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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Thursday, July 5, 2001.

Met at six minutes past eleven o'clock A.M.

Reports of Committees.

By Mr. Lynch, for the committee on Commerce and Labor, on Senate, Nos. 22, 23, 24, 27, 28, 30, 31, 32, 33, 34, 37, 38, 41, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 58, 59, 60, 61, 62, 64, 65, 67, 73, 74, 75, 76, 81, 85, 88, 91, 93, 96, 99, 100, 102, 103, 105, 108, 110, 112, 113, 114, 115, 116, 117, 118, 121, 122, 123, 124, 126, 127, 130, 131, 134, 135, 137, 139, 141, 142, 143, 144, 597 and 1812, an Order relative to authorizing the joint committee on Commerce and Labor to sit during the recess of the General Court to make an investigation and study of various Senate documents (Senate, No. 1954);

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

Subsequently, Ms. Menard, for the said committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the aforementioned order (Senate, No. 1954),— and recommending that the same be referred to the Senate committee on Rules.

Under Senate Rule 36, the report was considered forthwith and accepted.

By Ms. Menard, for the said committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Commerce and Labor to sit during the recess of the General Court to make an investigation and study of various Senate documents (Senate, No. 1954), reported, in part, a “Bill maintaining the value of the minimum wage” (Senate, No. 1812). **The bill (Senate, No. 1812) was read; and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Lynch, for the committee on Commerce and Labor, on petition, a Bill relative to a special commission to develop 401(K) plans for small businesses (Senate, No. 82);

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, a Bill to establish a Secretary of Economic Development (Senate, No. 25);

By the same Senator, for the same committee, on petition, a Bill recapitalizing the economic stabilization trust (Senate, No. 36);

By the same Senator, for the same committee, on petition, a Bill to provide economic development assistance to municipalities with Brownfields (Senate, No. 51);

By the same Senator, for the same committee, on petition, a Bill relative to promoting the revitalization of traditional downtown retail centers (Senate, No. 106);

By the same Senator, for the same committee, on petition, a Bill relative to regional tourist councils (Senate, No. 136);

By the same Senator, for the same committee, on petition, a Bill clarifying the prevailing wage law (Senate, No. 138); and

Mr. Pacheco, for the committee on Natural Resources and Agriculture, on Senate, Nos. 1105 and 1106 and House, No. 2216, a Bill to promote livable communities (Senate, No. 1962);

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

By Mr. Lynch, for the committee on Commerce and Labor, on petition, a Bill relative to apprentice training under the Department of Labor and Workforce Development (Senate, No. 43);

By the same Senator, for the same committee, on petition, a Bill relative to the Boston Police Relief Association (Senate, No. 68);

By the same Senator, for the same committee, on petition, a Bill relative to the Massachusetts Business Development Corporation (Senate, No. 80);

By the same Senator, for the same committee, on petition, a Bill relative to reporting violations of the prevailing wage law to the division of apprentice training (Senate, No. 84);

By the same Senator, for the same committee, on petition, a Bill regulating advertising on dispensing devices (Senate, No. 92);

By the same Senator, for the same committee, on petition, a Bill to clarify employer sanctions for improper expenditure of withholdings or deductions from wages (Senate, No. 109);

By the same Senator, for the same committee, on petition, a Bill limiting the amount of fees that staffing agencies may charge employees for transportation (Senate, No. 140); and

By Mr. Havern, for the committee on Transportation, on petition, a Bill designating the Woburn Regional Transportation Center as the Anderson Regional Transportation Center (Senate, No. 1919);

Severally 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 matter be placed in the Orders of the Day for the next session:

The House Bill relative to production of records for review by the State Auditor (House, No. 3).

Committees Discharged.

Ms. Menard, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Resolve providing for an investigation and study by a special commission relative to the needs of persons with agoraphobia and related disorders (Senate, No. 606);

Of the Senate Bill relative to the study of mass transportation (Senate, No. 1763);

Of the Senate Order relative to authorizing and directing the joint committee on Education, Arts and Humanities 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 miscellaneous education matters (Senate, No. 1903);

Of the Senate Order relative to authorizing and directing the joint committee on Education, Arts and Humanities 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 public school personnel and school building assistance (Senate, No. 1904);

Of the Senate Order relative to authorizing and directing the joint committee on Education, Arts and Humanities 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 public school finance (Senate, No. 1905);

Of the Senate Order relative to authorizing and directing the joint committee on Education, Arts and Humanities 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 miscellaneous education matters (Senate, No. 1906);

Of the Senate Order relative to authorizing and directing the joint committee on Education, Arts and Humanities 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 miscellaneous public education matters (Senate, No. 1907);

Of the Senate Order relative to authorizing and directing the joint committee on Education, Arts and Humanities 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 miscellaneous public education matters (Senate, No. 1908);

Of the Senate Order relative to authorizing and directing the joint committee on Education, Arts and Humanities 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 the Massachusetts Comprehensive Assessment System (Senate, No. 1909);

Of the Senate Order relative to authorizing and directing the joint committee on Education, Arts and Humanities to sit during the recess of the General Court for the purpose of making an investigation and study of a certain current Senate document numbered 259, relative to bilingual education (Senate, No. 1910);

Of the Senate Order relative to authorizing the joint committee on Election Laws to make an investigation and study of certain Senate documents relative to election matters (Senate, No. 1912);

Of the Senate Order relative to authorizing and directing 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 relative to election matters (Senate, No. 1913);

Of the Senate 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 utilities (Senate, No. 1914);

Of the Senate Order relative to authorizing the joint committee on Banks and Banking 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 charges assessed by banks and credit unions (Senate, No. 1921);

Of the Senate Order relative to authorizing the joint committee on Banks and Banking 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 banking matters (Senate, No. 1922);

Of the Senate Order relative to authorizing the joint committee on Banks and Banking 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 predatory lending in the home lending market (Senate, No. 1923);

Of the Senate Order relative to authorizing the joint committee on Banks and Banking to sit during the recess of the General Court for the purpose of making an investigation and study of certain current House documents relative to electronic fund transfers (Senate, No. 1924); and

Of the Senate Order relative to authorizing the joint committee on Banks and Banking to sit during the recess of the General Court for the purpose of making an investigation and study of certain current House documents relative to banking matters (Senate, No. 1925);

And recommending that the same severally be referred to the Senate committee on Rules.

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

Mr. Lynch, for the committee on Commerce and Labor, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 128) of Steven A. Tolman, Emile J. Goguen, Dianne Wilkerson and Mary Jane Simmons for legislation to establish the financial consumers' association,— and recommending that the same be referred to the committee on Banks and Banking;

Of the petition (accompanied by bill, Senate, No. 39) of Robert S. Creedon, Jr., for legislation relative to any waiver, disclaimer, exclusion or limitation of liability in an employment application;

Of the petition (accompanied by bill, Senate, No. 119) of Charles E. Shannon for legislation relative to the vacating of awards and employee discipline; and

Of the petition (accompanied by bill, Senate, No. 133) of the Massachusetts Correction Officers Federated Union, by Jack Flanagan, and Steven A. Tolman for legislation relative to the confirmation of arbitration awards;

And recommending that the same severally be referred to the committee on the Judiciary; and

Of the petition (accompanied by bill, Senate, No. 129) of Steven A. Tolman, Stephen F. Lynch, Martin J. Walsh, Emile J. Goguen and other members of the General Court for legislation relative to labor relations; and

Of the petition (accompanied by bill, Senate, No. 132) of Steven A. Tolman for legislation relative to collective bargaining;

And recommending that the same severally be referred to the committee on Public Service.

**Under Senate Rule 36, the reports were severally considered forthwith and accepted
Severally sent to the House for concurrence.**

Mr. Lynch, for the committee on Commerce and Labor, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 70) of Stephen F. Lynch and Martin J. Walsh for legislation to provide for the collection of certain information to improve the workforce development system in the Commonwealth;

Of the petition (accompanied by bill, Senate, No. 95) of David P. Magnani, Susan C. Fargo, David C. Bunker, Jr., and other members of the General Court for legislation to establish a microenterprise business development office to foster the development of owner-operated businesses;

Of the petition (accompanied by bill, Senate, No. 107) of Andrea F. Nuciforo, Jr., and Steven A. Tolman for legislation relative to the minimum wage law;

Of the petition (accompanied by bill, House, No. 3255) of the United Steelworkers of America, Martin J. Walsh, Joan M. Menard, Kathleen M. Teahan and Mark J. Carron for legislation to further define the term “employer” under the minimum wage laws of the Commonwealth;

Mr. Pacheco, for the committee on Natural Resources and Agriculture, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1084) of David P. Magnani, Susan W. Pope, Cynthia S. Creem and other members of the General Court for legislation to establish the open space acquisition revolving fund;

Of the petition (accompanied by bill, Senate, No. 1086) of Richard T. Moore, Pamela P. Resor, Carol A. Donovan, Mary Jane Simmons, other members of the General Court and another for legislation to establish areas of critical scenic preservation and for the acquisition of such development rights;

Of the petition (accompanied by bill, Senate, No. 1110) of Pamela P. Resor, Cory Atkins, Robert S. Creedon, Jr., and J. James Marzilli, Jr., for legislation to promote the use of integrated pest management techniques in the Commonwealth;

Of the petition (accompanied by bill, Senate, No. 1140) of Bruce E. Tarr, Anthony J. Verga, Mary Jeanette Murray and Bradford Hill for legislation to direct the Secretary of Environmental Affairs to establish a program to assist cities and towns in the treatment of wastewater;

Of the petition (accompanied by bill, Senate, No. 1142) of Robert E. Travaglini for legislation relative to the Massachusetts Water Resources Authority bond cap;

Mr. Joyce, for the committee on Public Service, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1344) of Robert A. Havern, Susan C. Fargo, Dianne Wilkerson and other members of the General Court for legislation to provide equal employment benefits for public sector employees;

Of the petition (accompanied by bill, Senate, No. 1350) of James P. Jajuga, Colleen M. Garry and Emile J. Goguen for legislation to increase certain retirement allowances for widows of deceased state police officers;

Of the petition (accompanied by bill, Senate, No. 1353) of James P. Jajuga, Brian S. Dempsey and Bruce E. Tarr for legislation to authorize creditable service for retirement purposes for certain employees of Northern Essex Community College; and

Ms. Wilkerson, for the committee on State Administration, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1552) of James P. Jajuga and Emile J. Goguen for legislation to authorize and direct the State Comptroller to create a scholarship fund at Northern Essex Community College to be funded by certain excess disability benefits; and

Of the petition (accompanied by bill, Senate, No. 1609) of Bruce E. Tarr, Susan W. Pope and George N. Peterson, Jr. for legislation to require the printing of the State Building Code to be on a certain paper stock;

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

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

Severally sent to the House for concurrence in the discharge of the joint committees.

PAPERS FROM THE HOUSE.

A Bill relative to the net school spending of the Southern Worcester County Regional Vocational School District (printed as Senate, No. 1864,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to dangerous buildings (House, No. 1259,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

Bills

Authorizing the transfer of a certain parcel of land in the town of North Reading (House, No. 356,— on petition) [Local approval received];

Authorizing the conservation commission of the town of Groton to impose certain fees (House, No. 1837,— on petition) (Local approval received);

Relative to the town of Nantucket (House, No. 3525,— on petition) [Local approval received]; and

Authorizing the town of Norwood to use certain conservation land for roadway and bridge purposes (House, No. 4091,— on petition) [Local approval received];

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

A report of the committee on Public Safety, ought NOT to pass, on the message from His Excellency the Governor recommending legislation relative to establishing certain attendance requirements for minors to obtain a driver's license (accompanied by bill, House, No. 4063) — **was referred, under Senate Rule 36, to the committee on Steering and Policy.**

Reports

Of the committee on Ways and Means (Joint), asking to be discharged from further consideration

Of so much of the recommendations of the Department of the State Treasurer (House, No. 209) as relates to reducing the debt burden of the Commonwealth (accompanied by bill, House, No. 210);

Of so much of the recommendations of the Department of the State Treasurer (House, No. 209) as relates to amending the investment laws of the Commonwealth (accompanied by bill, House, No. 221);

Of the petition (accompanied by bill, House, No. 948) of Jay R. Kaufman and other members of the General Court relative to the information contained in the budgetary requests of each agency of the Commonwealth;

Of the petition (accompanied by bill, House, No. 950) of Vincent A. Pedone for legislation to authorize an appropriation of a certain sum of money for a program of analyses of narcotic drugs, synthetic substitutes, poisons, drugs, medicines or chemicals at the University of Massachusetts Medical Center;

Of the petition (accompanied by bill, House, No. 1337) of the National Association of Government Employees and Brian S. Dempsey relative to the Commonwealth Stabilization Fund;

Of the petition (accompanied by bill, House, No. 1908) of David M. Torrisi for legislation to provide funding for high-speed telecommunications and economic growth in the Commonwealth; and

Of the petition (accompanied by bill, House, No. 3998) of Christopher M. Perry for payment from the state treasury of a certain sum of money to Brendan J. Perry & Associates, P.C.;

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, inasmuch as relates to the discharge of the joint committee.

Resolutions.

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

Resolutions (filed by Mr. Brewer) “in memory of Mark R. Ungerer for his many years of dedication to the cause of finding a cure for cancer.”

Petition.

On motion of Mr. Hedlund, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mrs. Sprague, (accompanied by bill) of Jo Ann Sprague, Michael R. Knapik, Elizabeth Poirier and other members of the General Court for legislation relative to property taxes and senior citizens,— **and the same was referred to the committee on Taxation.**

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 Thomas G. Ambrosino, mayor, Robert E. Travaglini, Kathi-Anne Reinstein, Robert A. DeLeo and Anthony Petruccelli (with the approval of the mayor and city council) for legislation to establish a building reserve fund in the city of Revere [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.

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, Kathi-Anne Reinstein, Robert A. DeLeo and Anthony Petruccelli (with the approval of the mayor and city council) for legislation relative to certain school construction projects in the city of Revere [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 State Administration.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4310) of Daniel E. Bosley relative to authorizing certain minors to operate golf carts in the course of employment;

Under suspension of Joint Rule 12, to the committee on Commerce and Labor.

Petition (accompanied by bill, House, No. 4311) of George N. Peterson, Jr., and Guy W. Glodis (by vote of the town) relative to authorizing the town of Grafton to convey a certain parcel of land to Brian Fitzgerald, notwithstanding provisions of the uniform procurement law;

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

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 relative to the membership of the conservation commission of the town of Swansea (House, No. 4058),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill exempting debt of the city of Lawrence for certain approved school projects from the statutory limit (see House, No. 4202) (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.**

Order Adopted.

On motion of Ms. Melconian,—

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