

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.



Monday, July 2, 2001.

Met according to adjournment at eleven o'clock A.M.

Engrossed Bill — Laid before the Acting Governor.

An engrossed Bill amending the Uniform Commercial Code governing secured transactions (see House, No. 2111) (which originated in the House), **having been passed to be enacted by a vote of 36 yeas to 0 nays, and signed by the President on Thursday, June 28, 2001, was laid before the Acting Governor on Friday, June 29, 2001, for her approbation.**

Petition.

Mr. Clancy presented a petition (subject to Joint Rule 12) of Edward J. Clancy, Jr., for legislation to authorize the issuance of distinctive registration plates for certain military reserve force personnel,— **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. Glodis, for the committee on Election Laws, on Senate, No. 344 and House, Nos. 2144 and 2689, 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 and House documents relative to presidential electors (Senate, No. 1926);

By Mr. Morrissey, for the committee on Government Regulations, on Senate, Nos. 370, 376, 382, 392, 396, 430, 448 and 449, an Order relative to authorizing the joint committee on Government Regulations to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to licensing (Senate, No. 1927);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 431), an Order relative to authorizing the joint committee on Government Regulations to sit during the recess of the General Court for the purpose of making an investigation and study of a certain current Senate document relative to gambling pools (Senate, No. 1928);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 457), an Order relative to authorizing the joint committee on Government Regulations to sit during the recess of the General Court for the purpose of making an investigation and study of a certain current Senate document relative to minors and alcohol (Senate, No. 1929);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 461), an Order relative to authorizing the joint committee on Government Regulations to sit during the recess of the General Court for the purpose of making an investigation and study of a certain current Senate document relative to the rights of automobile owners (Senate, No. 1930);

By Mr. Creedon, for the committee on the Judiciary, on Senate, Nos. 828, 901, 971 and 1329, an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of several Senate documents relative to the Disabled Persons Protection Commission, abortion, municipal skateboard parks and grand juries (Senate, No. 1932);

By the same Senator, for the same committee, on Senate, Nos. 812, 836, 860, 912, 928, 937, 986 and 1810, an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of several Senate documents relative to medical records, small claims procedure and other matters (Senate, No. 1933);

By the same Senator, for the same committee, on Senate, Nos. 838, 899, 965, 999 and 1000, an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of various Senate documents relative to judicial matters (Senate, No. 1934); and

By the same Senator, for the same committee, on Senate, Nos. 813, 817, 822, 841, 857, 864, 868, 880, 882, 883, 886, 887, 895, 896, 900, 933, 935, 960, 979, 993, 995 and 1009, an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of various Senate documents relative to judicial matters (Senate, No. 1935);

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

By Ms. Wilkerson, for the committee on State Administration, on Senate, No. 1529 and House, No. 3186, a Bill relative to the assurance of non-visual access to information technology (Senate, No. 1529);

Read and, under Senate Rule 26A, referred to the Senate committee on Science and Technology.

By Mr. Nuciforo, for the committee on Banks and Banking, on so much of the recommendations of the Office of Consumer Affairs and Business Regulation (House, No. 8), a Bill relative to the establishment of a limited purpose trust company (printed as House, No. 20);

By Mr. Morrissey, for the committee on Government Regulations, on petition (accompanied by bill, Senate, No. 450), a Bill to increase the efficiency and effectiveness of the Division of Inspections (Senate, No. 1931);

By Mr. Panagiotakos, for the committee on Housing and Urban Development, on petition, a Bill clarifying the provision of loans for community-based housing (Senate, No. 656);

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill establishing a public guardianship commission (Senate, No. 701);

By the same Senator, for the same committee, on petition, a Bill relative to the classification of clerk magistrates and clerks of court (Senate, No. 814);

By the same Senator, for the same committee, on petition, a Bill relative to traveling expenses (Senate, No. 816);

By the same Senator, for the same committee, on petition, a Bill relative to the number of justices in the Essex Probate Court (Senate, No. 824);

By the same Senator, for the same committee, on petition, a Bill providing for mandatory daily motion sessions in the Probate and Family Court (Senate, No. 834);

By the same Senator, for the same committee, on petition, a Bill relative to Plymouth County assistant clerk magistrates (Senate, No. 848);

By the same Senator, for the same committee, on petition, a Bill relative to justices of the Housing Court (Senate, No. 852);

By the same Senator, for the same committee, on petition, a Bill relative to assessment of costs and attorneys' fees in interlocutory appeals (Senate, No. 854);

By the same Senator, for the same committee, on petition, a Bill relative to an administrative deputy assistant of the Probate and Family Court Department of Plymouth County (Senate, No. 856);

By the same Senator, for the same committee, on petition, a Bill relative to indemnity of probation and court officers (Senate, No. 878);

By the same Senator, for the same committee, on petition, a Bill relative to John Ciaramaglia of the town of Arlington (Senate, No. 898);

By the same Senator, for the same committee, on Senate, Nos. 915 and 1003, a Bill relative to complaints of sexual harassment and other forms of discrimination (Senate, No. 915);

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Joseph McMann, an employee of the Trial Court (Senate, No. 922);

By the same Senator, for the same committee, on petition, a Bill relative to providing certain liability insurance to judges of the Commonwealth (Senate, No. 961);

By the same Senator, for the same committee, on Senate, No. 968 and House, No. 3358, a Bill to establish partnerships for children's safety (Senate, No. 968);

By the same Senator, for the same committee, on petition, a Bill to improve local access to housing courts (Senate, No. 976);

By the same Senator, for the same committee, on petition, a Resolve in favor of Nora O'Reilly (Senate, No. 997);

By the same Senator, for the same committee, on Senate, No. 831 and House, No. 1822, a Bill to further amend the victim compensation law (Senate, No. 1936);

By the same Senator, for the same committee, on Senate, No. 873 and House, No. 1825, a Bill relative to the one trial system for civil cases in certain counties (Senate, No. 1937);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 881), a Bill to protect children in criminal proceedings (Senate, No. 1938);

By the same Senator, for the same committee, on Senate, No. 906 and House, No. 1434, a Bill relative to profits from crime (Senate, No. 1939);

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill relative to certain public libraries (Senate, No. 1533);

By the same Senator, for the same committee, on petition, a Bill to authorize a grant program for the preservation of historic records (Senate, No. 1537);

By the same Senator, for the same committee, on petition, a Bill to increase the retaliation penalty and to exclude malicious reporting from such protection under the Disabled Persons Protection Commission pursuant to the General Laws Chapter 19C (Senate, No. 1539);

By the same Senator, for the same committee, on petition, a Bill to promote fair contract provisions (Senate, No. 1560);

By the same Senator, for the same committee, on petition, a Bill requiring the purchase of domestic steel and steel products (Senate, No. 1566);

By the same Senator, for the same committee, on petition, a Bill strengthening requirements for the performance of public works contracts (Senate, No. 1567);

By the same Senator, for the same committee, on petition, a Bill relative to public libraries development grants (Senate, No. 1575);

By the same Senator, for the same committee, on petition, a Bill including a masters in public administration under the so-called Quinn bill (Senate, No. 1579);

By the same Senator, for the same committee, on petition, a Bill to provide safe workplaces (Senate, No. 1592);

By the same Senator, for the same committee, on Senate, No. 1596 and House, Nos. 933 and 2073, a Bill relative to MWRA employees (Senate, No. 1596);

By the same Senator, for the same committee, on petition, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Waltham (Senate, No. 1879);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1866), a Bill relative to the Massachusetts veterans shelter in the city of Worcester (Senate, No. 1940);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1583), a Bill relative to the disposition of certain state-owned land in the city of Quincy (Senate, No. 1941);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1892), a Bill directing 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 (Senate, No. 1942);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1893), a Bill authorizing the commissioner of the Division of Capital Asset Management and Maintenance to take or acquire conservation restrictions in and on lands of the town of Hatfield and the Hatfield water commission (Senate, No. 1943); and

By Ms. Walsh, for the committee on Taxation, on petition, a Bill relative to the taxation of financial institutions (Senate, No. 1755);

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

By Mr. Creedon, for the committee on the Judiciary, on petition, a Bill relative to the rights of adopted persons under certain instruments (Senate, No. 825);

By the same Senator, for the same committee, on petition, a Bill relative to the powers of fiduciaries (Senate, No. 827);

By the same Senator, for the same committee, on petition, a Bill to minimize the effect of irrelevant lis pendens memoranda (Senate, No. 842);

By the same Senator, for the same committee, on petition, a Bill relative to the estate of homestead (Senate, No. 850);

By the same Senator, for the same committee, on petition, a Bill requiring the filing of birth certificates in guardianship proceedings of minors (Senate, No. 851);

By the same Senator, for the same committee, on petition, a Bill relative to registered land instruments procured by falsification of corporate office-holding (Senate, No. 855);

By the same Senator, for the same committee, on petition, a Bill relative to the appointment of guardians of minors in the district and juvenile court departments (Senate, No. 858);

By the same Senator, for the same committee, on Senate, No. 866 and House, No. 1795, a Bill relative to the recording of certain trust instruments (Senate, No. 866);

By the same Senator, for the same committee, on Senate, No. 869 and House, No. 1826, a Bill to protect the owners of improved land (Senate, No. 869);

By the same Senator, for the same committee, on Senate, No. 870 and House, No. 1809, a Bill to require that the names and addresses of the owners of land taken by eminent domain be included in the order of taking (Senate, No. 870);

By the same Senator, for the same committee, on petition, a Bill relative to extending the rape shield law (Senate, No. 911);

By the same Senator, for the same committee, on petition, a Bill relative to the First Amendment rights of judges (Senate, No. 951);

By the same Senator, for the same committee, on petition, a Bill relative to contracts between court reporters and an attorney, party or party having a financial interest in an action (Senate, No. 978);

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill requiring sealed bids or competitive proposals for the award of school transportation contracts (Senate, No. 1542);

By the same Senator, for the same committee, on petition, a Bill relative to protecting the identity of a 911 caller (Senate, No. 1568);

By the same Senator, for the same committee, on Senate, No. 1573 and House, No. 3627, a Bill relative to exempting boards of health (Senate, No. 1573);

By the same Senator, for the same committee, on petition, a Bill to enhance procurement expertise (Senate, No. 1574);

By the same Senator, for the same committee, on petition, a Bill relative to the public records law (Senate, No. 1578);

By the same Senator, for the same committee, on petition, a Bill to allow access for people raising or training dogs for the purpose of becoming service dogs to assist people with disabilities (Senate, No. 1585);

By the same Senator, for the same committee, on petition, a Bill designating the official POW/MIA Memorial of the Commonwealth (Senate, No. 1607);

By the same Senator, for the same committee, on petition, a Bill regulating emergency contracts (Senate, No. 1610);

By Ms. Walsh, for the committee on Taxation, on petition, a Bill relative to tax title properties (Senate, No. 1714);

By the same Senator, for the same committee, on petition, a Bill returning tax title properties to productive use (Senate, No. 1750); and

By Mr. Havern, for the committee on Transportation, on petition, a Bill relative to motor homes (Senate, No. 1896, changed by striking out the words “auto homes or house trailers” in section 1, in lines 7 and 8, and inserting in place thereof the following:— shade awnings on auto homes or house trailers; by striking out in line 12 the figure “36” and inserting in place thereof the following:— 37; and by striking out in line 14 the figure “37” and inserting in place thereof the following:— 38);
Severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

Committee Discharged.

Mr. Creedon, for the committee on the Judiciary, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 975) of Pamela P. Resor, David P. Linsky, Carol A. Donovan, Cory Atkins and Louis L. Kafka for legislation to protect victims of criminal harassment; and

Of the petition (accompanied by bill, Senate, No. 1004) of Marian Walsh, David P. Linsky, Mary Jeanette Murray and other members of the General Court for legislation to establish sentencing guidelines;

And recommending that the same severally be referred to the committee on Criminal Justice.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4272) of Bradley H. Jones, Jr., James P. Jajuga, David M. Torrisi and Bruce E. Tarr (by vote of the town) relative to the settlement of certain lawsuits in the town of North Andover; and

Petition (accompanied by bill, House, No. 4273) of Daniel F. Keenan and Linda J. Melconian (with the approval of the mayor and town council) relative to the filling of vacancies on the town council in the city known as the town of Agawam;

Severally to the committee on Local Affairs.

A Bill relative to authorizing the financing of the production and preservation of affordable housing in the Commonwealth (House, No. 4274, printed as amended,— on House, No. 4198, in part),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to written warnings (House, No. 4242,— on House, No. 2583),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A report of the committee on Insurance, ought NOT to pass, on so much of the recommendations of the Office of Consumer Affairs and Business Regulation (House, No. 8) as relates to the organization and supervision of fraternal benefit societies (accompanied by bill, House, No. 37),— **was referred, under Senate Rule 36, to the committee on Steering and Policy.**

A report of the committee on Public Service, recommending that the annual report of the Public Employee Retirement Administration Commission (under Sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the percentum change in the average cost-of-living as shown by the United States consumer price index for the year 2000 compared with such index for the year 1999 (House, No. 1720), be placed on file,— came from the House, accepted by the House.
Under Senate Rule 36, the report was considered forthwith and accepted, in concurrence.

Reports

Of the committee on Housing and Urban Development, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 820) of John A. Hart, Jr., and Stephen F. Lynch that the Metropolitan District Commission be directed to acquire certain parcels of land in the South Boston district of the city of Boston;

Of the petition (accompanied by bill, House, No. 822) of Angelo M. Scaccia that the Metropolitan District Commission be authorized to acquire a certain parcel of land in the Hyde Park section of the city of Boston;

Of the petition (accompanied by bill, House, No. 1023) of Douglas W. Petersen that the Department of Housing and Community Development be directed to expend certain funds for the delivery of local services;

Of the petition (accompanied by bill, House, No. 1764) of Robert A. DeLeo and other members of the General Court relative to the Metropolitan District Commission Watershed Division;

Of the petition (accompanied by bill, House, No. 2173) of Kevin W. Fitzgerald and Robert Correia relative to assistance for water and sewer rates for low and moderate income households;

Of the petition (accompanied by bill, House, No. 3106) of Angelo M. Scaccia, Shirley Owens-Hicks and Martin J. Walsh for legislation to rehabilitate certain recreational land in the city of Boston under the control of the Metropolitan District Commission;

Of the petition (accompanied by bill, House, No. 3311) of Garrett J. Bradley and Robert L. Hedlund for legislation to provide funding to the Metropolitan District Commission for repairs of a sea wall in the town of Hull;

Of the petition (accompanied by bill, House, No. 3730) of Christopher G. Fallon for legislation to provide assistance for water and sewer rates for low-income and moderate income persons; and

Of the committee on Human Services and Elderly Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3743) of Mary Jane Simmons and Bradford Hill for an appropriation of a certain sum of money for operation of the Hero's Homestead Veterans' Hospice and the mobile health van in Northern Worcester County;

Of the committee on Public Safety, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 1637) of Geoffrey D. Hall, Steven C. Panagiotakos and another relative to the use of seat belts on school buses in the Commonwealth;

Of the petition (accompanied by bill, House, No. 1847) of Robert A. DeLeo that school buses be equipped with passenger safety belts for students;

Of the petition (accompanied by bill, House, No. 2396) of Ronald Mariano relative to the use of seat belts in vehicles used to transport pre-school students; and

Of the petition (accompanied by bill, House, No. 3392) of Michael P. Cahill, Ruth W. Provost, Robert A. DeLeo and Anne M. Paulsen for legislation to require the use of seat belts on school buses;

And recommending that the same severally be referred to the House committee on Ways and Means.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committees.

Communication.

The Clerk read the following communication:

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

Patrick Scanlan.
Senate Clerk
State House, Room 335

Dear Mr. Clerk:

Due to a long standing scheduling conflict, I was unable to attend the June 28th formal session. I would like to have my votes recorded for the record. Senate bill 1014, An Act Relative to the Siting of Telecommunications facilities; Senate bill 1047, An Act Authorizing the Town of Tewksbury to Convey Certain Conservation Land; House bill 1239, An Act Authorizing the Town of Manchester-by-the-Sea to Convey a Certain Parcel of Land Held for Conservation Purposes; House bill 2111, An Act amending the Uniform Commercial Code Provisions Governing Secured Transactions; Senate bill 1915, An Act Relative to the Safe Administration of Medications and Legible Prescriptions; Senate bill 1916, An Act to Reduce the Loss of Life Due to Fires Caused by Cigarettes; Senate bill 197, An Act Relative to the Crimes of Assault and Battery and Assault and Battery by Means of a Dangerous Weapon; House bill 4124, An Act Relative to the Springfield Civic and Convention Center on which I would have voted in the affirmative for all. Thank you for attention to this matter.

Sincerely,

PAMELA P. RESOR,
Middlesex and Worcester District.

On motion of Ms. Melconian, the above communication was ordered printed in the Journal of the Senate.

Resolutions.

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

Resolutions (filed by Mr. O'Leary) "honoring Mercy Otis Warren"; and

Resolutions (filed by Mr. Rosenberg) "honoring Doctor Billy Taylor for his contributions to jazz and the University of Massachusetts at Amherst."

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 city of Lowell to convey a certain parcel of public water supply land (House, No. 4054),— **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 Mr. Brewer,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday 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. Tarr, at two minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.
