

**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 17, 2001.

Met at three minutes past eleven o'clock A.M. (Ms. Melconian in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

### *Communications.*

The following communications were severally placed on file:

Communication from the Wonderland Greyhound Park, Inc. (under the provisions of Section 2 of Chapter 128C of the General Laws) submitting copies of simulcasting contracts entered into by Wonderland (received Wednesday, May 9, 2001);

Communication from the Division of Human Resources, Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting the deputy police chief and police chief eligible lists that were revoked effective May 1, 2001 (received Thursday, May 10, 2001).

### *Reports.*

The following reports were severally read and placed on file:

A report of the Department of Telecommunications and Energy (under the provisions of Section 29 of Chapter 164 of the General Laws) submitting a copy of its annual report for 2000 (received Friday, May 4, 2001);

A report of the Division of Capital Asset Management (under the provisions of Section 40K of Chapter 7 of the General Laws) submitting a copy of the Commonwealth of Massachusetts Real Property Report for 2001 (received Tuesday, May 8, 2001);

A report of the Massachusetts Turnpike Authority (under the provisions of Section 9 of Chapter 87 of the Acts of 2000) relative to the status of the CA/T project (received Thursday, May 10, 2001);

A report of the Division of Employment and Training (under the provisions of Chapter 233 of the Acts of 1983) submitting its second quarter report on the condition of the Commonwealth's unemployment insurance trust fund (received Friday, May 11, 2001); and

A report of the Public Employee Retirement Administration Commission (under the provisions of Section 21 of Chapter 32 of the General Laws) relative to the Actuarial Valuation Report as of January 1, 2001 (received Tuesday, May 15, 2001).

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 Hampden County Correctional Facility (received Friday, May 11, 2001); and

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 Southeastern Correctional Center at Bridgewater (received Tuesday, May 15, 2001).

### ***Petitions.***

Mr. Rosenberg presented a petition (accompanied by bill, Senate, No. 1862) of Stanley C. Rosenberg and John F. Merrigan (by vote of the town) for legislation to allow for recall of elected officials in the town of Bernardston [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Election Laws.**

**Sent to the House for concurrence.**

Mr. Brewer presented a petition (subject to Joint Rule 12) of Stephen M. Brewer and Stephen Kulik for legislation relative to the disposition of certain state-owned property in the town of New Salem,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

### ***Reports of Committees.***

By Mr. Jajuga, for the committee on Public Safety, on petition (accompanied by bill, Senate, No. 1199), a Bill relative to CPR and automatic external defibrillator training (Senate, No. 1857);

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

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill further clarifying the zoning act (Senate, No. 1010);

By the same Senator, for the same committee, on petition, a Bill facilitating the use of land transfer of development rights (Senate, No. 1011);

By the same Senator, for the same committee, on petition, a Bill providing for subdivision control by requiring certain notices (Senate, No. 1019); and

By the same Senator, for the same committee, on petition, a Bill further regulating the siting of asphalt batching facilities (Senate, No. 1021);

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

By Mr. Glodis, for the committee on Election Laws, on petition, a Bill validating all actions taken at the annual town meeting election of the town of Longmeadow on May 23, 2000 (Senate, No. 1817) [Local approval received]; and

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill authorizing the city of Revere to pay a certain sum of money to Noelle Pitten and Virginia Odoardi (Senate, No. 1853) [Local approval received];

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

Mr. Brewer, 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 increasing the availability of protective gear for renters of recreational sports equipment (Senate, No. 1236);

Relative to motor vehicle violations (Senate, No. 1238);

Relative to leasing motor vehicles (Senate, No. 1240); and

Relative to the regulation of motor vehicle livery services and the licensing of livery operators (Senate, No. 1275).

## PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to improving welfare reform (House, No. 4141);

**To the committee on Human Services and Elderly Affairs.**

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to providing for construction and reconstruction of town and county ways (House, No. 4142);

**To the committee on Transportation.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4150) of Benjamin Swan, Cheryl A. Rivera, Christopher P. Asselin, Mary S. Rogeness, Paul E. Caron and Gale D. Candaras (with the approval of the mayor and city council) relative to automatic recounting of municipal election results in the city of Springfield;

**To the committee on Election Laws.**

Petition (accompanied by bill, House, No. 4151) of Garrett J. Bradley (by vote of the town) relative to allowing water commissioners of the town of Cohasset to serve in other town offices;

Petition (accompanied by bill, House, No. 4152) of Harold P. Naughton, Jr., and James B. Leary (by vote of the town) relative to authorizing the town of West Boylston to establish a department of public works; and

Petition (accompanied by bill, House, No. 4153) of Elizabeth Poirier and Cheryl A. Jacques (by vote of the town) relative to amending the charter of the town of North Attleborough;

**Severally to the committee on Local Affairs.**

A Bill relative to the Springfield Civic and Convention Center (House, No. 4124,— on House, No. 4073, in part),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

### Reports

Of the committee on Public Safety, ought NOT to pass, on so much of the recommendations of the Executive Office of Public Safety (House, No. 136) as relates to National Guard registration plates (accompanied by bill, House, No. 162);

Of the same committee, ought NOT to pass, on so much of the recommendations of the Registry of Motor Vehicles (House, No. 173) as relates to clarifying the limits of CORI protection in connection with accident records (accompanied by bill, House, No. 176);

Of the same committee, ought NOT to pass, on so much of the recommendations of the Registry of Motor Vehicles (House, No. 173) as relates to allowing the electronic transmission of accident records (accompanied by bill, House, No. 178);

Of the same committee, ought NOT to pass, on so much of the recommendations of the Registry of Motor Vehicles (House, No. 173) as relates to the procedures for junking motor vehicles (accompanied by bill, House, No. 182);

Of the same committee, ought NOT to pass, on so much of the recommendations of the Registry of Motor Vehicles (House, No. 173) as relates to motor vehicle violations by a minor (accompanied by bill, House, No. 183); and

Of the same committee, ought NOT to pass, on so much of the recommendations of the Registry of Motor Vehicles (House, No. 173) as relates to amending the motor vehicle law relative to the issuance of registration plates (accompanied by bill, House, No.

186);

**Were severally referred, under Senate Rule 36, to the committee on Steering and Policy.**

A report of the committee on House Steering Policy and Scheduling, asking to be discharged from further consideration of the House Bill relative to anti-rabies vaccine reimbursement (House, No. 2856), and recommending that the same be referred to the committee on Insurance,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, inasmuch as relates to the reference to the joint committee.**

### ***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 Andrea F. Nuciforo, Jr. and Shaun P. Kelly for legislation to authorize the Division of Fisheries and Wildlife to take or acquire conservation restrictions in and to lands of the Dalton Fire District.

**Senate Rule 36 was suspended, on motion of Ms. Resor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Natural Resources and Agriculture.**

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 Thomas G. Ambrosino, mayor, Robert E. Travaglini, Robert A. DeLeo and other members of the General Court (with the approval of the mayor and city council) for legislation to further regulate the rights of certain employees of the city of Revere who were laid off in the years 1981 and 1982 [Local approval received].

**Senate Rule 36 was suspended, on motion of Ms. Resor, 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.**

### **PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4158) of Gale D. Candaras and Christine E. Canavan relative to the production of medical records of offending persons to determine the presence of infectious agents;

**Under suspension of Joint Rule 12, to the committee on the Judiciary.**

Petition (accompanied by bill, House, No. 4159) of Thomas N. George, Robert A. O'Leary and Shirley Gomes for legislation to designate the Cape Playhouse in the town of Dennis as the official summer theatre of the Commonwealth;

**Under suspension of Joint Rule 12, to the committee on State Administration.**

### ***Resolutions.***

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

Resolutions (filed by Ms. Creem) "congratulating the Newton Choral Society on the occasion of its twenty-fifth anniversary";

Resolutions (filed by Mr. Joyce and Ms. Walsh) "congratulating Herbert 'Butch' King on receiving the Public Safety Award of the Canton Knights of Columbus";

Resolutions (filed by Mr. Joyce and Ms. Walsh) "congratulating Eric W. Wade on receiving the Public Safety Award of the Canton Knights of Columbus";

Resolutions (filed by Mr. Magnani) "honoring Ralph T. Lepore, III";

Resolutions (filed by Messrs. Moore and Brewer) "congratulating Hope Schmitt";

Resolutions (filed by Ms. Resor) "congratulating Susie Mae Martin on the occasion of her ninetieth birthday";

Resolutions (filed by Mrs. Sprague) "congratulating Paul F. Donnelly on the occasion of his retirement";

Resolutions (filed by Mrs. Sprague) “congratulating Rena G. Shea on the occasion of her retirement”;

Resolutions (filed by Ms. Walsh) “on the occasion of the dedication the Albert M. Todesca, Jr. Memorial Baseball Field”; and

Resolutions (filed by Ms. Wilkerson) “honoring Reverend Leon H. Sullivan on his accomplishments as a civil rights leader and founder of self-help programs and initiatives.”

## PAPER FROM THE HOUSE.

### *Senate Order — Amended.*

The Senate Order allowing the Joint Rules of the previous General Court to remain in effect until Thursday, July 12, 2001, as the temporary Joint Rules for the present General Court, came from the House, adopted, in concurrence, *with an amendment* striking out the date “July 12” and inserting in place thereof the date: “June 1”.

**There being no objection, the rules were suspended, and the amendment was considered forthwith and adopted, in concurrence.**

### *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 Chilmark to erect a radio tower on certain conservation land (House, No. 3963),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

## PAPERS FROM THE HOUSE.

### *Engrossed Bills.*

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President and laid before the Acting Governor for her approbation, to wit:

Authorizing the Silver Lake Regional School District to grant an easement (see House, No. 3960, amended);

Relative to pension benefits for Robert Rogers (see House, No. 4047); and

Relative to pension benefits for Thomas J. Gomperts (see House, No. 4048).

### *Order Adopted.*

On motion of Mr. Rosenberg,—

*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.

On motion of Mr. Hedlund, at eight minutes past eleven o’clock A.M., the Senate adjourned to meet on the following Monday at eleven o’clock A.M.

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