

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.



Wednesday, May 1, 2002.

Met at six minutes past twelve o'clock noon.

Petitions.

Petitions were presented and referred, as follows:

By Ms. Jacques, a petition (subject to Joint Rule 12) of Cheryl A. Jacques for legislation to prevent an indicted or convicted individual from serving as executor or administrator of the victim's estate; and

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary, Michael R. Knapik, Ruth B. Balser, Mark J. Carron and other members of the General Court for legislation to regulate non-custodial parents' access to student records;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Ms. Menard, for the committee on Rules, that the Senate Bill relative to the rights of victims of crimes (Senate, No. 209),— ought to pass;
Referred, under Senate Rule 27, to the committee on Ways and Means.

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

Relative to archaic crimes (Senate, No. 171);

Relative to human cloning (Senate, No. 1794, changed);

Relative to the naming of a certain state building (Senate, No. 2267);

Designating a portion of the Holyoke Heritage State Park as the Dinapoli Plaza (Senate, No. 2309); and

The House bills

Relative to the sounding of train whistles in the town of Tewksbury (House, No. 765);

Relative to the underground cable reimbursement schedule (House, No. 4074);

Increasing the penalty for passing a school bus (House, No. 4405); and

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

Committee Discharged.

Mr. Moore, for the committee on Health Care, 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 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.**

Communication.

Notice was received that the House of Representatives has called a joint session of the two houses, conformably to the provisions of Article XLVIII, as amended by Article LXXXI, of the amendments to the Constitution, for the purpose of considering the following proposals for legislative amendments to the Constitution:

Proposal for a Legislative Amendment to the Constitution relative to the filling of vacancies in the offices of Governor or Lieutenant-Governor (see House, No. 799), with reference to which the committee on Election Laws has reported recommending that the amendment ought to pass; and

Proposal for a Legislative Amendment to the Constitution relative to the tenure of judicial officers (see House, No. 3357),— with reference to which the committee on the Judiciary has reported recommending that the amendment ought NOT to pass (under Joint Rule 23).

Order Adopted.

On motion of Ms. Melconian,—

Ordered, That a committee of the Senate be appointed to wait upon Her Honor Jane M. Swift, the Acting Governor, and the Honorable Council and inform them that the Senate is in session and awaits their presence for the swearing in of Thomas M. McGee as Senator from the First Essex district.

Senators Travaglini, Hart and Sprague were appointed to the committee.

Subsequently, Mr. Travaglini, for the committee, reported that Her Honor Jane M. Swift, the Acting Governor, and the Honorable Council would immediately attend upon the Senate. The committee was discharged.

Soon after, Jane M. Swift, the Acting Governor, and the Honorable Council came into the Senate Chamber under the escort of the Sergeant-at-Arms.

The Honorable Thomas M. McGee, at nineteen minutes past twelve o'clock noon, on Wednesday, May 1, 2002, before the Acting Governor and Council, did take and subscribe the oath of office as State Senator from the First Essex district.

After taking the oath of office, Senator McGee briefly addressed the Senate, as follows:

Remarks of Senator Thomas M. McGee.

Thank you very much, Mr. President, for all your kind words. It feels pretty comfortable up here.

Today is a very special day for me and my family. It has been a great opportunity for me to serve in the House of Representatives for almost eight years. As I was talking to some of my colleagues yesterday, I was thinking about the 39 years I have spent around that chamber. I was 7 years old when my dad was elected to the House of Representatives. I have lots of great memories of serving, and just as importantly, great memories of the people whom I have worked with over the years in my district to try to make a difference for our lives, our children's lives and our futures. I would like to thank the constituents of the 11th Essex District for giving me the honor to serve them for the last eight years. Hopefully, together we made a difference.

I would like to thank the voters of the 1st Essex District, for whom I'll continue to work hard, be accountable, and available. Together, we will work on the issues together to make a difference for every constituent. That's what it's all about.

I want to thank all the people who worked in the campaign and all those who came out to vote on a rainy, terrible day in March. Eighteen thousand voters came out to vote and to be part of a great victory.

There were so many people, hundreds of volunteers, who put their lives on hold for three to four months, every day, including Saturday and Sunday nights. I want you to know how important it was for me to have them involved and how much it meant to me. I want to thank every single one of them.

There are so many people here to thank, without whose help I could not have had such great success, good friends and relationships. All my friends and colleagues from the House. Thanks for being there. They are more than colleagues, they are friends. To those who are here and to those who are unable to be here, thanks to all of you.

I really have a lot of people to thank. My new colleagues have supported me and encouraged me. Mr. President, you've been really great and have made me feel welcome. I am looking forward to working together with all of you to make a difference in this Commonwealth.

I'd like to thank my predecessors. They have shown leadership and courage in this Chamber. First, Jim Carrigan, who helped me with my campaign. Thank you very much. You all know Walter Boverini, the Senate Majority Leader, and my friend and colleague, Mayor Chip Clancy. We will continue to work together.

I would be remiss if I did not mention my legislative aides. They really have made a difference. Matt Hall, who could not make it here today. Joy Lonergan, who worked for me two years ago. Thank you for being here today. And Gabrielle Viator, who still works very hard in the office and whom you'll all get to know very soon. Thank you for everything.

Most importantly, I'd like to thank my family. They're all here. This is what makes my life special. My Dad — I learned a lot about politics from him. He always taught me that politics is about helping people, that's what it's all about. My Mom — she was always there for us. She understands how to raise a family and be part of a political family. She is always there for me and she is here today for me. Thanks, Mom.

My brothers, Shawn and Michael, my sister Colleen, and all the family: Barbara, Michelle, Christine, Ray, Julie, Sheryl, Dan and Patty, as well as all my nephews and nieces. Thank you for being here.

And at last, the one person who is so important and so special, my wife Maria. She was with me for the last eight years and especially over the last few months when the district was four times the size. She was there day and night. She always understood. She makes my life special. And my two beautiful twins, who make my life special every day I wake up, Thomas and Katherine. Thank you.

Thank you all very much.

On motion of Mr. Joyce, the remarks were ordered printed in the Journal of the Senate.

Communication.

The Clerk read the following communication from the Secretary of the Commonwealth, to wit:

COMMONWEALTH OF MASSACHUSETTS
SECRETARY OF THE COMMONWEALTH
STATE HOUSE, BOSTON, MASSACHUSETTS

May 1, 2002.

To the Honorable Senate:

I have the honor to lay before you the return of votes cast at the special election held in this Commonwealth on the twenty-third day of April, 2002 for Senator from the First Essex District, together with the schedules showing the number of ballots which appear to have been cast for each person.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the Senate, as required by the Constitution.

Very truly yours,
WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

**FOR STATE SENATOR IN GENERAL COURT
FIRST ESSEX DISTRICT**
(to fill vacancy)

Thomas M. McGee of Lynn (Democrat) has 3,628 votes

All others 84 "

Blanks 58 "

Total Votes Cast 3,770 "

Order Adopted.

On motion of Ms. Melconian,—

Ordered, That the returns of votes for Senator to fill a vacancy in the First Essex District be referred to a special committee to consist of three members of the Senate.

Senators Rosenberg, Magnani and Resor were appointed the committee. Subsequently, Mr. Rosenberg, for the committee, reported, that from an examination of the returns, it appears the Honorable Thomas M. McGee of Lynn had been duly elected to said district.

The report was read and accepted.

Seat Assignment.

The President announced the assignment of Senator Thomas M. McGee to seat number 2 on the President's Right and that Senator Frederick E. Berry had moved to seat number 1 on the President's Right.

Recess.

There being no objection, at twenty-one minutes before one o'clock P.M., the President declared a recess subject to the call of the Chair; and at ten minutes before one o'clock P.M., the Senate reassembled, the President in the Chair.

Resolutions.

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

Resolutions (filed by Mr. Creedon) "congratulating Daniel A. Shea on the occasion of his retirement";

Resolutions (filed by Ms. Creem) "congratulating Jennifer Elizabeth Mushlin on attaining her Girl Scout Gold Award";

Resolutions (filed by Ms. Creem) "congratulating Lindsay McKenna on attaining her Girl Scout Gold Award";

Resolutions (filed by Ms. Creem) "congratulating Colin McGee Tierney on attaining the rank of Eagle Scout";

Resolutions (filed by Ms. Creem) "congratulating Peter Judd Shellito on attaining the rank of Eagle Scout";

Resolutions (filed by Ms. Fargo) "memorializing the Congress of the United States to adopt a resolution approving the development of a national geologic repository";

Resolutions (filed by Ms. Fargo) "recognizing May 7, 2002 as Lymphedema Awareness Day";

Resolutions (filed by Mrs. Sprague) "congratulating Matthew C. Geden of North Attleboro upon his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mrs. Sprague) “honoring William George Keegan, Jr. for his faithful service to the town of Seekonk.”

Communications.

The Clerk read the following communications:

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

April 29, 2002.

Mr. Patrick F. Scanlan, *Clerk*
Massachusetts State Senate
State House, Room 335
Boston, Massachusetts 02133

Dear Mr. Clerk:

On Thursday, April 25, 2002, I was away from the State House on a personal matter and I was therefore unable to be present for roll call votes taken on the following items:

- An Act Requiring Certain Religious Officials to Report Abuse of Children (Senate, No. 2230 — Question on Adoption of Further House Amendment and Enactment);
- An Act Establishing a Comprehensive Wastewater Reuse and Greywater Management Plan (Senate, No. 2329);
- An Act Providing for Local Government Workforce Reduction Through An Early Retirement Incentive Program For Certain Employees (House, No. 5007);
- Resolution Forecasting the Amount of Tax Revenue for Fiscal Year 2003 (Senate, No. 2337);
- An Act Authorizing the Town of Braintree to Convey a Certain Parcel of Town Forest Land (House, No. 4926).

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

I would appreciate your assistance with the printing of this communication in the Senate journal. Thank you in advance for your help with this request.

Sincerely,
ROBERT E. TRAVAGLINI,
Senate Majority Whip.

On motion of Mr. Pacheco, the above communication was ordered printed in the Journal of the Senate.

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

April 30, 2002.

Mr. Patrick F. Scanlan
Clerk of the Massachusetts Senate
State House, Room 335
Boston, Massachusetts 02133

Dear Mr. Clerk:

On Thursday, April 25, 2002, I was unable to be present for roll call votes concerning the following matters:

- Concurring with the House amendment to An Act Requiring Certain Religious Officials to Report Abuse of Children (Senate, No. 2230, amended);
- Engrossment of An Act Establishing a Comprehensive Wastewater Reuse and Greywater Management Plan (Senate, No. 2329);
- Engrossment of An Act Providing for Local Government Workforce Reduction Through an Early Retirement Incentive Program for Certain Employees (House, No. 5007, amended);
- Adoption of the Senate Resolutions Forecasting the Amount of Tax Revenue for Fiscal Year 2003 (Senate, No. 2337);
- Enactment of An Act Requiring Certain Religious Officials to Report Abuse of Children (Senate, No. 2230, amended); and
- Enactment of An Act Authorizing the Town of Braintree to Convey a Certain Parcel of Town Forest Land (House, No. 4926, amended).

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

I respectfully request that this letter be read into the record at the next session of the Senate. Thank you for your assistance with this matter.

Sincerely,
CYNTHIA STONE CREEM,
State Senator.

On motion of Mrs. Sprague, the above communication was ordered printed in the Journal of the Senate.

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 House Bill authorizing the town of Somerset to issue an additional license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4827),— was read a second time.

Ms. Menard presented an amendment, adding the following section:—

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

The amendment was adopted.

The bill was then read a third time and passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Somerset to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises.”

Sent to the House for concurrence in the amendment.

Report of a Committee.

By Mr. Glodis, for the committee on Election Laws, on petition, a Bill providing for the 2002 special election in the city of Woburn (Senate, No. 2317) [Local approval received];

The bill was read. There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill 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.

PAPERS FROM THE HOUSE.

The Senate Bill including employees of the Central Massachusetts Regional Planning Commission in the group insurance plan (Senate, No. 2131),— came from the House passed to be engrossed, in concurrence, *with an amendment*, 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 include forthwith employees of the central Massachusetts regional planning commission in the group insurance plan, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

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

Engrossed Bill.

An engrossed Bill authorizing the town of Bellingham to establish a tax stabilization fund (see House, No. 4732, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Acting Governor for her approbation.**

Committee Appointment.

The President announced the resignation of the Senator from the Second Worcester District, Mr. Glodis, from the committee on Election Laws and the appointment of the Senator from the First Essex District, Mr. McGee, to the first position of said committee.

Order Adopted.

On motion of Mr. Pacheco,—

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.

On motion of Mrs. Sprague, at four minutes before one o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.
