

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, June 6, 2002.

Met at four 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).

Distinguished Guests.

There being no objection, the Chair (Ms. Melconian) introduced, seated in the Senate gallery, a group of students from Agawam High School. The students are studying government at the school and they were accompanied by Louis Russo and Scott Letendre, members of the Agawam Democratic Town Committee. The students and the committee members were the guests of Senator Melconian.

Communications.

A communication from the Minority Leader announcing the appointment of Senator Tarr of First Essex and Middlesex to the special commission established (pursuant to section 76 of Chapter 177 of the Acts of 2001) to investigate and study services and supports for adults with autistic spectrum disorders;

A 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 Thursday, June 6, 2002); and

A communication from the Water Resources Commission giving notice that it had given conditional approval to an Interbasin Transfer Act request from the town of Stoughton for admission to the MWRA Waterworks System (received Wednesday, June 5, 2002);

Were severally placed on file.

Reports.

The following reports were severally read and placed on file:

Quarterly report of the Massachusetts Convention Center Authority (under Section 5(1) of Chapter 152 of the Acts of 1997) relative to contracts regarding the Boston Convention and Exhibition Center project entered into by said authority (received Wednesday, June 5, 2002); and

A report from the Massachusetts Convention Center Authority for the month of April 2002 on the status of the Springfield Civic Center Project (received Wednesday, June 5, 2002).

Petitions.

Mr. Tarr presented a petition (accompanied by bill, Senate, No. 2361) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation to authorize the conservation commission of the town of Ipswich to convey an easement in said town [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs.**

Sent to the House for concurrence.

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer and Brian Knuuttila (by vote of the town) for legislation to exempt the town of Ashburnham from assessments by the Massachusetts Bay Transportation Authority [Local approval received];

By Mr. Creedon, a petition (subject to Joint Rule 12) of Robert S. Creedon, Jr. for legislation relative to exemptions for signs and other structures projecting into or over ways;

By Mr. Glodis (by request), a petition (subject to Joint Rule 12) of James Rothera for legislation to further regulate the operation of a motor vehicle with an expired certificate of inspection;

By the same Senator, a petition (subject to Joint Rule 12) of Guy W. Glodis and Paul K. Frost for legislation to authorize the Department of Environmental Management to take or acquire conservation restrictions in and to lands of the Auburn Water District;

By Mr. McGee, a petition (subject to Joint Rule 12) of Thomas M. McGee and Robert F. Fennell for legislation relative to the appointment of uniformed members of the State Police notwithstanding the maximum age requirement;

By the same Senator, a petition (subject to Joint Rule 12) of Thomas M. McGee and Robert F. Fennell for legislation relative to the appointment of Henry Wojewodzic and

others as uniformed members of the State Police notwithstanding the maximum age requirement; and

By Mr. Tarr, a petition (subject to Joint Rule 12) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation relative to the appointment of special police officers at the Crane Reservation in the town of Ipswich [Local approval received];

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

Reports of Committees.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2300. [Report also based on the House Bill relative to the enhancement of revenues in the Commonwealth (House, No. 5054).]

[Direct Appropriation: \$22,206,739,045

Retained Revenue Authorization: \$ 980,826,247

Total appropriation: \$23,187,565,292.]

[NOTE: The report was received in the office of the Clerk of the Senate on Wednesday, June 5, 2002.]

Referred, under Senate Rule 26, to the committee on Steering and Policy.

Subsequently, Ms. Resor, for the said committee on Steering and Policy, reported that the matter be placed in the Orders of the Day for Tuesday, June 11, pursuant to the provisions of Senate Rule 27A.

Ms. Resor, 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 House Bill relative to historic resources in the Community Preservation Act (printed as Senate, No. 2343).

Resolutions.

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

Resolutions (filed by Messrs. Creedon, Pacheco, Morrissey and Ms. Murray) “on the occasion of the eighty-second birthday of Ellen A. Callanan”;

Resolutions (filed by Ms. Creem) “congratulating Christopher M. Schneider on attaining the rank of Eagle Scout”;

Resolutions (filed by Ms. Creem) “congratulating Michael A. Sindelar on attaining the rank of Eagle Scout”;

Resolutions (filed by Ms. Fargo) “on the occasion of the retirement of Connie Pawlak”;

Resolutions (filed by Messrs. Knapik and Rosenberg) “honoring and celebrating the presentation of the Council for Human Understanding Award to James F. Carey”;

Resolutions (filed by Mr. Pacheco) “congratulating Kevin Chaisty of Dighton upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Pacheco) “congratulating Matthew Fahey upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Pacheco) “congratulating Matthew Schofield upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Travaglini) “on the occasion of the fiftieth wedding anniversary of Peter Alfred and Mary Anne Gravallese.”

PAPERS FROM THE HOUSE.

Engrossed Bills.

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

Relative to fraudulent insurance claims (see Senate, No. 2096);

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

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

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 (see House, No. 4827, amended); and

Authorizing the certification and appointment of Kelly L. Reynolds as a police officer in the town of Wilmington (see House, No. 4920).

Bill Recalled from the Acting Governor

Laid Before the Senate.

On motion of Mr. Moore, it was voted that a messenger be appointed to wait upon Her Honor the Lieutenant Governor, Acting Governor, requesting the return to the Senate of the engrossed Bill relative to contracts between court reporters and an attorney, party or party having a financial interest in an action (see Senate, No. 978).

Mr. Moore was appointed the messenger. Subsequently, the bill was returned and was laid before the Senate.

There being no objection, on motion of Mr. Moore, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On further motion of the same Senator, Senate Rule 49 was suspended.

Mr. Shannon presented an amendment, inserting after the word “courts”, in line 21 (as printed), the following words:— “or to other contracts with governmental entities”.

This amendment was adopted.

Sent to the House for concurrence in the amendment.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:

The House bills

Authorizing the town of Winchester to establish a retiree healthcare liability trust fund (printed as Senate, No. 2191); and

Relative to the police department of the town of Milford (House, No. 4987);

Were severally read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Petition.

On motion of Mr. Tisei, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Ms. Menard (accompanied by bill) of Joan M. Menard, Robert Correia, Marc R. Pacheco, Stephen M. Brewer and other members of the General Court for legislation relative to a land conveyance from the Division of Fisheries and Wildlife for the purposes of the Southeastern Massachusetts Bioreserve,— **and the same was referred to the committee on State Administration.**

Sent to the House for concurrence.

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 Benjamin L. Hall, Jr. for legislation relative to exempting limited liability companies from filing DBA certificates

with city or town clerks.

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

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. 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.

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

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. O'Leary, Susan C. Fargo, Cheryl A. Jacques, Richard T. Moore and other members of the General Court for legislation to convene a task force to study toxic mold and public health concerns.

Senate Rule 36 was suspended, on motion of Mr. Moore, 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 Cheryl A. Jacques for legislation to prevent an indicted or convicted individual from serving as executor or administrator of the victim's estate.

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

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 Kenneth Maulten for legislation relative to tort reforms.

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

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 Michael W. Morrissey, A. Stephen Tobin, Ronald Mariano and Bruce J. Ayers (with the approval of the mayor and city council) for legislation relative to the issuance of bonds for Quincy Medical Center, Inc. [Local approval received].

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

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5124) of Ken Moulton relative to protecting the public health from toxic mold;

Under suspension of Joint Rule 12, to the committee on Health Care.

Petition (accompanied by bill, House, No. 5125) of Arthur J. Broadhurst and Steven A. Baddour relative to establishing a fund to assist homeowners in the removal of hazardous materials;

Under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 5126) of Arthur J. Broadhurst and Steven A. Baddour relative to the suspension or revocation of licenses for knowingly or willfully constructing residential developments on contaminated sites; and

Petition (accompanied by bill, House, No. 5127) of Harold P. Naughton, Jr., and Garrett J. Bradley for legislation to regulate the operation of electric personal assistive mobility devices;

Severally, under suspension of Joint Rule 12, to the committee on Public Safety.

Petition (accompanied by bill, House, No. 5128) of Michael J. Rodrigues and Joan M. Menard relative to designating a certain bridge in the town of Westport as the Westport Police Officers Memorial Bridge;

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

Order Adopted.

On motion of Mr. Moore,—

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. Tisei, at fourteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
