

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.

Monday, July 29, 2002.

Met at twenty-seven minutes before two o'clock P.M.

Reports of Committees.

By Mr. Pacheco, for the committee on Commerce and Labor, on petition, a Bill to prevent employers from restricting the sale of employer securities held in employee pension accounts (printed as House, No. 5219);

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

Subsequently, Mr. Montigny, for the said committee on Ways and Means, reported that the bill ought to pass, with an amendment by substituting a new draft entitled "An Act protecting workers and small investors" (Senate, No. 2442).

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

By Mr. Panagiotakos, for the committee on Housing and Urban Development, on petition, a Bill relative to establishing the Berkshire County Regional Housing Authority (Senate, No. 2410);

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill releasing certain land in Deerfield from the operation on an agricultural preservation restriction (Senate, No. 2419);

By the same Senator, for the same committee, on petition, a Bill authorizing the Department of Environmental Management and the Division of Fisheries and Wildlife to acquire conservation restrictions in and to the lands owned by the cities of New Bedford and Taunton and located in the towns of Freetown, Lakeville, Middleborough and Rochester (Senate, No. 2427); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2438), a Bill directing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land located in the town of Randolph (Senate, No. 2443);

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

By Mr. Pacheco, for the committee on Commerce and Labor, to whom was referred the message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill relative to the Brockton 21st Century Corporation (printed in Senate, No. 4);

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

Subsequently, Ms. Resor, for the said committee on Steering and Policy, reported that the matter be placed in the Orders of the Day for the next session.

Committee Discharged.

Ms. Menard, for the 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, asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 99) of Joan M. Menard, Robert A. Havern and Marc R. Pacheco for legislation to restrict higher education facilities and hospitals from selling contracts for the general public's access to their fitness facilities,— and recommending that the same be recommitted to the committee on Commerce and Labor.

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

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5286) of David M. Torrissi, Bruce E. Tarr, Steven A. Baddour and Bradley H. Jones, Jr. (by vote of the town) relative to authorizing the town of North Andover to grant open space restrictions; and

Petition (accompanied by bill, House, No. 5287) of Marie J. Parente and Guy W. Glodis (by vote of the town) relative to authorizing the town of Hopedale to grant a certain parcel of land conservation land for water supply purposes;
Severally to the committee on Local Affairs.

A Bill authorizing certain conveyances of land to establish the Southeastern Massachusetts Bioserve (House, No. 5270,— on Senate, No. 2418),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Establishing a senior citizen discount for solid waste removal in the town of Bellingham (Senate, No. 2366);

Authorizing the town of Arlington to enact a by-law to protect places of special cultural, architectural and historical significance (Senate, No. 2379);

Authorizing the city of Lowell to place municipal charge liens on certain properties in the city of Lowell for nonpayment of any local charges, fee or fine (House, No. 4022); and

Authorizing the city of Lowell to pay a certain unpaid bill (House, No. 5112);
Were severally read a second time and ordered to a third reading.

The House Bill relative to the public distribution of free smoking or tobacco products (House, No. 235),— **was read a third time and passed to be engrossed, in concurrence, with the amendments previously adopted by the Senate. Sent to the House for concurrence in the amendments.**

The House Bill relative to court advisement (House, No. 4413),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence.**

The House Bill further regulating motor vehicle rental agreements (House, No. 5174) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and, after remarks, was passed to be engrossed, in concurrence.**

The House Bill relative to certain food products and dietary supplements (House, No. 4353),— was considered, the main question being on passing it to be engrossed.

Mr. Moore moved that the bill be amended by striking out all after the enacting clause the text of Senate document numbered 2444; and by striking out the title and inserting in place thereof the following title: "An Act relative to dietary supplements".

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), after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes before three o'clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 18 — nays 21):

YEAS.

Antonioni, Robert A. Menard, Joan M.

Chandler, Harriette L.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Richard T.
Fargo, Susan C.	O'Leary, Robert A.
Havern, Robert A.	Resor, Pamela
Jacques, Cheryl A.	Rosenberg, Stanley C.
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 18.

NAYS.

Baddour, Steven A.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Glodis, Guy W.	Shannon, Charles E.
Hart, John A., Jr.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C. — 21.
Morrissey, Michael W.	

The yeas and nays having been completed at eight minutes before three o'clock P.M. the amendment was *rejected*.

After further debate, the question on passing the bill (House, No. 4353) to be engrossed, in concurrence, was determined by a call of the yeas and nays, at five minutes before three o'clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 22 — nays 17):

YEAS.

Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C. — 22.

NAYS.

Antonioni, Robert A.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Richard T.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Tolman, Steven A.
Magnani, David P.	Walsh, Marian

McGee, Thomas M. Wilkerson, Dianne — 17.
Menard, Joan M.

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

The Senate Bill providing for disclosure of certain information relating to tobacco products sold in the Commonwealth (Senate, No. 518, amended),— was considered.

After remarks, the question on ordering it to a third reading was determined by a call of the yeas and nays, at nine minutes past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0):

YEAS.

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

NAYS — 0.

The yeas and nays having been completed at fourteen minutes past three o'clock P.M., the bill was ordered to a third reading.

The House Bill relative to the implementation of a housing improvement plan in the city of Fall River (House, No. 4971),— was considered.

After debate, the question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at twenty-four minutes before five o'clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 25 — nays 14):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Creedon, Robert S. Jr.	Murray, Therese
Glodis, Guy W.	Nuciforo, Andrea F.,

	Jr.
Hart, John A., Jr.	O'Leary, Robert A.
Havern, Robert A.	Pacheco, Marc R.
Jacques, Cheryl A.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Knapik, Michael R.	Tisei, Richard R.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Walsh, Marian — 25.
Menard, Joan M.	

NAYS.

Berry, Frederick E.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creem, Cynthia Stone	Sprague, Jo Ann
Fargo, Susan C.	Tarr, Bruce E.
Hedlund, Robert L.	Tolman, Steven A.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — 14.

The House Bill relative to the curriculum in public schools (House, No. 4409, amended),— was read a third time.
On motion of Mr. Antonioni, the bill was recommitted to the committee on Education, Arts and Humanities.

PAPERS FROM THE HOUSE.

Engrossed Bills.

An engrossed Bill relative to apprenticeship training programs (see Senate, No. 2421) (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.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at sixteen minutes before five o'clock P.M., on motion of Mr. Lees, 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 fourteen minutes before five o'clock P.M., the bill was passed to be enacted and it was signed by the Acting President and laid before the Acting Governor for her approbation.

An engrossed Bill relative to the taxation of certain personal property (see House, No. 4442, 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.

Mr. Lees moved that the engrossed bill be laid on the table and, this being considered the last week of the session, the motion was taken up forthwith.

After debate, the question on laying the engrossed bill on the table was determined by a call of the yeas and nays, at seven minutes past five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 6 — nays 33):

YEAS.

Hedlund, Robert L. Sprague, Jo Ann
Knapik, Michael R. Tarr, Bruce E.
Lees, Brian P. Tisei, Richard R. — 6.

NAYS.

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.
Jacques, Cheryl A. Tolman, Steven A.
Joyce, Brian A. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 33.
Menard, Joan M.

The yeas and nays having been completed at ten minutes past five o'clock P.M., the motion to lay on the table was *negatived*.

After further debate, the question on passing the bill to be enacted 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 32 — nays 7):

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.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 32.

NAYS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 7.
Magnani, David P.	

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

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to insurance assessments (House, No. 5215),— ought to pass.

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

After remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at twenty-four minutes before six o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven 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.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.

Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Travaglini, Robert E. — 1.

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

By Mr. Montigny, for the committee on Ways and Means, that the House Bill regulating telemarketing solicitation (House, No. 5225),— ought to pass.

There being no objection, the rules were suspended, on motion of Ms. Jacques, and the bill was read a second time.

Pending the main question on ordering the bill to a third reading, Messrs. Pacheco, Magnani and Tolman, Ms. Jacques, Messrs. Berry, Antonioni, Tisei, Knapik, Montigny and Tarr moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2445.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes past six o'clock P.M., on motion of Mr. Pacheco, 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 twenty minutes past six o'clock P.M., the amendment was adopted. The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence,

with the amendment.

Sent to the House for concurrence in the amendment.

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 House Bill 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),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Canton to appoint police officers (House, No. 5096,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Mr. Berry, 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 authorizing the town of Canton to appoint certain police officers.”

A Bill authorizing the town of Sudbury to establish a special fund for deposit of certain funds to be used for affordable housing (House, No. 5093,— on petition) [Local approval received],— was read.

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

A Bill relative to the Provincetown Pier Corporation (House, No. 4976,— on petition) [Local approval received],— was read.

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

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain property in the city of North Adams (House, No. 4595, amended),— ought to pass, with an amendment in section 1, by inserting after the word “convey”, in line 3, the following words:— “to the city of North Adams,”; and by inserting after the words “sections 40F”, in line 4, the following:— “, 40F½”.

The rules were suspended, on motion of Mr. Shannon, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain property in the city of North Adams.”

Sent to the House for concurrence in the amendment.

Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to affordable housing in the town of Truro (House, No. 4476),— ought to pass.

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

By Mr. Montigny, for the committee on Ways and Means, that the House Bill establishing an affordable housing trust fund in the town of Provincetown (House, No. 4145),— ought to pass.

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

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the concurrent jurisdiction of the Land Court (House, No. 1989, changed and amended),— ought to pass, with an amendment in sections 20 and 21, by inserting after the word “zoning”, the second time it appears, the following word:— “or”; and in sections 20 and 21, by striking out the words “or land use”.

There being no objection, the rules were suspended, on motion of Mr. Creedon, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means. The bill, as amended, was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed, in concurrence, with the amendment, was determined by a call of the yeas and nays, at a half past six o'clock P.M., on motion of Mr. Lees, 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 twenty-seven minutes before seven o’clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment.
Sent to the House for concurrence in the amendment.**

Paper from the House.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey certain land in the town of Westborough (see House, No. 4844, 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-six minutes before seven o’clock P.M., as follows, to wit (yeas 38 — nays 1):

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.

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.

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 twenty-four minutes before seven 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 President and laid before the Acting Governor for her approbation.

Reports of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill for the protection of natural resources authorizing the Department of Environmental Management and the Division of Fisheries and Wildlife to acquire conservation restrictions in and to lands of the Springfield Water and Sewer Commission (Senate, No. 2383),— ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2441).

There being no objection, the rules were suspended, on motion of Mr. Lees, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2441) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey permanent easements on state property in the town of North Andover to Lucent Technologies, Inc. for the purpose of water and sewer force mains (Senate, No. 1868),— ought to pass.

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

Sent to the House for concurrence.

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

After remarks, the question on passing it to be engrossed, in concurrence, with the amendments previously adopted by the Senate, was determined by a call of the yeas and nays, at eighteen minutes before seven o'clock P.M., on motion of Mr. Lees, 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 a quarter before seven o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments previously adopted by the Senate. Sent to the House for concurrence in the Senate amendments.

Paper from the House.

A Bill providing for liens for molders (House, No. 5079, amended,— on House, No. 4855),— was read.

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

After debate, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at thirteen minutes before seven o'clock P.M., on motion of Mr. Lees, 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 ten minutes before six o'clock P.M., the bill was passed to be engrossed, in concurrence.

Report of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill relative to bank and credit union employees retirement associations (Senate, No. 2338),— ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Havern, and the bill was read a second time.

Mr. Nuciforo moved that the bill be amended in section 1, by inserting after the words “retirement benefits”, in line 8, the following word:— “services”; and in section 2, by inserting after the words “retirement benefits”, in line 7, the following word:— “services”; and in section 5, by inserting after the words “retirement benefits”, in line 8, the following word:— “services.”

This amendment was adopted.

The bill (Senate, No. 2338, amended) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at two minutes before seven o'clock P.M., on motion of Mr. Lees, 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 one minute past seven o'clock P.M., the bill was passed to be engrossed.
Sent to the House for concurrence.

Suspension of Senate Rule 38A.

The President in the Chair, 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 yea and nay vote.**

Papers from the House.

A petition (accompanied by bill, House, No. 5291) of John A. Lepper, Cheryl A. Jacques, Jo Ann Sprague and Elizabeth Poirier (with the approval of the mayor and city council) that the Secretary of the Commonwealth be directed to place a certain question

on the biennial state election ballot in the city of Attleboro in the current year concerning property taxes,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Election Laws.**

Emergency Preambles Adopted.

An engrossed Bill releasing certain land in Hatfield from the operation of an agricultural preservation restriction (see Senate, No. 2368), 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 6 to 0. The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill relative to community residency tenancy protections (see House, No. 3741, changed and amended), 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 5 to 1. The bill was signed by the President and sent to the House for enactment.**

An engrossed Bill releasing certain land in the town of Hadley from the operation of an agricultural preservation restriction (see Senate, No. 2386), 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 5 to 1. The bill was signed by the Acting President and sent to the House for enactment.**

Engrossed Bills.

The following engrossed bills (the first two 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 President and laid before the Acting Governor for her approbation, to wit:

Relative to the retirement benefits of emergency medical technicians (see Senate, No. 2348);

Relative to betterment assessments in the town of Provincetown (see House, No. 4147);

Granting retirement benefits to the widow and children of Steven F. Greene (see House, No. 4625);

Authorizing the Division of Capital Asset Management and Maintenance to grant a certain easement in the town of Tewksbury to the Tewksbury Housing Authority (see House, No. 4766, amended);

Authorizing the town of Brewster to establish a capital investment fund (see House, No. 4828);

Relative to the withdrawal of candidates nominated for elective office in the city of Malden (see House, No. 4879);

Designating a certain bridge in the town of Andover as the Joseph A. Horan Bataan Corregidor Veterans Memorial Bridge (see House, No. 5022); and

Relative to voting precincts for the city of Chicopee (see House, No. 5178).

An engrossed Bill authorizing farmer-brewers to sell malt beverages on Sundays and legal holidays (see Senate, No. 373) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— came before the Senate.

After debate, the engrossed Bill was passed to be enacted and was signed by the President and laid before the Acting Governor for her approbation.

Report of a Committee.

By Mr. Montigny, for the committee on Ways and Means, that the House Bill relative to the membership of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (House, No. 5142),— ought to pass.

Ms. Menard moved that the rules be suspended so that the matter may be considered forthwith; but objection was made thereto by Mr. O'Leary.

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

Paper from the House.

The Senate Bill establishing the crime of communicating a terroristic threat (Senate, No. 2122),— came from the House passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5272, printed as amended.

Ms. Creem moved that the rules be suspended, but objection was made thereto by Mr. Creedon.

Order Adopted.

On motion of Ms. Melconian,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in full formal session without a calendar.

On motion of Mr. Lees, at twenty-two minutes before eight o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.