

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, May 3, 2001.

Met at seventeen minutes past one o'clock P.M.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President introduced, seated in the rear of the Chamber, Pamela Fernandes of Needham. Ms. Fernandes, who is blind, is a world champion tandem bicyclist. With her racing partner, Al Whaley, she won a gold and silver medal in tandem bicycling at the 2000 International Paralympics in Sydney, Australia. She was the guest of Senator Jacques.

The President introduced the Boston College Hockey Team, the 2000-2001 NCAA National Champions. The team was accompanied by Head Coach Jerry York, Assistant Coaches Mike Cavanaugh and Jim Logue, Academic Advisors Tim Boyle and Dick Kelley and Assistant Athletic Director Tom Peters. The President also recognized three special guests in the persons of former Speaker of the House Charles Flaherty, former Senator Paul White and Vincent Shanley, assistant to former Senate President Kevin Harrington and captain of the Boston College Hockey Team of 1972. They were the guests of Senator Havern.

Reports.

A report of the Massachusetts Community Development Finance Corporation (under the provisions of Section 137 of Chapter 133 of the Acts of 1992) submitting a copy of its annual report (received Monday, April 30, 2001),— **was placed on file.**

The following reports were severally read and sent to the House for its information:

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Western Massachusetts Correctional Alcohol Center (received Wednesday, April 25, 2001);

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Hampshire County Jail and House of Corrections (received Monday, April 30, 2001); and

A report of the Bureau of Special Investigations (under the provisions of Section 11(8) of Chapter 14 of the General Laws) submitting its report for the month of March 2001 (received Monday, April 30, 2001).

Reports of Committees.

By Mr. Jajuga, for the committee on Public Safety, on petition, a Bill further regulating the sale of distinctive registration plates for veterans (Senate, No. 1162);

By the same Senator, for the same committee, on petition, a Bill relative to motor vehicles and diplomatic immunities and privileges (Senate, No. 1179);

By the same Senator, for the same committee, on Senate, No. 1208 and House, No. 315, a Bill relative to the disclosure of personal information contained in motor vehicle records (Senate, No. 1208);

By the same Senator, for the same committee, on petition, a Bill to require the reissuance of license plates in the Commonwealth (Senate, No. 1218);

By the same Senator, for the same committee, on petition, a Bill increasing certain fees for the nonpayment of taxes (Senate, No. 1260); and

By the same Senator, for the same committee, on Senate, Nos. 1276 and 1284 and House, No. 2225, a Bill relative to certain veterans' registration plates (Senate, No. 1284);

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

By Mr. Jajuga, for the committee on Public Safety, on Senate, No. 1148 and House, No. 187, a Bill relative to distinctive initial plates (Senate, No. 1148);

By the same Senator, for the same committee, on petition, a Bill further regulating change of name or address notices to the Registry of Motor Vehicles (Senate, No. 1150);

By the same Senator, for the same committee, on petition, a Bill relative to the use of interior lights in motor vehicles (Senate, No. 1165);

By the same Senator, for the same committee, on Senate, No. 1216 and House, Nos. 2026, 2399 and 3798, a Bill further regulating the use of lights on motor vehicles (Senate, No. 1216);

By the same Senator, for the same committee, on petition, a Bill relative to increasing the availability of protective gear for renters of recreational sports equipment (Senate, No. 1236);

By the same Senator, for the same committee, on petition, a Bill relative to motor vehicle violations (Senate, No. 1238) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to leasing motor vehicles (Senate, No. 1240);

By the same Senator, for the same committee, on Senate, No. 1261 and House, No. 1182, a Bill prohibiting the use of paint ball guns (Senate, No. 1261); and

By the same Senator, for the same committee, on petition, a Bill relative to the regulation of motor vehicle livery services and the licensing of livery operators (Senate, No. 1275);

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

By Mr. Jajuga, for the committee on Public Safety, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 1210) of James N. Thivierol and James P. Jajuga for legislation to prohibit the use of mobile telephones while operating a school bus;

On the petition (accompanied by bill, Senate, No. 1239) of Rosaire J. Rajotte (by vote of the town of Northbridge) for legislation relative to seat belt fines;

On the petition (accompanied by bill, Senate, No. 1290) of Bruce E. Tarr, Anthony J. Verga and Jo Ann Sprague for legislation to require the display of a placard or sticker on the motor vehicle of an operator who has twice been convicted of operating under the influence; and

On the petition (accompanied by bill, Senate, No. 1293) of Richard R. Tisei and Brian M. Cresta for legislation relative to the suspension of the license or permit to operate a motor vehicle for violations of certain criminal offenses;

Severally referred, under Senate Rule 36, to the committee on Steering and Policy.

Mr. Brewer, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill creating the official donut of the Commonwealth (Senate, No. 1606).

PAPER FROM THE HOUSE.

A Bill authorizing the financing and development of a new land records management facility for the Plymouth County Registry of Deeds (House, No. 2477,— on House, Nos. 958 and 2477),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to licensed veterans organizations (Senate, No. 417);
Relative to a special fund in the town of Plymouth (Senate, No. 1030);
Relative to Chapter VII of the General By-Laws of the town of Essex (Senate, No. 1039);
To include a call/volunteer firefighter on the Fire Service Commission (Senate, No. 1155);
To include call/volunteer firefighters on the Massachusetts Fire Training Council (Senate, No. 1156);
Punishing the failure to report a fire (Senate, No. 1157);
Relative to inspecting and securing unsafe or abandoned buildings (Senate, No. 1259);
Relative to increasing the maximum parking fines in the city of Somerville from fifteen dollars to thirty dollars except as otherwise provided by ordinance (Senate, No. 1819);
Relative to pension benefits for Robert Rogers (House, No. 4047); and
Relative to pension benefits for Thomas J. Gomperts (House, No. 4048);
Were severally read a second time and ordered to a third reading.

The Senate Bill relative to the practice of public accountancy (Senate, No. 369),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to certain fees charged by telephone companies (Senate, No. 444),— **was read a second time and, after debate, was ordered to a third reading.**

The Senate Bill relative to electronic communication with shareholders (Senate, No. 1792, changed),— **was read a second time and, after remarks, was ordered to a third reading.**

The Senate Bill authorizing municipalities to protect low and moderate income tenants and units of governmentally involved housing (Senate, No. 1832, amended) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and, after debate, was passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to the crimes of assault and battery and assault and battery by means of a dangerous weapon (Senate, No. 167, amended),— was read a third time.

Pending the question on passing the bill to be engrossed, on motion of Mr. Lees, the further consideration thereof was postponed until the next session.

The Senate Bill correcting the incest statute (Senate, No. 175),—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 seven minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Clancy, Edward J., Jr.	Murray, Therese
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Lynch, Stephen F.	Wilkerson, Dianne — 35.
Magnani, David P.	

NAYS — 0.

PAIRED.

YEA.

Linda J. Melconian (present),

NAY.

Andrea F. Nuciforo, Jr. — 2.

ABSENT OR NOT VOTING.

Travaglini, Robert E.

Walsh, Marian — 2.

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

Sent to the House for concurrence.

PAPER FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Mansfield to use certain conservation land for road and bridge purposes (see House Bill, printed in House, No. 4002) (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 one minute past two o'clock P.M., as follows, to wit (yeas 35 — nays 0):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Clancy, Edward J., Jr.	Murray, Therese
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
Lynch, Stephen F.	Wilkerson, Dianne — 35.
Magnani, David P.	

NAYS — 0.

PAIRED.

YEA.

Linda J. Melconian (present),

NAY.

Andrea F. Nuciforo, Jr. — 2.

ABSENT OR NOT VOTING.

Travaglini, Robert E.

Walsh, Marian — 2.

The yeas and nays having been completed at five minutes past two 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.

Report of a Committee.

Mr. Brewer, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill relative to unlawful discrimination (Senate, No. 631).

There being no objection, the rules were suspended, on motion of Mr. Jajuga, and the bill was read a second time, and, after remarks, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act relative to age discrimination in housing."

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A Bill authorizing the Silver Lake Regional School District to grant an easement (House, No. 3960,— on petition),— was read. **There being no objection, the rules were suspended, on motion of Ms. Melconian, 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 petition (accompanied by bill, House, No. 4135) of Daniel E. Bosley, Michael E. Festa and Michael W. Morrissey relative to the licensing of home inspectors,— **was referred, in concurrence, to the committee on Government Regulations.**

Resolutions.

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

Resolutions (filed by Ms. Chandler) “honoring Saul A. Seder of Worcester upon the occasion of his one hundredth birthday”;

Resolutions (filed by Mr. Knapik) “honoring Christine Mills Larkin upon her retirement”;

Resolutions (filed by Ms. Resor) “honoring Doctor Ellen Bell”;

Resolutions (filed by Mr. Tarr) “commending Nancy K. Begin”; and

Resolutions (filed by Ms. Wilkerson) “recognizing the vision and leadership of the Honorable Charles B. Rangel.”

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 Steven C. Panagiotakos for legislation to establish a sick leave bank for Thomas Bragan, an employee of the Department of Correction.

Senate Rule 36 was suspended, on motion of Ms. Menard, 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 Stanley C. Rosenberg and Nancy Flavin for legislation to allow Bernard Gelinas an application for retirement buy back.

Senate Rule 36 was suspended, on motion of Ms. Menard, 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. Severally sent to the House for concurrence.

PAPER FROM THE HOUSE.

A Bill authorizing the town of Barnstable to convey certain conservation land (House, No. 3954, amended,— on House, Nos. 3954 and 4050, in part) [Local approval received on House, No. 3954],— was read.

There being no objection, the rules were suspended, on motion of Mr. O’Leary, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Order Adopted.

On motion of Ms. Melconian,—

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

Adjournment in Memory of Kayla Rosenberg, Stephen Glidden, Melissa Leung and Gregory Chan.

Ms. Creem moved that when the Senate adjourns today, it adjourn in memory of Kayla Rosenberg, Stephen Glidden, Melissa Leung and Gregory Chan, the four young students from Newton's Oak Hill Middle School who lost their lives on Friday, April 27 in a tragic bus accident in Sussex, New Brunswick.

Accordingly, as a mark of respect to the memory of the four young students, at nineteen minutes past two o'clock P.M, on motion of Mr. Lees, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.