

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.

Thursday, September 5, 2002.

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

PAPER FROM THE HOUSE.

A Bill relative to representative town government in Framingham (House, No. 5164, changed,— on petition),— **was 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 severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Glodis and Ms. Chandler) “on the occasion of the twenty-fifth anniversary of Fallon Community Health Plan”;

Resolutions (filed by Mr. Magnani) “honoring Harvey L. Buck on the occasion of his retirement”;

Resolutions (filed by Ms. Murray) “on Kids Voting Week in Massachusetts”;

Resolutions (filed by Messrs. Shannon and Birmingham) “congratulating John G. O’Brien on the occasion of his retirement”;

Resolutions (filed by Mrs. Sprague) “congratulating James Bruce Michael III of Sharon upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mrs. Sprague) “relative to the Missing In Action/Prisoner of War Memorial of the Commonwealth”;

Resolutions (filed by Messrs. Tisei and Shannon) “commending Dean Michael R. Ronayne, Ph.D.”

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 relative to civil service placement (House, No. 5016),— **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 relative to civil service eligibility of the son of a deceased Boston police officer.”.**

The House Bill authorizing the town of Adams to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5135),— **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 Adams to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises.”.**

PAPERS FROM THE HOUSE.

The Senate Bill relative to the inspection, registration, construction and reconstruction of dams (Senate, No. 2269),— came from the House passed to be engrossed, in concurrence, *with amendments* in section 1, in line 11, by striking out the words “, without further appropriation” and inserting in place thereof the words “subject to appropriation”; in line 13 by striking out the figure “\$500,000” and inserting in place thereof the figure “\$250,000”; in line 19, by striking out the figure “500,000,” and inserting in place thereof the figure “\$250,000,”; by adding at the end thereof the following sentence: “No expenditure made from the fund shall cause the fund to become deficient at any point during fiscal year.”; in section 2, in line 19, by striking out the word “or” and inserting in place thereof the word “or”; in lines 24 and 25, by inserting after the word “inclusive” the following: “The word ‘dam’ shall not mean any of the following: (1) any appurtenant works which temporarily impounds or diverts water used on land in agricultural use as defined pursuant to section 131 of chapter 40, (2) any barrier or appurtenant works which has a size classification of small or low hazard potential classification that is used on land in agricultural use as defined in section 131 of said chapter 40, and (3) any barrier which is not in excess of six feet in height, regardless of storage capacity, or which has a storage capacity at maximum water storage elevation not in excess of fifteen acre-feet, regardless of height.”; and

By adding at the end of section 2 the following paragraph:—

“Section 48B. The owner of a dam shall be responsible for liability for damage to property of others or injury to persons, including but not limited to loss of life, resulting from the operation, failure of or misoperation of a dam. The provisions of sections 44 to 48, inclusive, shall not relieve from or lessen the responsibility of any person owning, or operating a dam from any damages to persons or property caused by dam defects, nor shall the commissioner be held liable by reason of the inspections required or permits issued.”.

The rules were suspended, on motion of Mr. Tarr, and the House amendments were considered forthwith and adopted, in concurrence.

Engrossed Bill.

An engrossed Bill authorizing the town of Sudbury to regulate certain property tax exemption eligibility requirements for the elderly (see House No. 5051) (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.**

Order Adopted.

On motion of Mr. Tarr,—

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. Tarr, at eleven minutes past eleven o’clock A.M., the Senate adjourned to meet on the following Monday at eleven o’clock A.M.