

**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.**



### **JOURNAL OF THE SENATE.**

Monday, June 24, 2002.

Met at six 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).

#### *Reports.*

The following reports were severally read and placed on file:

A report of the Massachusetts Office of Dispute Resolution (under the provisions of Section 51 of Chapter 7 of the General Laws) submitting its annual report for fiscal year 2001 (received Friday, June 14, 2002);

A report of the Massachusetts Commission on End of Life Care (under the provisions of Section 480 of Chapter 159 of the Acts of 2000) submitting its annual report (received Tuesday, June 18, 2002); and

A report of the Division of Capital Asset Management (under the provisions of Chapter 859 of the Acts of 1975, as amended by Chapter 356 of the Acts of 1977) submitting a report on a land damage agreement and release (received Tuesday, June 18, 2002).

#### *Petitions.*

Petitions were presented and referred as follows:

By Mr. Knapik, a petition (accompanied by bill, Senate, No. 2370) of Michael R. Knapik, Daniel F. Keenan and Cele Hahn (by vote of the town) for legislation to authorize the

town of Southwick to supply water to certain property located in the city of Westfield [Local approval received];

**Under Senate Rule 20, to the committee on Local Affairs.**

By Mr. Travaglini, a petition (accompanied by bill, Senate, No. 2369) of Thomas G. Ambrosino, mayor, Robert E. Travaglini, Kathi-Anne Reinstein and other members of the General Court (with the approval of the mayor and city council) for legislation to authorize the city of Revere to pay the funeral and burial expenses of city of Revere police patrolman James Hitaffer [Local approval received];

**Under Senate Rule 20, to the committee on Public Service.**

**Severally sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Glodis, a petition (subject to Joint Rule 12) of Guy W. Glodis, Stephen M. Brewer, Shirley Gomes and other members of the General Court for legislation relative to costs incurred by municipalities due to proposals by the Department of Environmental Protection; and

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey and Robert J. Nyman (by vote of the town) for legislation to authorize the town of Rockland to increase its motel-hotel tax to six percent and distribute the monies to the town's capital improvement and stabilization funds;

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

Mr. Knapik presented a petition (subject to Joint Rules 9 and 12) of Michael R. Knapik and Michael F. Kane for legislation to restrict the authority of the Holyoke Power and Electric Company,— **and the same was transmitted, under the provisions of Section 5 of Chapter 3 of the General Laws, to the Secretary of State.**

*Report of a Committee.*

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 safety of school sponsored travel (House, No. 4937).

**PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5163) of James R. Miceli and Susan C. Tucker (by vote of the town) relative to the compensation of assessors in the town of Tewksbury; and

Petition (accompanied by bill, House, No. 5164) of Karen Spilka, Deborah D. Blumer and David P. Magnani (by vote of the town) relative to the attendance and the filling of

vacancies of town meeting members in the town of Framingham;  
**Severally to the committee on Local Affairs.**

Petition (accompanied by bill, House, No. 5165) of John A. Locke, Cynthia S. Creem and others (by vote of the town) that the retirement board be authorized to make a certain payment to Carol Calder, widow of George Calder;

**To the committee on Public Service.**

Petition (accompanied by bill, House, No. 5166) of John A. Locke and Cynthia S. Creem (by vote of the town) relative to the interest rate and the gross receipts of those taxpayers granted an exemption on taxes on real estate in the town of Wellesley;

**To the committee on Taxation.**

A Bill authorizing the Commonwealth to convey certain land in the city of Boston (House, No. 5083,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to a certain lease agreement of the city known as the town of Methuen (House, No. 5030,— on petition) [Local approval received],— **was 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. Melconian) “honoring Giuseppe Polimeni for 26 years of service at the Massachusetts Career Development Institute”; and

Resolutions (filed by Mr. Tarr) “congratulating the Saint Peter’s Fiesta Committee on the occasion of their seventy-fifth anniversary.”

PAPERS FROM THE HOUSE.

*Engrossed Bills.*

The following engrossed bills (the first 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 obscene material (see Senate, No. 2111, amended); and

Relative to gun ranges (see House, No. 313, changed and amended).

*Communication.*

The Clerk read the following communication:

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

June 20, 2002.

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

Dear Mr. Clerk:

On Wednesday, June 19th, 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 item:

Senate 2256 — An Act Providing For Certain Information Technology Improvements  
(question on passing it to be enacted)

Had I been present, I would have voted in the affirmative on this matter.

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. Brewer, the above communication was ordered printed in the Journal of the Senate.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5167) of Paul E. Caron and other members of the General Court relative to the appointment of certain persons as uniformed members of the State Police, notwithstanding the maximum age requirements; and

Petition (accompanied by bill, House, No. 5168) of Robert A. DeLeo and Robert E. Travaglini that the State Retirement Board be directed to pay certain retirement benefits to the surviving spouse of John Benker;

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

Petition (accompanied by bill, House, No. 5169) of Eugene L. O'Flaherty relative to authorizing the Division of Capital Asset Management and Maintenance to convey an easement in certain park land in the City of Chelsea;

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

Petition (accompanied by bill, House, No. 5170) of Paul E. Caron, Daniel F. Keenan, Byron Rushing and Frank I. Smizik for legislation to delay implementation of the Department of Revenue's Directive 02-2, so-called, relative to discounts on retail sales of cigarettes;

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

*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 Stephen M. Brewer, David C. Bunker and Anne M. Gobi for legislation to designate certain lands in the towns of Phillipston, Royalston and Templeton for conservation and public recreational purposes in conjunction with the Department of Environmental Management.

**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 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 Stephen M. Brewer, Stephen Kulik, Stanley C. Rosenberg, Reed V. Hillman and other members of the General Court for legislation to dedicate certain lands in the towns of Pelham, Belchertown, Sunderland and Leverett under the care, custody and control of the University of Massachusetts to conservation and public recreational purposes.

**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 State Administration.**

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 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.

**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 State Administration.**

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 Stephen M. Brewer and Brian Knuutila (by vote of the town) for legislation to exempt the town of Ashburnham from assessments by the Massachusetts Bay Transportation Authority [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 Transportation.**

Severally sent to the House for concurrence.

*Order Adopted.*

On motion of Mr. Brewer,—

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

*Recess.*

There being no objection, at ten minutes past eleven o'clock A.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and at twenty minutes past two o'clock P.M., the Senate reassembled, Mr. Brewer 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 certain appropriations for the fiscal year ending June 30, 2003, prior to final action on the General Appropriation Bill for said fiscal year (printed in House, No. 5171,— being a message from Her Honor the Lieutenant-Governor, Acting Governor),— was read.

**There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act making certain appropriations for the fiscal year ending June 30, 2003, before final action on the General Appropriation Bill for that fiscal year.”**

A Bill making certain fund transfers for the fiscal year 2002 (House, No. 5172,— on House, No. 5106, in part),— was read.

**There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act making a certain fund transfer for fiscal year 2002.”**

*Recess.*

There being no objection, at twenty-two minutes past two o'clock P.M., the Chair (Mr. Brewer) declared a recess subject to the call of the Chair; and at thirteen minutes past three o'clock P.M., the Senate reassembled, Mr. Brewer in the Chair.

#### *Emergency Preambles Adopted.*

An engrossed Bill making a certain fund transfer for fiscal year 2002 (see House, No. 5172), 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 Acting President (Mr. Brewer) and sent to the House for enactment.**

An engrossed Bill establishing a sick leave bank for Marilyn Anufrom, an employee of the Department of Mental Retardation (see Senate No. 1861, 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 Acting President (Mr. Brewer) and sent to the House for enactment.**

#### 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 (Mr. Brewer) and laid before the Acting Governor for her approbation, to wit:

Designating Civilian Conservation Corps Day (see Senate, No. 409, amended);

Establishing a sick leave bank for Marilyn Anufrom, an employee of the Department of Mental Retardation (see Senate, No. 1861, amended);

Authorizing Quincy College to adopt a six-year tenure system (see House, No. 4695);

Providing for a memorial on the USS Massachusetts to honor those individuals from the Commonwealth who were victims of the September 11, 2001 attack on America (see House, No. 4974);

Making certain appropriations for the fiscal year ending June 30, 2003, before final action on the General Appropriation Bill for that fiscal year (see House Bill, printed in House, No. 5171); and

Making a certain fund transfer for fiscal year 2002 (see House, No. 5172).

On motion of Mr. Hedlund, at twenty-three minutes past three o'clock P.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.