

**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.



Thursday, August 30, 2001.

Met at ten 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).

### *Communications.*

The following communications were severally placed on file:

Communication from the Bridgewater Correctional Complex submitting a plan of corrective action in response to an inspection report (received Wednesday, July 18, 2001);

Communication from the Wonderland Greyhound Park, Inc., submitting copies of simulcasting contracts entered into by Wonderland (received Friday, July 20, 2001); and

Communication from the Wonderland Greyhound Park, Inc., submitting copies of simulcasting contracts entered into by Wonderland (received Thursday, August 16, 2001).

### *Reports.*

The following reports were severally read and placed on file:

A report of the Department of Telecommunications and Energy (under the provisions of Section 193 (1G) of Chapter 164 of the Acts of 1997) submitting its annual report concerning self-generation (received Friday, July 20, 2001); and

A report of the Commission on Judicial Conduct (under the provisions of Section 4 of Chapter 211C of the General Laws) submitting its annual report for the year 2000 (received Monday, August 27, 2001).

The following reports were severally read and sent to the House for its information:

A report of the Bureau of Special Investigations (under the provisions of Section 11(8) of Chapter 14 of the General Laws) submitting its report for the month of June 2001 (received Thursday, August 2, 2001); and

A report of the Bureau of Special Investigations (under the provisions of Section 11(8) of Chapter 14 of the General Laws) submitting its report for the month of July 2001 (received Tuesday, August 28, 2001).

### *Petition.*

Mr. Berry presented a petition (subject to Joint Rule 12) of Frederick E. Berry for legislation relative to imposing punishment for those instances of controlled substance distribution where death results,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Report of a Committee.*

By Mr. Morrissey, for the committee on Government Regulations, on petition, a Bill relative to farmer distillery licenses (Senate, No. 366);

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

*Committee Change.*

The Chair (Ms. Melconian) announced the resignation of Senator Moore of Worcester and Norfolk as a member of the committee on Bills in the Third Reading and the appointment of Senator Resor of Middlesex and Worcester to fill the vacancy.

*Resolutions.*

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

Resolutions (filed by Mr. O’Leary and Ms. Murray) “congratulating Cape Cod Community College on the occasion of its fortieth anniversary”;

Resolutions (filed by Mrs. Sprague) “in recognition of James R. Merriam’s 23 years of faithful service to the town of Walpole”; and

Resolutions (filed by Mrs. Sprague) “congratulating Susan C. Sheehan on the occasion of her retirement from Hessco Elder Services.”

*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 Suzanne Parker Higgins for legislation relative to the abuse of clergy.

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

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 Bruce E. Tarr, Anthony J. Verga, Brian M. Cresta, Shirley Gomes and other members of the General Court for legislation relative to the reporting of crimes committed by or upon persons on mental health facility premises or persons in care of the Department of Mental Health.

**Senate Rule 36 was suspended, on motion of Mr. Magnani, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Human Services and Elderly Affairs.**

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 David P. Magnani and Paul J. P. Loscocco (by vote of the town) for legislation relative to determining the limit of indebtedness for school construction in the town of Holliston [Local approval received].

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

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 Susan C. Tucker, James R. Miceli and David M. Nangle for legislation to authorize the exchange of certain land between the town of Tewksbury and the Commonwealth.

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

**Severally sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4514) of Frank I. Smizik and another relative to frivolous claims or bad faith claims and defenses in the district courts;

**Under suspension of Joint Rule 12, to the committee on the Judiciary.**

Petition (accompanied by bill, House, No. 4515) of Reed V. Hillman and Stephen M. Brewer (by vote of the town) relative to authorizing the appointment of Steven E. Granlund as a police officer in the town of Ware, notwithstanding the maximum age requirements;

**Under suspension of Joint Rule 12, to the committee on Public Service.**

Petition (accompanied by resolve, House, No. 4516) of Joseph C. Sullivan, Bruce J. Ayers, A. Stephen Tobin, Ronald Mariano and Michael W. Morrissey relative to establishing a special commission to make an investigation and study of constructing a memorial to honor John Adams;

**Under suspension of Joint Rule 12, to the committee on State Administration.**

*Recess.*

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

*Committee Change.*

The Chair (Ms. Melconian) announced the resignation of Senator Resor of Middlesex and Worcester as a member of the committee on Bills in the Third Reading and the appointment of Senator Hedlund of Plymouth and Norfolk to fill the vacancy.

PAPER FROM THE HOUSE.

A Bill relative to the Hale Hospital in the city of Haverhill (House, No. 4512, printed as amended, on House, No. 4132) [Local approval received on House, No. 4132],— was read.

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

*Recess.*

There being no objection, at eight minutes before one o'clock P.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and at four minutes past five o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

PAPERS FROM THE HOUSE.

The Senate Bill relative to the Massachusetts Water Resources Authority bond cap (Senate, No. 1142),— came from the House passed to be engrossed, in concurrence, *with an amendment*, inserting before the enacting clause the following emergency preamble:

*“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to increase the Massachusetts Water Resources Authority bond limit in order to avoid disruption of ongoing projects, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.”.*

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

***Emergency Preamble Adopted; Engrossed Bill Enacted.***

An engrossed Bill relative to the Massachusetts Water Resources Authority bond cap (see Senate, No. 1142, 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 2 to 0.

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

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

**The Senate then passed the bill to be enacted; and it was signed by the Acting President and laid before the Acting Governor for her approbation.**

*Engrossed Bill.*

An engrossed Bill designating the state armory in the town of Braintree as the Sergeant Charles MacGillivray Memorial Building (see House, No. 2616) (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 and laid before the Acting Governor for her approbation.**

***Emergency Preamble Adopted; Engrossed Bill Enacted.***

An engrossed Bill relative to the Hale Hospital in the city of Haverhill (see House, No. 4512), 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. Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

**The Senate then passed the bill to be enacted; and it was signed by the Acting President and laid before the Acting Governor for her approbation.**

*Committee Change.*

The Chair (Ms. Melconian) announced the resignation of Senator Hedlund of Plymouth and Norfolk as a member of the committee on Bills in the Third Reading and the reappointment of Senator Moore of Worcester and Norfolk thereto.

*Order Adopted.*

On motion of Mr. Jajuga,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again on Tuesday 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. Tarr, at twenty-nine minutes past six o'clock P.M., the Senate adjourned to meet on the following Tuesday at eleven o'clock A.M.

---