

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 7, 2001.

Met at one minute past eleven o'clock A.M.

Distinguished Guests.

There being no objection, the President introduced, seated in the Senate gallery, students from the Baldwin School in Brighton. They were accompanied by Representative Honan of Boston.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Antonioni, a petition (subject to Joint Rule 12) of Robert A. Antonioni, the North Central Massachusetts Chamber of Commerce, by Daniel McKeehan, president, Mary Jane Simmons and other members of the General Court for legislation to suspend electricity charges that fund energy efficient activities and renewable energy projects;

By Mr. Berry, a petition (subject to Joint Rule 12) of Frederick E. Berry for legislation to authorize the establishment of traffic violator schools;

By Mr. Havern, a petition (subject to Joint Rule 12) of Robert A. Havern and J. James Marzilli, Jr. (by vote of the town) for legislation to exempt Dennis J. Mahoney of Arlington from maximum age requirements for applying for civil service appointment as a police officer in the town of Arlington [Local approval received];

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. Havern and J. James Marzilli, Jr. (by vote of the town) for legislation to authorize the review of the appropriateness of the ordinary disability retirement of retired Arlington Police Officer Albert Spina [Local approval received];

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. Havern and J. James Marzilli, Jr. (by vote of the town) for legislation to authorize the town of Arlington to determine speed limits in the town [Local approval received];

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to regulate motor vehicles on Nantucket Island [Local approval received];

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to regulate the affairs of the housing authority of the town of Nantucket [Local approval received];

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation relative to summer special police officers on Nantucket Island [Local approval received];

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to raise fines for parking violations on Nantucket Island; and

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. O'Leary and Eric Turkington (by vote of the town) for legislation to establish affordable housing covenants on Nantucket Island [Local approval received];

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

Reports of Committees.

Mr. Montigny, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2002 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. 4101, 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 1900.

[Direct Appropriation: \$21,892,488,503

Retained Revenue Authorization: \$ 975,748,997

Total appropriation: \$22,868,237,500.]

[NOTE: The report was received in the office of the Clerk of the Senate on Wednesday, June 6, 2001.]

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

Subsequently, Mr. Brewer, for the said committee on Steering and Policy, reported that the matter be placed in the Orders of the Day for Tuesday, June 12, pursuant to the provisions of Senate Rule 27A.

By Mr. Glodis, for the committee on Election Laws, on Senate, Nos. 345, 356 and 422, an Order relative to authorizing the joint committee on Election Laws to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents numbered 345, 356 and 422 (Senate, No. 1882);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Ms. Tucker, for the committee on Human Services and Elderly Affairs, on petition, a Bill providing for an investigation and study of services for adults with certain developmental disabilities (Senate, No. 719);

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Mr. Lynch, for the committee on Commerce and Labor, on petition (accompanied by bill, Senate, No. 97), a Bill to ensure eligibility for unemployment insurance for victims of domestic violence (Senate, No. 1881);

By Ms. Tucker, for the committee on Human Services and Elderly Affairs, on petition, a Bill relative to the disclosure of information held by the Disabled Persons Protection Commission pursuant to General Laws Chapter 19C (Senate, No. 663);

By the same Senator, for the same committee, on petition, a Bill relative to the authority of the Disabled Persons Protection Commission pursuant to Chapter 19C (Senate, No. 664);

By the same Senator, for the same committee, on petition, a Bill regarding the definition of "disabled person" as used by the Disabled Persons Protection Commission (Senate, No. 666);

By the same Senator, for the same committee, on petition, a Bill to support citizens with disabilities and their families (Senate, No. 686); and

By the same Senator, for the same committee, on petition, a Bill to protect DMR clients (Senate, No. 712);

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

By Mr. Glodis, for the committee on Election Laws, on petition, a Bill relative to election officers in towns (Senate, No. 353);

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

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 health care coverage (Senate, No. 760);

Prohibiting the use of paint ball guns (Senate, No. 1261);

Conforming the date for observance of public employee appreciation day in the Commonwealth with the national observance of public service recognition week (Senate, No. 1577);

Designating a plaque for Clara Barton (Senate, No. 1581);

Relative to the declaration of non-cash dividends by trust companies (Senate, No. 1873); and

Relative to limitations on total obligations of one borrower to a stock corporation or thrift institution (Senate, No. 1874).

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4188) of Thomas N. George and Robert A. O'Leary (by vote of the town) for legislation to authorize the conservation commission of the town of Dennis to establish fees for the employment of consultants;

Petition (accompanied by bill, House, No. 4189) of Geoffrey D. Hall and Pamela P. Resor (by vote of the town) relative to authorizing the conservation commission of the town of Littleton to transfer a certain parcel of land to the water department of said town; and

Petition (accompanied by bill, House, No. 4191) of David P. Linsky and Cheryl A. Jacques (by vote of the town) that the town of Sherborn be authorized to convey a certain parcel of forest land to Judith Hershey and Mark D. Hershey;
Severally to the committee on Local Affairs.

Petition (accompanied by bill, House, No. 4190) of Daniel F. Keenan (with the approval of the mayor and town council) relative to the appointment of special police officers in the city known as the town of Agawam; and

Petition (accompanied by bill, House, No. 4194) of Matthew C. Patrick (by vote of the town) for legislation to authorize the town of Mashpee to classify the position of animal control officer in said town under Group 4 of the contributory retirement system;
Severally to the committee on Public Service.

Bills

Relative to production of records for review by the State Auditor (House, No. 3,— on House, No. 2, in part); and

Authorizing and directing the Superintendent of State Office Buildings to accept and place a mural of the 9/4th Infantry Division in the State House (House, No. 1125,— on petition);

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

Bills

Establishing the office of treasurer-collector in the town of Carlisle (House, No. 645,— on petition) [Local approval received];

Authorizing the town of Walpole to use certain forest land for school purposes (House, No. 4055,— on petition) [Local approval received]; and

Relative to the membership of the conservation commission of the town of Swansea (House, No. 4058,— on petition) [Local approval received];

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

Resolutions.

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

Resolutions (filed by Ms. Chandler) “congratulating the town of Holden on the occasion of its 50th anniversary of the Selectmen-Town Manager form of government”;

Resolutions (filed by Mr. Creedon) “congratulating Caroline E. Murphy upon the occasion of her retirement from the Brockton School Department”;

Resolutions (filed by Ms. Fargo) “honoring J. Ward Carter on the occasion of his retirement as Town Administrator for the town of Weston”;

Resolutions (filed by Mr. Knapik) “on the dedication of the David M. Bartley Center for Athletics and Recreation”;

Resolutions (filed by Ms. Murray) “on the occasion of the Wareham Council on Aging Volunteer Recognition Day”;

Resolutions (filed by Mrs. Sprague) “congratulating Jonathan Howard Cuneo of Mansfield upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Tolman and Ms. Fargo) “on the occasion of 20 years of concerts on Waltham Common presented by the Waltham Arts Council”;

Resolutions (filed by Messrs. Travaglini and Berry) “recognizing Justice for Janitors Day” and;

Resolutions (filed by Ms. Wilkerson) “congratulating Doris Jackman Allen”.

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 Marc R. Pacheco and James H. Fagan for legislation to establish a sick leave bank for Jeffrey Wood, an employee of the Department of Correction.

Senate Rule 36 was suspended, on motion of Mr. Brewer, 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 Robert A. Havern and Elizabeth Poirier for legislation relative to motor homes.

Senate Rule 36 was suspended, on motion of Mr. Brewer, 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.

Petitions.

On motion of Mr. Brewer, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Brewer, (accompanied by bill) of Stephen M. Brewer and David C. Bunker, Jr., for legislation relative to penalties for impersonating a police officer,— **and the same was referred to the committee on Criminal Justice.**

On further motion of Mr. Brewer, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Brewer, (accompanied by bill) of Stephen M. Brewer and John J. Binienda for legislation to direct the commissioner of the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester County 4H Center,— **and the same was referred to the committee on State Administration.**

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill further regulating the licensing of certain home inspectors (see Senate, No. 1856, 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.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4214) of Nancy Flavin and Harriette L. Chandler relative to insurance carriers;
Under suspension of Joint Rule 12, to the committee on Insurance.

Petition (accompanied by bill, House, No. 4215) of William C. Galvin relative to the appointment of certain town officials by a two-thirds vote at annual or special town meetings;
Under suspension of Joint Rule 12, to the committee on Local Affairs.

Petition (accompanied by bill, House, No. 4216) of William C. Galvin, Brian A. Joyce and others for legislation to designate the book “Make Way For Ducklings” by Robert McClosky as the official book of the Commonwealth;
Under suspension of Joint Rule 12, to the committee on State Administration.

Engrossed Bill.

An engrossed Bill designating the Paine Building at Westborough State Hospital as the Joseph Allen Hall (see House, No. 4120) (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.**

Recess.

There being no objection, at seven minutes past eleven o’clock A.M., the President declared a recess subject to the call of the Chair; and at four minutes past twelve o’clock noon, the Senate reassembled, 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).

PAPERS FROM THE HOUSE.

A Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4211,— on House, No. 3024, in part),— was read.

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

Mr. Montigny presented an amendment, in section 2, by adding the following items:

“DEPARTMENT OF MENTAL HEALTH.

5011-0100 916,123

Berkshire Sheriff.

8910-0145 606,741”.

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.
Sent to the House for concurrence in the amendment.

Engrossed Bill.

An engrossed Bill further regulating the licensing of certain home inspectors (see Senate, No. 1856, amended) (which originated in the Senate), **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 Acting President and laid before the Acting Governor for her approbation.**

Recess.

There being no objection, at six minutes past twelve o'clock noon, the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and at one o'clock P.M. the Senate reassembled, Ms. Melconian in the Chair.

PAPER FROM THE HOUSE.

The Senate/House Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4211),— came from the House with the endorsement that the House had concurred in the Senate amendment, in section 2, by adding the following 2 items:

“DEPARTMENT OF MENTAL HEALTH.

5011-0100 916,123

Berkshire Sheriff.

8910-0145 606,741”,

with a further amendment striking out the following:

“Berkshire Sheriff.

8910-0145 606,741”,

(inserted by amendment by the Senate).

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

Recess.

There being no objection, at one minute past one o'clock P.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and at twenty minutes before two o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4211, 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 Acting President and laid before the Acting Governor for her approbation.**

Order Adopted.

On motion of Mr. Hedlund,—

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 eighteen minutes before two o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
