

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.

Friday, July 19, 2002.

Met at nine minutes before one o'clock P.M.

Reports of Committees.

By Ms. Chandler, for the committee on Public Service, on the recommitted petition (accompanied by bill, House, No. 4862), a Bill relative to the creditable service of certain employees of educational collaboratives (Senate, No. 2415);

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

By Ms. Creem, for the committee on Criminal Justice, on the recommitted petition (accompanied by bill, Senate, No. 198), a Bill to further protect children (Senate, No. 2420);

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

PAPERS FROM THE HOUSE.

The Senate Bill providing for certain transportation improvements (Senate, No. 2245, amended),— came from the House passed to be engrossed, in concurrence, *with amendments* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5243; and by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for a program for capital transportation development and improvements in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

Under Senate Rule 36, the matter was referred to the committee on Ways and Means.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for the interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2301), reported, in part, a “Bill relative to enhancing state revenues”(House, No. 5250),— came from the House, and was read.

After debate, the question on accepting the report, in concurrence, was determined by a call of the yeas and nays, at twenty-one minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 30 — nays 9):

YEAS.

Antonioni, Robert A.
Berry, Frederick E.

Moore, Richard T.
Morrissey, Michael W.

Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne —
	30.

NAYS.

Baddour, Steven A.	Lees, Brian P.
Glodis, Guy W.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R. — 9.
Knapik, Michael R.	

The yeas and nays having been completed at seventeen minutes before two o'clock P.M., the report was accepted, in concurrence.

Recess.

There being no objection, at sixteen minutes before two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the conservation commission of the town of Ipswich to convey an easement in said town (Senate, No. 2361);

Relative to open space in the town of Saugus (House, No. 2081);

Authorizing the town of Wayland to convey certain park land (House, No. 5059); and

Authorizing the town of Westford to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 5130);

Were severally read a second time and ordered to a third reading.

There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows, to wit:

PAPER FROM THE HOUSE.

A Bill making appropriations for the fiscal year ending June 30, 2003, prior to final action on the General Appropriation Bill for said fiscal year (House, No. 5259,— 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. Rosenberg, 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 appropriations for the fiscal year ending June 30, 2003, before final action on the General Appropriation Bill for that fiscal year."

Orders of the Day.

The Orders of the Day were further considered, as follows:

The House Bill relative to the descent and distribution of property (House, No. 5136),— was read a second time.

Pending the question on ordering the bill to a third reading, Ms. Jacques moved that the bill be amended by adding at the end thereof the following sections:

“SECTION 2. Section 4 of Chapter 192 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘person’ in line 3, the following words:— , and is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 3. Section 13 of Chapter 192 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘suitable’ in line 2, the following words: — , and if such person is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 4. Section 1 of Chapter 193 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘suitable’ in line 3, the following words:— , and only if such person is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 5. Section 7 of Chapter 193 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘trust,’ in line 2, the following words:— or if the executor is under indictment for, or has been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 6. Section 7 of Chapter 193 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘person’ in line 7, the following words:— , who is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 7. Section 7A of Chapter 193 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘suitable’ in line 4, the following words:— and if such person is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 8. Section 9 of Chapter 193 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘persons’ in line 9, the following words:— who are not under indictment for, or have not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased,.

SECTION 9. Section 10 of Chapter 193 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘him’ in line 6, the following words:— , provided, however, that no person shall be appointed as a special administrator who is under indictment for, or has been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased.

SECTION 10. Section 11 of Chapter 195 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘person’ in line 11, the following words:— who is not under indictment for, or has not been convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes against the deceased,.

SECTION 11. Section 10. Section 11 of Chapter 195 of the General Laws, as appearing the 2000 Official Edition, is hereby further amended by adding the following paragraph:

If an executor or administrator is indicted for, or convicted of, murder in the first or second degree, or manslaughter, or accessory before the fact of such crimes, against the deceased, the executor or administrator is not eligible to serve as executor or administrator of the deceased’s estate, and the probate court shall remove him immediately as such from the point of indictment or conviction, whichever occurs earliest. The court shall appoint a suitable person to act as executor or administrator.

Pending the question on adoption of the amendment, and pending the main question on ordering the bill to a third reading, on motion of Mr. Lees, the matter was postponed until the next session.

The Senate Bill establishing a board of registration of credit counselors (Senate, No. 2414),— was read a third time.

Mr. Travaglini in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), after remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at twenty-one minutes before three o’clock P.M., on motion of Ms. Murray, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 39.
Menard, Joan M.	

NAYS — 0.

The yeas and nays having been completed at eighteen minutes before three o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill creating a bureau of power linemen in the Department of Public Safety (Senate, No. 2372),— was considered, the main question being on passing it to be engrossed.

The pending motion, previously moved by Mr. Lees, to lay the matter on the table, was *withdrawn*, on motion of Mr. Lees.

After remarks, the bill was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to the unemployment insurance system (House, No. 4452, amended),— was considered, the main question being on passing it to be engrossed, in concurrence.

Mr. Lees moved that the bill be amended by inserting after section 16 the following section:—

“SECTION 16A. Notwithstanding section 14 of chapter 151A of the General Laws, the experience rate of an employer qualifying for it under subsection (b) of said section 14 of said chapter 151A shall be the rate which appears in the column designated ‘B’ for calendar year 2003.”; and in section 17, by adding the following sentence:— “Section 16A shall take effect on January 1, 2003.”.

The amendments were adopted.

The bill was then passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows, to wit:

Matter Taken from Table.

On motion of Mr. Glodis, the Senate Bill relative to the Massachusetts veterans shelter in the city of Worcester (Senate, No. 2150),— was taken from the table.

On motion of the same Senator, the rules were suspended so that the matter may be considered forthwith.

Pending the question on passing the bill to be engrossed, Mr. Glodis and Ms. Chandler moved that the bill be amended in section 2, by inserting after the word “shelter”, in line 13, the following sentence:— “As a condition of the lease the military division, through the adjutant general, shall retain the right to re-occupy the premises upon 30 days written notice to Massachusetts Veterans, Inc., if such re-occupation becomes necessary to enable the military division to adequately perform its duties in a state or national emergency.”; by inserting after the word “division”, in line 16, the following words:— “, minus any diminution in value resulting from the military division’s right of re-occupation. Massachusetts Veterans, Inc. shall receive a credit towards the lease commensurate with the value of any and all renovations, capital improvements and maintenance of the premises performed by it or on its behalf from the date of its initial occupation of the premises in the year 1991 until the termination of this lease. The credit shall include, but not be limited to, the fair market value of any volunteer labor hours directed towards the renovations, capital improvements and maintenance, any actual expenditures by Massachusetts Veterans, Inc. towards the renovations, capital improvements and maintenance, and any increase in the fair market value of the premises as a result of the renovations, capital improvements and maintenance.”; and by adding the following sentence:— “In no case shall the net lease amount, after application of the credits, be in an amount of less than \$1 per year.”.

The amendments were adopted.

The bill (Senate, No. 2150, amended) was then passed to be engrossed.

Sent to the House for concurrence.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered, as follows:

The House bills

Relative to sewer by-laws and regulations of the town of Sturbridge (House, No. 4305); and

Establishing the city of Medford stadium and athletic commission (House, No. 4878, changed);

Were severally read a third time and passed to be engrossed, in concurrence.

The House Bill relative to safety of school sponsored travel (House, No. 4937),— was read a third time.

After remarks, the question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at six minutes before three o’clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne —
	39.

Menard, Joan M.

NAYS — 0.

The yeas and nays having been completed at three minutes before three o'clock P.M., the bill was passed to be engrossed, in concurrence.

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:

Designating a portion of the Holyoke Heritage State Park as Dinapoli Plaza (see Senate, No. 2309);

Relative to the issuance of pension funding bonds by the city of Springfield (see House, No. 4419);

Establishing the Plymouth Development Corporation (see House, No. 4917, changed);

Relative to a certain lease agreement of the city known as the town of Methuen (see House, No. 5030); and

Authorizing the Attorney General to suspend certain labor laws in an emergency (see House, No. 5189).

A Bill designating a certain bridge in the town of Andover as the Joseph A. Horan Bataan Corrigedor Veterans Memorial Bridge (House, No. 5022,— on petition),— was read.

There being no objection, the rules were suspended, on motion of Mr. Creedon, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered, as follows:

The House Bill authorizing the town of Plymouth to use certain land for public way purposes (House, No. 4865),— **was read a second time, ordered to a third reading, read a third time and, after remarks, was passed to be engrossed, in concurrence.**

The House Bill validating the action taken at the 2000 annual town meeting of the town of Amherst (printed in House, No. 4890),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5261) of Eugene L. O'Flaherty for legislation to authorize the Department of Social Services to establish a sick leave bank for Dominique Gutierrez, an employee of said department,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

The Senate Bill relative to farmer-distillery licenses (Senate, No. 2328),— came from the House passed to be engrossed, in concurrence, *with an amendment*, in section 2, in lines 131 and 132, by striking out clause (10) contained therein; and by adding at the end thereof the following section:—

“SECTION 3. Section 33 of said chapter 138, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘holidays’, in line 32, the following words:— ; provided, however, that a licensee under section 19E may sell distilled products at retail by the bottle to consumers for consumption off the distillery premises on Sundays and legal holidays.”

The rules were suspended, on motion of Mr. Shannon, and the House amendment was considered. After debate, the House amendment was adopted, in concurrence.

The Senate Bill relative to emergency telecommunications (Senate, No. 2349, amended),— came from the House passed to be engrossed, in concurrence, *with an amendment*, by inserting after the enacting clause the following section:—

“SECTION 1. Section 18A of chapter 6A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 1, the words ‘eighteen B to eighteen F’ and inserting in place thereof the following:— 18B to 18I.”

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

A Bill relative to the repair of a certain road in the city of Leominster (House, No. 5118,— on petition),— was read.
There being no objection, the rules were suspended, on motion of Mr. Shannon, 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 providing for the repair of a certain road in the city of Leominster.”

Bill Recalled from the Acting Governor.

On motion of Ms. Menard, it was voted that a messenger be appointed to wait upon Her Honor the Lieutenant-Governor, Acting Governor, requesting the return to the Senate of the engrossed Bill authorizing the town of Truro to establish an affordable housing trust fund (see House, No. 4477, amended).

Ms. Menard was appointed the messenger. Subsequently, the bill was returned to the Senate.

Orders of the Day.

The President in the Chair, the Orders of the Day were further considered, as follows:

The House Bill relative to enhancing English opportunities for all students in the Commonwealth (House, No. 5010, amended),— was read a second time.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means, and pending the main question on ordering the bill to a third reading, Mr. Glodis moved that the bill be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

Recess.

There being no objection, at twenty-four minutes past three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at nineteen minutes past four o'clock P.M., 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.

Emergency Preamble Adopted.

An engrossed Bill relative to enhancing state revenues (see House, No. 5250), 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 question on adopting the emergency preamble was determined by a call of the yeas and nays, at twenty-three minutes past four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 29 — nays 9):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 29.
Montigny, Mark C.	

NAYS.

Baddour, Steven A.	Lees, Brian P.
Glodis, Guy W.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R. — 9.
Knapik, Michael R.	

ABSENT OR NOT VOTING.

Shannon, Charles E. — 1.

The yeas and nays having been completed at a half past four o'clock P.M., the emergency preamble was adopted. The bill was signed by the Acting President (Ms. Melconian) and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill making 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. 5259) (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 (Ms. Melconian) and laid before the Acting Governor for her approbation.**

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for the interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2301), reported, in part, recommending that House recede from its non-concurrence with the Senate in its amendment and concur therein with a further amendment by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5300 (Estimated cost: Direct Appropriation: \$21,953,335,500.00, Retained Revenue: \$1,009,795,430.00; Total Appropriation: \$22,963,130,930.00); and that the Senate concur in the further amendment, came from the House, and was read.

After debate, the question on accepting the report, was determined by a call of the yeas and nays, at twenty-eight minutes past five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 33 — nays 6):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 33.
Menard, Joan M.	

NAYS.

Baddour, Steven A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 6.

The yeas and nays having been completed at twenty-eight minutes before six o'clock P.M., the report was accepted, in concurrence.

Engrossed Bill.

An engrossed Bill relative to the enhancement of revenues in the Commonwealth (see House, No. 5250) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-seven minutes before six o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 30 — nays 9):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 30.

NAYS.

Baddour, Steven A.	Lees, Brian P.
Glodis, Guy W.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R. — 9.
Knapik, Michael R.	

The yeas and nays having been completed at twenty-four minutes before six o'clock P.M., the bill was passed to be enacted and it was signed by the Acting President (Ms. Melconian) and laid before the Acting Governor for her approbation.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to transfer certain parcels of land in the town of Medfield (see House, No. 4108, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-three minutes before six o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 39.
Menard, Joan M.	

NAYS — 0.

The yeas and nays having been completed at nineteen minutes before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Melconian) and laid before the Acting Governor for her approbation.

An engrossed Bill relative to Mini-Fenway Park, Inc. (see House, No. 4362, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nineteen minutes before six o'clock P.M., as follows, to wit (yeas 38 — nays 1):

YEAS.

Antonioni, Robert A.	Knapik, Michael R.
Baddour, Steven A.	Magnani, David P.
Berry, Frederick E.	McGee, Thomas M.
Brewer, Stephen M.	Melconian, Linda J.
Chandler, Harriette L.	Menard, Joan M.
Creedon, Robert S., Jr.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Richard T.
Fargo, Susan C.	Morrissey, Michael W.
Glodis, Guy W.	Murray, Therese
Hart, John A., Jr.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	O'Leary, Robert A.
Hedlund, Robert L.	Pacheco, Marc R.
Jacques, Cheryl A.	Panagiotakos, Steven C.
Joyce, Brian A.	Resor, Pamela
Rosenberg, Stanley C.	Tolman, Steven A.

Shannon, Charles E.	Travaglini, Robert E.
Sprague, Jo Ann	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.

NAYS.

Lees, Brian P. — 1.

The yeas and nays having been completed at sixteen minutes before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Melconian) and laid before the Acting Governor for her approbation.

An engrossed Bill authorizing the town of Canton to grant an easement to the town of Stoughton (see House, No. 5143) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eleven minutes before six o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 39.
Menard, Joan M.	

NAYS — 0.

The yeas and nays having been completed at five minutes before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Melconian) and laid before the Acting Governor for her approbation.

An engrossed Bill authorizing the Metropolitan District Commission to grant certain easements for underground electric transmission cables (see Senate, No. 625) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at four minutes before six o'clock P.M., as follows, to wit (yeas 38 — nays 1):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 38.

NAYS.

Lees, Brian P. — 1.

The yeas and nays having been completed at one minute before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Melconian) and laid before the Acting Governor for her approbation.

The Senate Bill establishing a municipal police training committee (Senate, No. 1274, changed and amended),— came from the House passed to be engrossed, in concurrence, *with an amendment*, in section 9, in line 8, by striking out the words "related to the committee" and inserting in place thereof the words "incurred in the discharge of their official committee duties".

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

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the city known as the town of Agawam to use certain park land for school purposes (see House, No. 3766) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at four minutes past six o'clock P.M., as follows, to wit (yeas 38 — nays 1):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.

Fargo, Susan C.
Glodis, Guy W.
Hart, John A., Jr.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Magnani, David P.
McGee, Thomas M.
Melconian, Linda J.

Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 38.

NAYS.

Morrissey, Michael W. — 1.

The yeas and nays having been completed at seven minutes past six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Melconian) and laid before the Acting Governor for her approbation.

An engrossed Bill authorizing the town of Andover to convey land to the Andover Village Improvement Society (see Senate, No. 1046, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes past six o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.
Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Hart, John A., Jr.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Magnani, David P.
McGee, Thomas M.
Melconian, Linda J.
Menard, Joan M.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

NAYS — 0.

The yeas and nays having been completed at ten minutes past six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Melconian) and laid before the Acting Governor for her approbation.

Recess.

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

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2003 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 (see House, No. 5300), 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 3 to 1.**

The bill was signed by the President and sent to the House for enactment.

Suspension of Senate Rule 38A.

Ms. Melconian moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; and, there being no objection, on further motion of the same Senator, the rule was suspended without a recorded yeas and nays vote.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill making appropriations for the fiscal year 2003 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 (see House, No. 5300) (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.**

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The Senate Bill relative to apprentice training under the Department of Labor and Workforce Development (Senate, No. 43),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Pacheco moved that the bill be amended by substituting a new draft entitled:— “An Act relative to apprenticeship training” (Senate, No. 2421).

The amendment was adopted.

The bill (Senate, No. 2421) was then passed to be engrossed.

Sent to the House for concurrence.

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