F) development of a methodology for estimating long-term water needs that considers the impact of community build-out projections and provides technical assistance to municipalities, water districts, and water authorities in developing water needs estimates; and,

(G) directing technical assistance to municipalities, water districts and water authorities in the efficient management, use and protection of water resources consistent with the purpose of this act.

Model bylaws and ordinances, educational materials, technical assistance guidance documents and other resources generated from the program shall be made available for the benefit of all municipalities of the commonwealth, water districts, and water authorities. Participation of municipalities, water districts, and water authorities in any or all elements of the program shall be voluntary.

All elements of the water conservation and water resource protection program implemented by municipalities and water districts and water authorities shall be assessed as to their effectiveness by the Massachusetts water resources commission, with the assistance of participating municipalities, water districts, water authorities and the department of environmental management, the department of environmental protection, and nongovernmental organizations concerned with water resources. Within 5 years of the passage of this act the Water Resources Commission shall file a report with the clerk of the House and Senate identifying the success or failure of all measures developed and implemented under the program. The report shall include recommendations for implementation of water conservation and water resource protection measures throughout the commonwealth and an estimate of the funding necessary to implement such measures.

Section 17H. A sum of \$150,000 is hereby provided to the Water Resources Research Center of the University of Massachusetts to conduct a study and prepare a report on the laws, regulations, and policies of the commonwealth dealing with water conservation, water resource protection, drought preparedness, and instream flow. The report shall identify any inconsistencies or potential inconsistencies of these laws, regulations and policies with the Federal Clean Water Act. The report shall include recommendations for legislative, regulatory, and policy changes necessary to ensure the preservation of adequate instream flows to protect the native biological communities of the rivers and streams of the commonwealth and to ensure an adequate supply of water to meet the health, safety and economic needs of the public. The report shall include recommendations regarding additional water conservation measures needed to improve the efficiency of residential, commercial, industrial, institutional and agricultural water use in the commonwealth, including, but not limited to, more aggressive leak detection and repair programs and programs and policies to reduce unaccounted for water, including water meter responsibility for water meters and the need for tax credits or other financial incentives to encourage water conservation.

Section 17I. The Water Resources Research Center of the University of Massachusetts, in consultation with the department of environmental protection, the department of environmental management, the department of fisheries, wildlife and environmental law enforcement, the United States Fish and Wildlife Service, and the United States Geological Survey, shall develop a methodology for determining the level of instream flow sufficient to protect aquatic life in Massachusetts rivers and streams and other surface waters. The methodology shall account for natural annual variations in hydrology, including flow, depth, velocity, groundwater interaction and other relevant factors. Upon completion, the methodology shall be submitted to the department of environmental protection, the department of environmental management, and the water resources commission as a recommendation for establishing instream flow needs under section 8D of chapter 21 and chapter 21G.

No later than 2 years following the passage of this act, a methodology shall be completed and adopted by the water resources commission, pursuant to the administrative procedures act, and a report describing the methodology or methodologies shall be filed with the clerks of the senate and house of representatives. A sum of \$250,000 is hereby

authorized for the development of the methodology. Until the methodology or methodologies are completed, all future instream flow decisions pertaining to new or increased water withdrawals or interbasin transfers under chapter 21G and its implementing regulations and under section 8D of chapter 21 and its implementing regulations shall consider site specific information, including but not limited to, stream flows and their variability, groundwater levels and interaction with surface water, water velocity, depth, temperature, water chemistry, native biota and habitat suitability. Insofar as site-specific information sufficient to make permitting decisions is unavailable and unobtainable during the permitting period, the stream flow guidelines of the United States Fish and Wildlife Service Interim Regional Policy for New England Stream Flow Recommendations shall be used.

Section 17J. Notwithstanding any general or special law to the contrary, the water pollution abatement trust shall, subject to the appropriation provided in this section, provide loan and financial assistance to eligible borrowers to finance the costs of water conservation projects or portions thereof, which have been approved by the department of environmental protection. As used in this section, the term ‘eligible borrower’ shall mean municipalities, water districts and water authorities. As used in this section, the term ‘water conservation project’ shall mean a project of a type or category which the department has determined shall promote water conservation and increased efficiency of water usage, including, but not limited to, the implementation of programs for the replacement of plumbing fixtures not meeting the 1998 federal water efficiency standards as established by the Federal Energy Act of 1992; the conducting of water audits by municipalities, water districts, and water authorities to identify opportunities to reduce water use; the installation of new, highly accurate water meters in commercial, municipal and state-owned buildings; enhanced municipal ownership and maintenance responsibility for water meters; and the planning and design of other eligible water projects that increase water conservation and the efficiency of water usage. The trust shall provide loan and financial assistance to eligible borrowers for each water conservation project or portion thereof authorized by this section in such manner and under such terms and conditions as shall be determined by the board of trustees of a trust up to a maximum amount of \$2,000,000 per fiscal year of the commonwealth and up to \$10,000,000 in the aggregate.”

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 2100-2011, by adding the following words:— “; and provided further, that \$1,000,000 shall be expended towards the purchase of the Sawyer Richardson property in the town of Boxford”.

The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 2000-2013, by inserting after the words “city of Lawrence”, the following words:— “; provided further, that \$1,400,000 be expended for the acquisition of 23.5 acres of land in the town of Hudson known as the Sauta Cornfield”; and by striking out the figure “25,350,000”, and inserting in place thereof the following figure:— “26,750,000”.

The amendment was *rejected*.

As previously stated, the above amendments were considered as one, and *rejected*.

There being no objection, the following amendments were considered as one and adopted, to wit:

Ms. Resor and Ms. Fargo moved to amend the bill by inserting after section 24 the following section:—

“SECTION 24A. Notwithstanding any special or general law to the contrary, the department of correction shall preserve the agricultural use of its agricultural properties in the towns of Concord and Acton. The department shall preserve any additional department property in the town of Acton not presently designated as agricultural or for other specified use, as open space for conservation purposes.”

The amendment was adopted.

Ms. Resor moved to amend the bill in section 2, in item 2300-2015, by inserting after the words “ecosystems and watersheds;” the following:— “, provided further, that \$50,000 shall be expended for the restoration of the Assabet river at the Wood park site in the town of Hudson”.

The amendment was adopted.

Ms. Resor moved to amend the bill in section 2, in item 2200-2015, by adding the following words:— “; and provided further, that not more than \$250,000 shall be expended for site remediation at the Old Fitchburg Depot site at the corners of Lincoln and Mechanic streets in the city of Marlborough”.

The amendment was adopted.

Mr. Creedon, Ms. Creem and Mr. Magnani moved to amend the bill in section 2, by inserting before item 2000-2010 the following item:—

“0526-2010 For a program of matching grants to units of municipal government and to private nonprofit organizations for the preservation of historic properties, landscapes and sites; provided, that such funds shall be awarded in accordance with regulations promulgated by the state secretary in his capacity as chairman of the Massachusetts historical commission 10,000,000”.

The amendment was adopted.

Mr. Antonioni moved to amend the bill by inserting after section 24A (inserted by amendment) the following section:—

“Section 24B. Notwithstanding any general or special law to the contrary, the department of highways shall place an additional agricultural attraction sign at exit 27 on interstate highway route 495”.

The amendment was adopted.

Mr. Brewer moved to amend the bill in section 2, by inserting after item 2200-2016 the following item:—

“2200-2017 For grants to cities, towns and districts for the acquisition of lands and waters and easements by such cities, towns and districts to protect and conserve groundwater aquifers and recharge areas, surface water supplies and watershed areas, and surface or underground lands adjacent to those resources, for the protection of water that is determined by the department of environmental protection to be of potential use for water supply purposes; provided, that any such grants approved by the department and provided to cities, towns and districts from this item may be for up to 80 per cent of the eligible

costs of such projects 25,000,000”.

The amendment was adopted.

Mr. Lees moved to amend the bill in section 2, in item 2100-2012, by adding the following words:— “; and provided further, that \$500,000 shall be expended for Tree Top Park, so called, in the city of Springfield”.

The amendment was adopted.

Mr. Tolman moved to amend the bill in section 2, in item 2440-2014, by inserting after the word “Jamaicaway” the following words:— “; and provided further, that \$200,000 shall be expended for improvements to the Charles River Park in Watertown”.

The amendment was adopted.

Mr. Baddour moved to amend the bill in section 2, in item 2200-2015, by adding the following words:— “; and provided further, that not less than \$1,500,000 shall be expended for the assessment, containment, clean-up, control, removal of or response actions concerning oil, hazardous material, contaminants for the River’s Edge housing development in Methuen”.

The amendment was adopted.

Messrs. Rosenberg and Brewer moved to amend the bill in section 2, in item 2440-2017, by adding the following words:— “provided further, that \$300,000 shall be expended for studies, plans, and reconstruction of the Nielson road watershed improvement project to mitigate run-off into the Swift river in New Salem,”.

The amendment was adopted.

Mr. Rosenberg moved to amend the bill in section 2, in item 2100-2016, by adding the following words:— “; and provided further, that \$178,000 shall be expended to reimburse the town of Hadley for emergency repairs to the Connecticut river dike”.

The amendment was adopted.

Mr. Rosenberg moved to amend the bill in section 2, in item 2000-2017, by adding the following words:— “; and provided further, that \$200,000 shall be expended for studies, plans and repairs to the river bank of the Falls river in the town of Bernardston”.

The amendment was adopted.

Mr. Rosenberg moved to amend the bill in section 2, in item 2440-2016, by adding the following words:— “; and provided further, that \$2,000,000 shall be expended for the repair and renovations of the Collins-Moylan Memorial Skating Rink in the town of Greenfield”.

The amendment was adopted.

Ms. Resor moved to amend the bill by inserting after section 22 the following section:—

“Section 22A. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Agricultural Resolve and Security Fund, the funds of which shall be expended for the purpose of fostering agriculture in the commonwealth, as the term ‘agriculture’ is defined under section 1A of chapter 128 of the General Laws, and for furthering other purposes of the department of food and agriculture as set forth in any general or special laws. These purposes may include, but shall not be limited to, agricultural education, marketing and promotion of agriculture in the commonwealth, support for sustainable agriculture and pollution prevention, agricultural land preservation, control of animal diseases and emergency preparedness.

(b) The Agricultural Resolve and Security Fund shall receive monies from (1) gifts, grants and donations from public or private sources; (2) federal reimbursements, grants-in-aid or other money credited or transferred from any other fund or source; and (3) any interest earned from the Agricultural Resolve and Security Fund. The state treasurer may receive, deposit and invest funds held in such a manner that will ensure the highest interest rate available consistent with the safety of the fund.

(c) The books and records of the Agricultural Resolve and Security Fund shall be subject to an annual audit by the state auditor.

(d) The department of food and agriculture may expend such funds, at the discretion of the commissioner of food and agriculture, to foster agriculture in the commonwealth and to further other purposes of the department.”

The amendment was adopted.

Ms. Resor moved to amend the bill in section 2, in item 2500-2013, by inserting after the words “board of agriculture” the following words:— “, including funds for the promotion of apiculture”.

The amendment was adopted.

Ms. Resor moved to amend the bill in section 2, in item 2000-2015, by adding the following words:— “; and provided further, that \$1,050,000 shall be expended for a grant to the town of Shirley for the acquisition of 73 acres of land known as Longley Farm”; and by striking out the figure “\$2,850,000” and inserting in place thereof the following figure: “\$3,900,000”.

The amendment was adopted.

Ms. Murray moved to amend the bill in section 2, in item 2100-2012, by adding the following words:— “; provided further, that \$100,000 shall be expended for the repair and upgrade of Forefathers Monument park in the town of Plymouth”.

The amendment was adopted.

Ms. Murray moved to amend the bill in section 2, in item 2100-2012, by adding the following words:— “; provided further, that \$200,000 shall be expended for the repair and installation of an irrigation system at Pilgrim state park along the Plymouth waterfront”.

The amendment was adopted.

Ms. Murray moved to amend the bill in section 2, in item 2100-2012, by adding the following words:— “; and provided further, that \$227,000 shall be expended for a brush breaker fire prevention apparatus for Myles Standish State Park”.

The amendment was adopted.

Ms. Murray moved to amend the bill in section 2, in item 2100-2016, by adding the following words:— “provided further, that \$45,000 shall be provided for repairs to Kelleher Dam in the town of Kingston”.

The amendment was adopted.

Ms. Murray moved to amend the bill in section 2, in item 2100-2017, by adding the following words:— “; provided further, that \$100,000 shall be expended for 1 aquatic plant harvester to be shared by the towns in Barnstable county; and provided further, that \$100,000 shall be expended for 1 aquatic plant harvester in the town of Plymouth”; and by striking out the figure “\$8,135,000” and inserting in place thereof the following figure:— “\$8,335,000”.

The amendment was adopted.

Ms. Murray moved to amend the bill in section 2, in item 2100-2017, by adding the following words:— “; and provided further, that \$100,000 shall be expended for the dredging of Ellisville Harbor in the town of Plymouth”.

The amendment was adopted.

Ms. Murray moved to amend the bill in section 2, in item 2300-2011, by adding the following words:— “; and provided further, that not less than \$127,000 shall be expended to the Thornton W. Burgess Society for capital improvements to the Game Farm property in the town of Sandwich”.

The amendment was adopted.

Mr. Moore moved to amend the bill in section 2, in item 2300-2016, by adding the following words:— “; and provided further, that \$250,000 shall be expended for the Douglas State Forest boat ramp at Wallum lake”; and by striking out the figure “\$4,350,000” and inserting in place thereof the following figure:— “\$4,600,000”.

The amendment was adopted.

Mr. Knapik moved to amend the bill in section 2, in item 2100-2012, by inserting after the word “Methuen”, in line 28, the following words:— “; provided further, that \$250,000 shall be expended for the restoration of the main access road in the Mount Tom State Reservation in the city of Holyoke;”.

The amendment was adopted.

Mr. Knapik moved to amend the bill in section 2, in item 2100-2017, by inserting after the word “Shrewsbury”, in line 13, the following words:— “; provided further, that \$35,000 shall be expended for the dredging of Nashawannuck pond in the town of Easthampton”.

The amendment was adopted.

Mr. Knapik moved to amend the bill in section 2, in item 2000-2015, by adding the following words:— “; and provided further, that \$700,000 shall be expended for the construction of the Holyoke canal walk”.

The amendment was adopted.

Mr. Knapik moved to amend the bill in section 2, in item 2100-2012, by inserting after the word “river”, in line 25, the following words:— “; provided further, that not less than \$80,000 shall be expended for improvements to the Holyoke Heritage State Park railroad;”.

The amendment was adopted.

Mr. Montigny moved to amend the bill in section 4, by striking out, in line 5, the figure “\$10,300,000” and inserting in place the following figure:— “\$46,500,000”; in section 5, by striking out, in line 2, the figure “\$10,300,000” and inserting in place the following figure:— “\$46,500,000”; in section 10, by inserting after the word “groups”, in line 49, the following words:— “; affordable housing advocates”; and in section 12, by inserting after the word “groups”, in line 121, the following words:— “; affordable housing advocates”.

The amendment was adopted.

Mr. Tarr moved to amend the bill in section 2, in item 2300-2015, by adding the following words:— “; and provided further, that \$125,000 shall be expended for the planning, permitting and construction of a fishway at the Willowdale dam in the town of Ipswich”.

The amendment was adopted.

Mr. Tarr moved to amend the bill in section 2, in item 2100-2011, by adding the following words:— “; provided further, that not less than \$1,750,000 shall be provided for the purchase of the Dunn property in the town of West Newbury; and provided further, that said town of Newbury shall expend not less than an equal sum from combined sources for said purpose”.

The amendment was adopted.

Mr. Tarr moved to amend the bill in section 2, in item 2100-2016, by adding the following words:— “; provided further, that not more than \$750,000 shall be expended for the repair and reconstruction of the West Pond dam in the city of Gloucester; and provided further, that no funds shall be expended for this purpose unless the city obtains control of the dam”.

The amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, in item 2100-0008, by adding the following words:— “; provided, that \$1,400,000 shall be expended for the acquisition, design and construction of the southern extension of the Ashuwillticook Trail in the city of Pittsfield”.

The amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, in item 2100-2015, by adding the following words:— “provided further, that not less than \$500,000 shall be expended in enhancing compliance with section 16 of chapter 270 of the General Laws, including but not limited to increasing patrolling of state parks, reservations, parks, rinks, pools, piers, and other facilities and properties under the jurisdiction of the department of environmental management by park rangers and state police and posting signage indicating the penalties applicable for violations of the section and the proper authorities to contact to report such violations”.

The amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, in item 2000-2026, by striking out the wording and inserting in place thereof the following words:— “For a program of environmental education, outreach and collaboration with educational institutions and with cities and towns to ensure all environmental investments including, but not limited to, biodiversity days, community preservation, state park and reservation clean up and preservation, and the Massachusetts watershed initiative are carried out by the secretary of environmental affairs, the department of environmental management, the department of environmental protection, the department of fisheries, wildlife and environmental law enforcement, the metropolitan district commission and the department of food and agriculture to achieve the greatest long-term impact; provided, that grants may be awarded to public and nonpublic entities; and provided further, that the secretary may allocated funds for the purposes of this item.”

The amendment was adopted.

Mr. Nuciforo and Ms. Creem moved to amend the bill by inserting after section 14 the following 2 sections:—

“SECTION 14A. Section 16 of chapter 270 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

Whoever places, throws, deposits or discharges or whoever causes to be placed, thrown, deposited or discharged, any trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or other material of any kind on a public highway or within 20 yards of a public highway, or on any other public land, or in or upon coastal or inland waters, as defined in section 1 of chapter 131, or within 20 yards of such waters, or on property of another, or on lands dedicated for open space purposes, including lands subject to conservation restrictions and agricultural preservation restrictions as defined in chapter 184, shall be punished by a fine of not more than \$5,500 for the first offense and a fine not to exceed \$15,000 for each subsequent offense; provided, however, that 50 per cent of the fine imposed shall be deposited in the Conservation Trust established in section 1 of chapter 132A and the court may also require that the violator remove, at his own expense, the trash, refuse, rubbish, debris or materials. The permission of the owner of land to place, throw, deposit or discharge trash, refuse, rubbish, garbage, debris, scrap, waste or other material on the owner’s land shall constitute a defense in any trial for such offense.

SECTION 14B. The last paragraph of said section 16 of said chapter 270, as so appearing, is hereby amended by inserting, after the last sentence, the following sentence:— The department of environmental management shall permanently post signs on all lands under its jurisdiction which identify: 1) the penalties applicable for the violations under this section; and 2) the proper authorities and contact information to report violations.”

The amendment was adopted.

Mr. Nuciforo moved to amend the bill by inserting after section 24B (inserted by amendment) the following section:—

“SECTION 24C. A special commission is hereby established to investigate and study the feasibility of establishing a program to allow citizens to dispose of residential waste at disposal facilities on certain days for no charge. The investigation and study shall include, but not be limited to, examining the potential effect of the program in reducing the illegal dumping of waste in state parks and reservations and the cost of the program. The commission shall be appointed by the governor and shall consist of 10 members as follows: the house and senate chairmen of the joint committee on natural resources and agriculture, who shall serve as co-chairs of the commission, the house and senate chairmen of the committees on ways and means, or their designees, the secretary of environmental affairs, or his designee, the commissioner of environmental management, or his designee, the commissioner of environmental protection, or his designee, a representative of the Massachusetts Municipal Association, a representative of the National Solid Wastes Management Association and a representative of the Massachusetts Audubon Society. The commission shall report to the general court the results of its study, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before December 31, 2003.”

The amendment was adopted.

Mr. Joyce moved to amend the bill in section 2, in item 2100-2011, by striking out, in lines 18 and 19, the words “\$1.15 million shall be expended to preserve the parcel of land at Parcella” and inserting in place thereof the following words:— “not more than \$1.15 million shall be expended to preserve the parcel of land at Pacella”.

The amendment was adopted.

Mr. Joyce and Mrs. Sprague moved to amend the bill in section 2, in item 2100-2011, by striking out, in lines 16 and 17, the words “may be provided for the purchase of Rattlesnake Hill in Sharon” and inserting in place thereof the following words:— “shall be expended to purchase a certain parcel of land known as Rattlesnake hill in the town of Sharon”.

The amendment was adopted.

Ms. Jacques moved to amend the bill in section 2, in item 2000-2017, by adding the following words:— “provided further, that not less than \$500,000 shall be expended for the repair of retaining walls on the Ten Mile river in the town of North Attleborough and the city of Attleboro”.

The amendment was adopted.

Ms. Jacques moved to amend the bill in section 2, in item 2100-2016, by adding the following words:— “provided further, that not less than \$250,000 shall be expended for the repair and restoration of the Whitings Pond Dam in the town of North Attleborough”.

The amendment was adopted.

Ms. Jacques, Ms. Creem and Ms. Fargo moved to amend the bill in section 2, in item 2440-2016, by adding the following words:— “provided further, that not less than \$250,000 shall be expended for a hydrologic study to determine necessary repairs at Leo J. Martin golf course in Weston”.

The amendment was adopted.

Mr. Tarr moved to amend the bill in section 2, in item 2100-2011, by adding the following words:— “; provided further, that not more than \$1,000,000 shall be expended towards the purchase of the property known as Yentile Farm in the town of Wilmington; and provided further, that said town of Wilmington shall expend not less than an equal sum from combined sources for said purpose”.

The amendment was adopted.

Mr. Tarr moved to amend the bill in section 2, in item 2100-2017, by adding the following words:— “; and provided further, that \$300,000 be expended for the remediation of Martin’s pond in the town of North Reading”.

The amendment was adopted.

Mr. O’Leary moved to amend the bill in section 2, in item 2000-2027, by inserting after the words “General Laws” the following words:— “or chapter 831 of the acts of 1977 or chapter 716 of the acts of 1989”; in item 2000-2028 by inserting after the words “chapter 41 of the General Laws” the following words:— “or local comprehensive plans under section 9 of chapter 716 of the acts of 1989”; in item 2000-2029 by inserting after the words “chapter 40B of the General Laws” the following words:— “or chapter 831 of the acts of 1977 or chapter 716 of the acts of 1989”; in item 2000-2029 by inserting after the word “complete” the following words:— “or in the case of municipalities in Barnstable county, until the municipality has completed a comprehensive plan”; in section 9 by inserting after the words “chapter 41”, in line 7, the following words:— “or under section 9 of chapter 716 of the acts of 1989”; in section 10 by striking out the definition of “Regional planning commission” and inserting in place thereof the following definition:—

“Regional planning commission”, regional or district planning commissions established under this chapter or under chapter 831 of the acts of 1977 or chapter 716 of the acts of 1989”; in section 10, by inserting after the word “chapter”, in line 21, the following words:— “or under chapter 716 of the acts of 1989”; by inserting after the word “approval”, in line 56, the following words:— “except in Barnstable county, where the Assembly of Delegates shall approve and adopt a regional policy plan under chapter 716 of the acts of 1989”; and by inserting after the word “members”, in line 61, the following words:— “or in Barnstable county, by the Assembly of Delegates”; and

In section 12, by striking out the definition of “Local sustainable development plan” and inserting in place thereof the following definition:—

“Local sustainable development plan’, a local plan or in Barnstable county a local comprehensive plan”; by striking out the definition of “Regional planning commissions” and inserting in place thereof the following definition:—

“Regional planning commissions’, organizations established under chapter 40B or chapter 831 of the acts of 1977 or chapter 716 of the acts of 1989”; by striking out the definition of “Regional sustainable development plans” or “regional plans” and inserting in place thereof the following definition:—

“Regional sustainable development plans’ or ‘regional plans’, plans developed under section 5 of chapter 40B or section 9 of chapter 716 of the acts of 1989”; by inserting after the words “section 81D”, in line 36, the following words:— “or section 9 of chapter 716 of the acts of 1989”.

The amendment was adopted.

Ms. Resor, Ms. Fargo and Mr. Magnani moved to amend the bill in section 2, in item 2100-2011, by inserting after the words “town of Randolph” the following words:— “; and provided further, that the department may acquire, in whole or in part, or to enter into agreements that protect from development the lands defined in the Greater Callahan Open Space and Greenway Plan located in the towns of Framingham, Sudbury and Southborough and in the city of Marlborough, which properties shall be added to the existing Callahan state park”.

The amendment was adopted.

Mr. Brewer, Ms. Fargo, Mr. Magnani, Ms. Creem and Messrs. Hedlund, Knapik and Lees moved to amend the bill in section 2, in item 2000-2017, by inserting after the word “species”, in line 9, the following words:— “; provided further, that not less than \$2,000,000 shall be expended for an aquatic nuisance control program to determine the extent of, manage and control aquatic invasive species in lakes, ponds, rivers and streams through the coordination of federal, state and local aquatic invasive species management efforts; for the prevention of new introductions of aquatic invasive species to the commonwealth’s waters; the control and eradication of existing infestations; for the monitoring for the introduction of new invaders and the spread of established organisms; for the detection and eradication of pioneering aquatic invasive species posing high or unknown risk to aquatic ecosystems; for the control of the spread and distribution of aquatic invasive species in infested water bodies to reduce the risk of dispersal to uninfested waters; for educating the public regarding its role in preventing the introduction and transport of aquatic invasive species; for research to identify new measures for the prevention and control of aquatic invasive species; for evaluating the effectiveness of existing management measures; for the creation and maintenance of a database containing information about: (1) where infestation exists; (2) pre and post project survey information; and (3) the amount spent on each eradication project; and provided further, that these funds shall be expended in a manner consistent with the Aquatic Invasive Species Management Plan, as approved by the secretary of environmental affairs”.

The amendment was adopted.

Mr. Brewer moved to amend the bill by inserting after section 12, the following section:—

“SECTION 12A. Chapter 128 of the General Laws is hereby amended by inserting after section 38B the following section:—

Section 38C. The commissioner may develop a program to assist in the preservation and rehabilitation of facilities and land resources of agricultural fairs in the commonwealth through short-term preservation covenants, grants, demonstration projects and other means. The commissioner may promulgate regulations relative thereto.”

The amendment was adopted.

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

“SECTION 13A. Section 11A of said chapter 32A, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words ‘sections one to five, inclusive, of chapter sixty-one A’ and inserting in place thereof the following words:— section 1A of chapter 128.”

The amendment was adopted.

Mr. Magnani and Ms. Jacques moved to amend the bill in section 2, in item 2100-2017, by striking out the figure “\$80,000” and inserting in place thereof the following figure:— “\$124,000”.

The amendment was adopted.

Mr. Magnani moved to amend the bill in section 2, in item 2100-2016, by adding the following words:— “; and provided further, that not less than \$350,000 shall be expended for renovations and improvements to the Whitehall dam in the town of Hopkinton”.

The amendment was adopted.

Mr. Magnani moved to amend the bill in section 2, in item 2000-2014, by adding the following words:— “; and provided further, that not less than \$180,000 shall be expended for the Tercentennial park in the town of Framingham”.

The amendment was adopted.

Mr. Magnani and Ms. Jacques moved the bill to amend in section 2, in item 2000-2014, by adding the following words:— “; and provided further, that not less than \$100,000 shall be expended for renovations and improvements to John J. Lane Park on Speen street in the town of Natick”.

The amendment was adopted.

Mr. Magnani moved to amend the bill in item 2000-2013, by adding the following words:— “; and provided further, that funds may be expended from this item to be deposited into the Open Space Acquisition Revolving Fund established in section 2DDD of chapter 29 of the General Laws to administer no-cost loans to cities and towns for the acquisition of open space under section 3E of chapter 21 of the General Laws”; and by inserting after section 8, the following 2 sections:—

“SECTION 8A. Chapter 21 of the General Laws is hereby amended by inserting after section 3D of the following section:—

Section 3E. The department shall administer a program of zero interest loans to cities and towns for the acquisition of open space land utilizing monies in the Open Space Acquisition Revolving Fund established under section 2DDD of chapter 29. The department shall accept applications from cities and towns, in a form to be determined by the department, for loans to allow cities or towns to acquire open space land. The loans shall be repayable to the Open Space Acquisition Revolving Fund in 20 annual installments. The department shall set standards and adopt rules and regulations to carry out the purposes of this section.

SECTION 8B. Chapter 29 of the General Laws is hereby amended by inserting after section 2CCC of the following section:—

Section DDD. There shall be set up on the books of the commonwealth a separate fund to be known as the Open Space Acquisition Revolving Fund. There shall be credited to the fund all revenues or other financing sources directed to the fund by appropriation, any income derived from the investing of all amounts credited to the fund and the monies from the repayment of loans from the fund. Monies credited to the fund may be expended by the department of environmental management, without further appropriation, for loans to cities and towns for the acquisition of open space under section 3E of chapter 21.”

The amendment was adopted.

As previously stated, the above amendments were considered as one, and adopted.

After further remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at five minutes past three o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.

Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	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.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Havern, Robert A.
 Morrissey, Michael W. — 2.

The yeas and nays having been completed at eight minutes past three o'clock P.M., the bill (Senate, No. 2319, printed as amended) was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill relative to the identification of burial grounds and cemeteries on certain state-owned land (Senate, No. 2315),— 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 fourteen minutes past three o'clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	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.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.

Melconian, Linda J. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Havern, Robert A.
Morrissey, Michael W. — 2.

Ms. Melconian in the Chair, the yeas and nays having been completed at seventeen minutes past three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to the licensing of insurance producers (House, No. 28, changed and amended),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Murray moved that the bill be amended in section 1 (as printed), by striking out, in lines 10 and 11, the words “excess and surplus lines agents and brokers” and inserting in place thereof the following words:— “special insurance brokers”.

This amendment was adopted.

After remarks, 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 nineteen minutes past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	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.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Havern, Robert A.

Morrissey, Michael W. — 2.

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

Sent to the House for concurrence in the amendments.

The House Bill relative to Mini-Fenway Park, Inc. (House, No. 4362),— **was read a third time and passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate.**

Sent to the House for concurrence in the Senate amendment.

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

On motion of Mr. Shannon, the further consideration thereof was postponed until Wednesday, May 15.

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 Wednesday, May 15.

The Senate Bill requiring certain religious officials to report abuse of children (Senate, No. 2230),— came from the House passed to be engrossed, in concurrence, *with an amendment*, striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4394.

Mr. Shannon, for the committee on Bills in the Third Reading, reported, asking to be discharged from further consideration of this matter.

The report was accepted.

Ms. Jacques, Ms. Tucker and Ms. Walsh moved that the Senate concur in the House amendment, *with a further amendment*, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2316; 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 forthwith to mandate the reporting of abuse by certain religious officials and to protect

the victims of child abuse, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

After remarks, the question on concurring in the House amendment with a further amendment was determined by a call of the yeas and nays, at twenty-four minutes before four o'clock P.M., on motion of Ms. Tucker, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	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.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Havern, Robert A.
Morrissety, Michael W. — 2.

The yeas and nays having been completed at twenty-one minutes before four o'clock P.M., the Senate concurred in the House amendment with a further amendment.

Sent to the House for concurrence in the further amendment.

PAPERS FROM THE HOUSE.

The engrossed Bill further regulating the Julian D. Steele public housing development in the city of Lowell (Senate, No. 2241),— came from the House, amended by adding at the end thereof the following section:

“SECTION 2. This act shall take effect upon its passage.”.

The rules were suspended, on motion of Mr. Panagiotakos, and, after remarks, the House amendment was considered forthwith and adopted, in concurrence.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the city of Salem to grant easements in certain park land (see House, No. 4842) (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 sixteen minutes before four o'clock P.M., as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hart, John A., Jr.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapiak, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 36.

NAYS — 0.

ABSENT OR NOT VOTING.

Havern, Robert A.
Morrissey, Michael W. — 2.

The yeas and nays having been completed at twelve minutes before four 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.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered, as follows:

The House bills

Authorizing the city of Waltham to establish a post employment health insurance trust fund (House, No. 349);

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 third time and passed to be engrossed, in concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill authorizing the clerk of the town of Brookfield to act temporarily as a selectman (see House Bill, printed in House, No. 4998) (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 President and laid before the Acting Governor for her approbation.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5012) of Arthur J. Broadhurst relative to the charges assessed for unpaid checks;

Under suspension of Joint Rule 12, to the committee on Banks and Banking.

Petition (accompanied by bill, House, No. 5013) of John A. Hart, Jr., relative to the monitoring of natural gas leaks;

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

Reports 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 Susan C. Fargo, John J. Binienda, Bruce E. Tarr, Barry R. Finegold and other members of the General Court for legislation relative to the waste to energy grant program.

Senate Rule 36 was suspended, on motion of Mr. Shannon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Energy.

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 Marie Kalp and Robert L. Hedlund for legislation to require the installation of elevators in multi-level nursing homes.

Senate Rule 36 was suspended, on motion of Mr. Shannon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care.

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 Marie Kalp and Robert L. Hedlund for legislation to require notification by nursing homes, rest homes and long-term care facilities if certain health or safety concerns cannot be addressed.

Senate Rule 36 was suspended, on motion of Mr. Shannon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Human Services and Elderly Affairs.

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 Marie Kalp and Robert L. Hedlund for legislation to require written responses to inquiries from family members and guardians of nursing home, rest home and long-term care facility residents.

Senate Rule 36 was suspended, on motion of Mr. Shannon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Human Services and Elderly Affairs.

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 Richard T. Moore and Paul Kujawski for legislation to allow the State Retirement Board to grant creditable service to William Thibault, a former employee of the Department of Revenue, for time served as a selectman in Blackstone.

Senate Rule 36 was suspended, on motion of Mr. Shannon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

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 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.

Senate Rule 36 was suspended, on motion of Mr. Shannon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration.

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 Charles E. Shannon for legislation exempting supportive braces sold to persons 65 years of age and older from the sales tax.

Senate Rule 36 was suspended, on motion of Mr. Shannon, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation.

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. Havern, Anne M. Paulsen and Diane Mahon for legislation relative to a study of a section of Route 2 by the Executive Office of Transportation and Construction.

Senate Rule 36 was suspended, on motion of Mr. Shannon, and the report was

considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.

Severally 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. Joyce) “congratulating Dorothy and Joseph Leahy on the occasion of their sixtieth wedding anniversary”;

Resolutions (filed by Mr. Knapik) “honoring the 2002 Holyoke public schools’ ‘Rising Stars’ ”; and

Resolutions (filed by Mrs. Sprague) “congratulating Michael Francis O’Malley of Medfield upon his elevation to the rank of Eagle Scout.”

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

Further regulating the Julian D. Steele public housing development in the city of Lowell (see Senate, No. 2241, amended); and

Establishing a certain voting subprecinct in the city of Newton (see House, No. 4977).

Order Adopted.

The President in the Chair, on motion of Ms. Melconian,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next 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 five minutes past four o’clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty minutes before five o’clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill providing equitable tax deductions for the depreciation of certain assets (see House, No. 5006, amended), 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 President and sent to the House for enactment.

Subsequently, the bill, which originated in the House, 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 President and laid before the Acting Governor for her approbation.

Adjournment in Memory of Francis X. McKeown.

Senators Birmingham, Pacheco and Murray moved that when the Senate adjourns, it adjourn in memory of Francis X. McKeown of Plympton. Mr. McKeown was a veteran of the U.S. Army who served during the Korean War. After serving his country, Mr. McKeown returned home where he began his career in the trade industry, joining the United Association of Plumbers and Pipefitters. Mr. McKeown worked in every aspect of his trade earning a fellowship to the Harvard Trade Union Program, serving as Business Manager for Local 276 and serving as an executive board member of the Massachusetts AFL-CIO. The motion prevailed.

Accordingly, as a mark of respect to the memory of Francis X. McKeown, at thirteen minutes before five o'clock P.M., on motion of Mr. Tisei, the Senate adjourned to meet on Tuesday next at eleven o'clock A.M.