

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.



Wednesday, July 25, 2001.

Met at four minutes past eleven o'clock A.M. (Mr. Rosenberg in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Petition.

Mr. Lees presented a petition (subject to Joint Rule 12) of Brian P. Lees for legislation relative to medicaid reimbursement for transportation to Shriner's Hospital,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4394) of Susan W. Pope and Susan C. Fargo (by vote of the town) that the conservation commission of the town of Sudbury be authorized to convey a certain parcel of land to the board of selectmen of said town,— **was referred, in concurrence, to the committee on Local Affairs.**

Bills

Authorizing the Ashfield Water District to assess certain betterments (House, No. 1129,— on petition); and

Relative to small group insurance (House, No. 2361,— on petition); and

Resolve extending the time within which the special commission to investigate and report on matters affecting the practice of nursing and the delivery of health care services by nurses (House, No. 4119, changed,— on petition);
Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

The House Bill relative to the illegal sale of alcohol from a dwelling (House, No. 807),— **came from the House with the endorsement that it had been referred to the committee on Criminal Justice; and the Senate concurred in the reference.**

Communication.

The Clerk read the following communication:

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

July 23, 2000.

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

Dear Mr. Clerk:

On Thursday, July 19th, I was away from the State House on a personal matter and I was therefore unable to be present for a roll call vote taken on the following item:

- House No. 1259 — An Act Relative To Dangerous Buildings.

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

I would appreciate your assistance with the printing of this communication in the Senate journal. Thank you in advance for your help with this request.

Sincerely,
ROBERT E. TRAVAGLINI,
Senate Majority Whip.

On motion of Ms. Fargo, the above statement was ordered printed in the Journal of the Senate.

Resolutions.

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

Resolutions (filed by Mr. Travaglini) “congratulating Massachusetts YouthBuild on its accomplishments and welcoming YouthBuild directors from across the country to the Commonwealth.”

Bill Previously Recalled from the Governor
Laid Before the Senate.

The engrossed Bill authorizing the commissioner of capital asset management and maintenance to acquire conservation restrictions to lands of the Springfield Water and Sewer Commission (see House, No. 4276) which, at a previous session, had been returned by His Excellency the Governor, at the request of the Senate,— was laid before the Senate.

There being no objection, on motion of Mr. Brewer, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of the same Senator, Senate Rule 49 was suspended.

Mr. Lees presented an amendment, striking out section 1 and inserting in place thereof the following section:—

“SECTION 1. The commonwealth, by and through the division of fisheries and wildlife, in consultation with the commissioner of capital asset management and maintenance, may take in accordance with chapter 79 of the General Laws or otherwise acquire, and the commissioners of the Springfield water and sewer commission may convey, fee interests, easements or lesser interests in land through conservation restrictions under sections 31, 32, and 33 of chapter 184 of the General Laws, to ensure the preservation and protection of wildlife and habitat, and for passive recreation and consistent purposes, in all or a portion of

certain parcels of land of the Springfield water and sewer commission identified in section 2. The division shall not exercise the power of eminent domain under this act without the prior written consent of the commissioners of the Springfield water and sewer commission. These parcels were taken or acquired by the Springfield water and sewer commission and used for watershed and water supply purposes. The conservation restrictions authorized in this act shall allow for the continuation of these purposes on all or a portion of the parcels, but these conservation restrictions may restrict or regulate, but not unreasonably limit, the acts or uses associated with continuing these purposes. These conservation restrictions, if taken and not otherwise acquired, shall be subject to any easement or lesser interest in land held by any person or governmental agency, except for the Springfield water and sewer commission, that lawfully exists and that is recorded in the appropriate registry of deeds, unless the division of fisheries and wildlife, in consultation with the commissioner of capital asset management and maintenance, expressly takes the easement or lesser interest through eminent domain in accordance with said chapter 79.”; and by striking out the title and inserting in place thereof the following title:— “An Act authorizing the Commonwealth to acquire conservation restrictions to lands of the Springfield Water and Sewer Commission.”

The amendments were adopted.

Sent to the House for concurrence in the amendments.

Order Adopted.

Ms. Menard presented the following order:

Ordered, That, notwithstanding the provisions of a previously adopted order, the Joint Rules of the previous General Court shall remain in effect until Tuesday, September 25, 2001, as the temporary Joint Rules of the present General Court.

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4403) of Thomas N. George relative to reimbursing municipalities for the cost of educating certain students,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Education, Arts and Humanities.**

Emergency Preamble Adopted.

An engrossed Bill relative to certain bonds issued by the Commonwealth (see House, No. 3907), 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 0.**

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

Recess.

There being no objection, at twenty minutes past eleven o’clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twelve o’clock noon, the Senate reassembled, Mr. Rosenberg in the Chair.

PAPER FROM THE HOUSE.

A Bill making certain appropriations for the fiscal year ending June 30, 2002, before final action on the General Appropriation Bill for that fiscal year (House, No. 4402,— on House, No. 4384, in part),— was read.

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

Report of a Committee.

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 Senate Bill to maintain privacy (Senate, No. 184, changed).

There being no objection, on motion of Mr. Hedlund, the rules were suspended, and the bill was read a second time and ordered to a third reading.

Order Adopted.

On motion of Ms. Fargo,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M.

On motion of Mr. Hedlund, at three minutes past twelve o'clock noon, the Senate adjourned to meet on the following day at one o'clock P.M.
