

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 16, 2001.

Met at three minutes past eleven o'clock A.M. (Ms. Melconian in the Chair).

Petition.

Ms. Menard presented a petition (subject to Joint Rule 12) of Joan M. Menard and Patricia A. Haddad for legislation relative to creditable service for unpaid elected members of housing authorities,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of a Committee.

By Mr. Jajuga, for the committee on Public Safety, on Senate, Nos. 273, 1147 and 1209, an Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of certain Senate documents relative to school bus advertisement and other public safety related matters (Senate, No. 1996);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1280), an Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of a certain Senate document numbered 1280, relative to the powers of special state police officers (Senate, No. 1997);

By the same Senator, for the same committee, on Senate Nos. 1154, 1178, 1189, 1193, 1222, 1243, 1244, 1245, 1246, 1247, 1250, 1251, 1252, 1253, 1254, 1255 and 1256, an Order relative to authorizing the joint committee on Public Safety 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 firearms and related public safety matters (Senate, No. 1998); and

By the same Senator, for the same committee, on Senate, Nos. 1146, 1176, 1195, 1224, 1227 and 1283, an Order relative to authorizing the joint committee on Public Safety 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 registry of motor vehicles and related public safety matters (Senate, No. 1999);

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

Reports of Committees.

By Ms. Creem, for the committee on Criminal Justice, on petition, a Bill relative to repeat offenders of the crime of operating a motor vehicle under the influence of alcohol (Senate, No. 170);

By the same Senator, for the same committee, on petition, a Bill to maintain privacy (Senate, No. 184, changed in line 6 by striking out the word “no” and inserting in place thereof the word:— “the”);

By the same Senator, for the same committee, on Senate, Nos. 192 and 220, a Bill further prohibiting dissemination of child pornography (Senate, No. 192);

By the same Senator, for the same committee, on petition, a Bill making it a felony to commit assault and battery on emergency medical personnel, firefighters and police officers (Senate, No. 193);

By Mr. Moore, for the committee on Health Care, on Senate, No. 536 and House, No. 2312, a Bill to clarify the definition of physician (Senate, No. 536, changed in line 15 by inserting after the word “Chapter” the following words:— “nor shall the provisions of this section apply to the use of the term ‘physician assistant’ by individuals licensed under sections 9C through 9K of this chapter”); and

By Ms. Murray, for the committee on Insurance, on Senate, No. 751 and House, Nos. 835, 1420 and 2924, a Bill further regulating automobile insurance surcharges (Senate, No. 751);

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

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 Order relative to authorizing the joint committee on Natural Resources and Agriculture to sit during the recess of the General Court for the purpose of making an investigation and study of Senate document numbered 1136, relative to low level radioactive waste (Senate, No. 1982);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of several Senate documents relative to distinctive license plates and other public safety matters (Senate, No. 1983);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of several Senate documents relating to public safety matters (Senate, No. 1986);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of several Senate documents relative to the Department of Public Safety, CPR certification and other public safety matters (Senate, No. 1987);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of several Senate documents relative to the Department of Corrections and other public safety matters (Senate, No. 1988);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of several Senate documents relative to fire safety and other public safety matters (Senate, No. 1989);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of Senate documents numbered 1163 and 1175, relative to handicapped parking and other public safety matters (Senate, No. 1990);

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of several Senate documents relative to police issues and other public safety matters (Senate, No. 1991); and

Of the Senate Order relative to authorizing the joint committee on Public Safety to make an investigation and study of several Senate documents relative to recreational safety, motorcycles, and other public safety matters (Senate, No. 1992);

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.

A Bill authorizing the city known as the town of Agawam to use certain parkland for school purposes (House, No. 3766,— on petition) [Local approval received],— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Designating a certain bridge in the city of Lawrence as the Representative Lawrence Smith bridge (House, No. 2100,— on petition); and

Designating the state armory in the town of Braintree as the Sergeant Charles MacGillivray Memorial Building (House, No. 2616,— on petition);

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

Bills

Authorizing the Board of Selectmen of the town of Plymouth to operate as a crematory corporation (House, No. 4004,— on petition) [Local approval received];

Relative to the transfer of land in the town of Littleton (House, No. 4189,— on petition) [Local approval received]; and

Authorizing the town of Hingham to convey certain conservation land (House, No. 4201,— on petition) [Local approval received];

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

Reports

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

Of the petition (accompanied by bill, House, No. 2925) of Marie J. Parente relative to motor vehicle insurance surcharges;

Of the petition (accompanied by bill, House, No. 3941) of Paul E. Caron relative to defining motor vehicle after market crash parts;

Of the petition (accompanied by bill, House, No. 3943) of Robert F. Fennell and other members of the General Court relative to ensuring the safety of consumers who purchase auto crash parts;

Of the petition (accompanied by bill, House, No. 3944) of Robert F. Fennell and Stephen M. Brewer relative to notifications to insurers of the use of aftermarket parts, so-called, in the repair of motor vehicles;

Of the petition (accompanied by bill, House, No. 3945) of Robert F. Fennell, John P. Fresolo, Emile J. Goguen and Carol A. Donovan for legislation to prohibit the use of aftermarket parts, so-called, in the repair of motor vehicles; and

Of the petition (accompanied by bill, House, No. 3947) of Laurence Brown relative to further regulating the repairing of motor vehicles;

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

Of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 651) of Bruce J. Ayers relative to the utilization of vacant office space located on the property of the Massachusetts Water Resources Authority,— and recommending that the same be referred to the committee on State Administration.

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

Of the petition (accompanied by bill, House, No. 495) of Carol C. Cleven and other members of the General Court relative to the health care needs of adolescents in the juvenile justice systems of the Commonwealth; and

Of the petition (accompanied by bill, House, No. 3405) of Kay Khan and other members of the General Court relative to the health care needs of adolescents in the juvenile justice system of the Commonwealth;

And recommending that the same severally be referred to the committee on Human Services and Elderly Affairs.

Of the committee on Ways and Means (Joint), asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 949) of Eugene L. O'Flaherty relative to the bonding requirements of persons engaged in the exchange of foreign currency,— and recommending that the same be referred to the committee on Banks and Banking.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Reports

Of the committee on Health Care, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3097) of Gloria L. Fox and other members of the House for legislation to establish a program for the early detection of Lupus within the Department of Public Health;

Of the petition (accompanied by bill, House, No. 3297) of Kevin W. Fitzgerald and Elizabeth A. Malia that the Division of Medical Assistance be directed to assist in paying certain medical costs for persons suffering from the advanced stages of emphysema;

Of the petition (accompanied by resolve, House, No. 3543) of Elizabeth A. Malia and other members of the General Court for an investigation by a special commission (including members of the General Court) relative to the consumption and abuse of alcoholic beverages;

Of the committee on Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 1118) of Charles E. Shannon for legislation relative to the Walnut Hill Water Treatment Plant;

Of the petition (accompanied by bill, House, No. 1625) of Geoffrey D. Hall, Pamela P. Resor and another for legislation to provide loans to certain elderly persons for assistance in compliance with Title V, so-called, for the disposal of sanitary waste;

Of the petition (accompanied by bill, House, No. 1842) of Robert A. DeLeo and other members of the General Court for legislation to establish a local pipeline assistance program within the Water Pollution Abatement Trust;

Of the petition (accompanied by bill, House, No. 1843) of Robert A. DeLeo and other members of the General Court relative to the infiltration/inflow treatment facilities of the Water Resources Authority located at Deer Island and Nut Island;

Of the petition (accompanied by bill, House, No. 1844) of Robert A. DeLeo and other members of the General Court that the Walnut Hill water treatment plant, so-called, be eligible for debt service assistance from the Sewer Rate Relief Fund;

Of the petition (accompanied by bill, House, No. 2385) of Ronald Mariano relative to the costs of the clean-up of Boston Harbor;

Of the petition (accompanied by bill, House, No. 2387) of Ronald Mariano relative to the payment of costs for the clean-up of Boston Harbor;

Of the petition (accompanied by bill, House, No. 2953) of Joseph F. Wagner relative to exempting former prisoners of war from fees for use of state parks and recreational land;

Of the petition (accompanied by bill, House, No. 3152) of Deborah D. Blumer and other members of the General Court relative to the protection of the Greater Callahan Open Space and Greenway Plan located in the towns of Framingham, Sudbury and Southborough and the city of Marlborough;

Of the petition (accompanied by bill, House, No. 3155) of Gloria L. Fox, Patricia D. Jehlen, Shirley Owens-Hicks, Edward G. Connolly and Benjamin Swan for legislation to regulate the establishment of rates for water and sewer services for low income residents of the Commonwealth;

Of the petition (accompanied by bill, House, No. 3778) of Thomas M. Stanley, Peter J. Koutoujian, Susan C. Fargo and Steven A. Tolman for an appropriation of a certain sum of money for the dredging of Hardy Pond in the city of Waltham;

Of the committee on State Administration, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 3196) of Douglas W. Petersen and other members of the House for an investigation by a special commission (including members of the General Court) relative to the protection of privacy in the collection, storage, use and release of personal information and other related matters;

Of the petition (accompanied by bill, House, No. 3429) of Karyn E. Polito relative to agency publications and the Internet;

Of the petition (accompanied by bill, House, No. 3979) of Thomas A. Golden, Jr., Kevin J. Murphy, Steven C. Panagiotakos and David M. Nangle (with the approval of the city council) that the city of Lowell be authorized to pay a salary to Rithy Uong, a city councillor in said city; and

Of the petition (accompanied by bill, House, No. 3980) of Frank M. Hynes and another for an appropriation of a certain sum of money for repairs and improvements to Lawson Tower, a historic landmark in the town of Scituate;

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.

Resolutions.

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

Resolutions (filed by Ms. Wilkerson) “congratulating the descendants of Mary McLeod Bethune on the celebration of her heritage.”

Order Adopted.

Mr. Nuciforo presented the following order:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Banks and Banking be given until Friday, September 28, 2001, within which to make its final report on current Senate documents numbered 10, 15, 17, 20, 21 and 128 and current House documents numbered 11, 14, 16, 229, 394, 574, 575, 949, 1150, 1721, 2279, 2467, 2828, 2829, 3034, 3036, 3242, 3480, 3481, 3664, 3665, and 3667.

There being no objection, the order was considered forthwith and adopted.

Sent to the House for concurrence.

Communication.

The Clerk read the following communication:

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

July 13, 2001.

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

Dear Mr. Clerk:

On Thursday, July 12th, 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 items:

- An Act Facilitating The Use of Land Transfer Of Development Rights (S. 1011)
- An Act Relative To Electronic Communication With Shareholders (S. 1792)
- An Act To Ensure Eligibility For Unemployment Insurance For Victims Of Domestic Violence (S. 1984)
- An Act Authorizing The Division of Fisheries and Wildlife To Acquire Conservation Restrictions To Lands Of The Dalton Fire District (S. 1884)
- An Act Authorizing The Commissioner Of Capital Asset Management And Maintenance To Acquire Conservation Restrictions To Lands Of The Springfield Water And Sewer Commission (H. 4276)

Had I been present, I would have voted in the affirmative on all five of these matters. Additionally, I would have voted in support of overriding the Acting Governor's veto of House 4124, An Act Relative To The Springfield Civic and Convention Center.

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.

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 Jo Ann Sprague, William C. Galvin and Louis L. Kafka (by vote of the town) for legislation to authorize the town of Stoughton to join the Massachusetts Water Resources 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 Housing and Urban Development.

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 and Robert J. Nyman for legislation to provide coverage for hearing aids for children.

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 Insurance.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4349) of Rachel Kaprielian and Steven A. Tolman relative to providing partial adjustment to retired teachers' pensions; and

Petition (accompanied by bill, House, No. 4350) of Rachel Kaprielian and Steven A. Tolman relative to extending maternity benefits to retired teachers;

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

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 telecommunications lines (House, No. 1753),— was considered; and it was passed to engrossed.

Sent to the House for concurrence in the amendments previously adopted by the Senate.

Order Adopted.

On motion of Mr. Moore,—

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.

On motion of Mr. Knapik, at nine minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.