

**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, August 26, 2002.

Met at three minutes past eleven o'clock A.M. (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.

##### Bills

Designating a certain bridge in the town of North Attleborough as the Women War Veterans of North Attleborough Memorial Bridge (House, No. 5156,— on petition); and

Relative to acceptance of the municipal early retirement incentive by the town of Westport (printed in House, No. 5194, changed,— being a message from Her Honor the Lieutenant-Governor, Acting Governor);

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

##### Bills

Authorizing the town of Sudbury to regulate certain property tax exemption eligibility requirements for the elderly (House, No. 5051,— on petition) [Local approval received];

Relative to the forming of a municipal golf course in the town of Bridgewater (House, No. 5094,— on petition) [Local approval received]; and

Relative to the civil service status of the positions of director of police services and director of fire services in the town of Arlington (House, No. 5233,— on petition) [Local approval received];

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

#### *Resolutions.*

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

Resolutions (filed by Ms. Chandler and Mr. Glodis) “congratulating the Jesse Burkett All-Stars Little League team of Worcester”;

Resolutions (filed by Mr. Morrissey) “observing March 31 as Civilian Conservation Corps Day”;

Resolutions (filed by Mr. Pacheco) “congratulating Ethel and Everett Cunha on the occasion of their fiftieth wedding anniversary”; and

Resolutions (filed by Mr. Pacheco) “congratulating Laura and Aldo Fasolo on the occasion of their sixtieth wedding anniversary.”

#### 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:

Relative to the position of Deputy Fire Chief in the town of Athol (see Senate, No. 2251); and

Relative to the payment of certain health insurance premiums by the town of Winthrop (see House, No. 5211).

##### *Bill Returned with Recommendation of Amendment.*

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with recommendation of amendment the engrossed Bill relative to affordable housing in the town of Truro (see House, No. 4476) [for message, see House, No. 5308] was filed in the office of the Clerk of the House on Saturday, August 10,— came from the House with endorsement that the House adopted the amendment in the following form (as recommended by the committee on Bills in the Third Reading) by striking out section 2 and inserting in place thereof the following section:

“SECTION 2. This act shall be submitted to the voters of the town of Truro at the next annual or special town election in the form of the following question which shall be placed on the official ballot to be used at the election in the following manner:—

Shall an act passed by the general court in the year 2002, entitled ‘An Act relative to affordable housing in the town of Truro’, be accepted?

If a majority of the votes cast in answer to such question is in the affirmative, this act shall thereupon take full effect, but not otherwise.”.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

**The rules were suspended, on motion of Ms. Chandler and the amendment was adopted, in concurrence.  
Sent to the House for re-enactment.**

A Bill authorizing the town of Lexington to establish a post retirement insurance liability fund (House, No. 4856,— on petition) [Local approval received],— was read.

**There being no objection, the rules were suspended, on motion of Ms. Chandler, 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. Shannon, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by Her Honor the Lieutenant-Governor, Acting Governor, to the engrossed Bill relative to apprenticeship training program (see Senate, No. 2421) [for message, see Senate, No. 2465],— reported, recommending that if the Senate adopts said amendment it be adopted in the following form:— in section 1, by striking out proposed section 11G and inserting in place thereof the following section:—

“Section 11G. The director and the deputy director, with the advice and guidance of the apprenticeship council, shall administer sections 11E to 11W, inclusive, shall keep a record of apprentice programs and apprentice agreements and their disposition, shall cooperate with the state department of education and the local school authorities in regard to the education of apprentices in accordance with the standards established by the director and deputy director for the same trade or group of trades, and shall perform such other duties as are necessary to carry out the intent of said sections 11E to 11W, inclusive.

The director and deputy director may set up and establish conditions and training standards for apprentice programs and apprentice agreements, which conditions or standards shall in no case be lower than those prescribed by said sections 11E to 11W, inclusive, may create and implement a schedule of progressive sanctions regarding registration of apprentice programs, may act as secretary of the apprenticeship council, may approve an apprentice program or apprentice agreement which meets the standards established under said sections 11E to 11W, inclusive, may terminate or cancel an apprentice program or apprentice agreement in accordance with said sections 11E to 11W, inclusive, and may issue certificates of completion of apprenticeship.”; in said section 1, by striking out subsection (f) of proposed section 11K and inserting in place thereof the following subsection:—

“(f) The apprentice program shall establish a procedure to receive, investigate and resolve apprentices’ complaints about the program. The procedure shall provide that any such complaint shall be filed within 6 months after the apprentice knew, or reasonably should have known of the act giving rise to the complaint. Notice of the complaint procedure shall be provided to all apprentices. Such notice shall advise an apprentice that the division is available to receive, investigate and resolve any complaints about the program that have not been resolved to the satisfaction of the apprentice after all internal procedures have been fully exhausted.”; and in section 3, by striking out the last sentence.

**Senate Rule 36 was suspended, on motion of Mr. Hedlund, and the report was considered forthwith.**

**The Chair (Ms. Melconian) stated that the bill was “before the Senate subject to amendment and re-enactment”.**

**The amendment, as changed by the committee on Bills in the Third Reading was considered; and it was adopted. Sent to the House for concurrence.**

#### PAPERS FROM THE HOUSE.

The Senate Bill establishing the crime of reckless endangerment to children (Senate, No. 2340),— came from the House passed to be engrossed, in concurrence *with an amendment* in section 2, in line 24, by striking out the following: “1 year” and inserting in place thereof the following: “2½ years”.

**The rules were suspended, on motion of Ms. Chandler, and the House amendment was considered forthwith and adopted, in concurrence.**

#### *Reports of Committees.*

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Carlos A. Cruz for legislation relative to the elimination of the all party consent requirement for the interception of wire and oral communications.

**Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.**

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 (by vote of the town) for legislation to exempt the position of deputy chief of police in the town of Norwell from the provisions of civil service law [Local approval received].

**Senate Rule 36 was suspended, on motion of Ms. Chandler, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Severally sent to the House for concurrence.**

#### PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5319) of Martin J. Walsh for legislation to authorize the Trial Court Department to establish a sick leave bank for Richard F. Ryan III, an employee of said court,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on the Judiciary.**

#### *Order Adopted.*

On motion of Ms. Chandler,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Hedlund, at ten minutes past eleven o’clock A.M., the Senate adjourned to meet on the following Thursday at eleven o’clock A.M.