

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.



Monday, September 10, 2001.

Met at six 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).

Communication.

A communication was received from the President announcing the resignation of the Senator from Essex, Mr. Jajuga (at his request) from the special joint committee established (pursuant to House Order, No. 4220 of 1999, revived and continued by House, No. 3901 of 2001) on redistricting and the appointment thereto of the Senator from Middlesex, Mr. Panagiotakos.

Petition.

Mr. Hedlund presented a petition (subject to Joint Rule 12) of Robert L. Hedlund and Ray Blake for legislation to require earlier delivery of billing statements by creditors of open-end credit plans,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill authorizing the Superintendent of State Office Buildings to install and maintain plaques commemorating the Commonwealth's 236 Congressional Medal of Honor winners (Senate, No. 1894);

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

Mr. Brewer, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate bills

Relative to reports filed by special state police officers (Senate, No. 1272);

Relative to certain fines governing truck traffic (Senate, No. 1767);

Relative to defining principal's contracts (Senate, No. 2079);

Relative to fraudulent insurance claims (Senate, No. 2096); and

The House report of the committee on Criminal Justice, ought NOT to pass, on so much of the recommendations of the Executive Office of Public Safety (House, No. 136) as relates to the possession, transport, use or placement of a hoax device (accompanied by bill, House, No. 156).

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Truro to convey certain conservation land (House, No. 4416,— on House, No. 4076) [Local approval received on House, No. 4076],— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to the signing of death certificates (House, No. 1005,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

Bills

Authorizing the town of Hull to lease certain property (House, No. 4224,— on petition) [Local approval received]; and

Authorizing the town of North Andover to settle certain lawsuits (House, No. 4272,— 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 severally considered forthwith and adopted, as follows:

Resolutions (filed by Ms. Creem) “congratulating Eric Martin Berlin upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Lees) “on the occasion of the retirement of James L. Bell”;

Resolutions (filed by Mr. Moore) “recognizing the Elm Street Congregational Church in Southbridge on the occasion of its two hundredth anniversary”;

Resolutions (filed by Mr. Panagiotakos) “on the retirement of Helen F. Flanagan”; and

Resolutions (filed by Mrs. Sprague) “congratulating Spencer Dowdle of West Bridgewater upon his elevation to the rank of Eagle Scout.”

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill authorizing the city of Newburyport to establish certain maintenance and capital investment funds (see Senate, No. 1889) (which originated in the Senate), **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.**

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The House Bill relative to persons holding the office of selectman in the town of Westborough (House, No. 4146),— **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 eleven minutes past eleven o'clock A.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at two minutes past four o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

PAPERS 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 (printed in House, No. 4517,— being a message from Her Honor the Lieutenant Governor, Acting Governor),— was read.

There being no objection, the rules were suspended, on motion of Mr. O'Leary, 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 making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4532,— on House, No. 4196, in part),— was read.

The rules were suspended, on motion of Mr. O'Leary, and the bill was read a second time. Mr. Montigny presented an amendment, striking out section 36 and inserting in place thereof the following section:—

“SECTION 36. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Transitional Escrow Fund. Notwithstanding any general or special law to the contrary, the state comptroller shall, effective June 30, 2001, transfer to the Transitional Escrow Fund the sum of \$579,215,151 from revenues credited to the General Fund in fiscal year 2001. Expenditures from the fund shall be subject to appropriation.

The fund shall expire on November 30, 2001 at which time the comptroller shall transfer the unexpended balance in said fund in accordance with the comptroller's authority under sections 8 and 9 of chapter 7A of the General Laws for the purposes specified in sections 49 and 2H of chapter 29 of the General Laws.”

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.

Recess.

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

Committee Changes.

The Chair (Ms. Melconian) announced the resignation of Senator Tarr of First Essex and Middlesex as a member of the committee on Bills in the Third Reading and the appointment of Senator Knapik of Second Hampden and Hampshire to fill the vacancy.

Subsequently, the Chair (Ms. Melconian) announced the resignation of Senator Knapik of Second Hampden and Hampshire as a member of said committee and the reappointment of Senator Tarr of First Essex and Middlesex thereto.

PAPERS FROM THE HOUSE.

The House Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4532),— came from the House with the endorsement that the House had concurred in the Senate amendment previously adopted by the Senate (Montigny), *with a further amendment*, striking out section 36 and inserting in place thereof the following section:—

“SECTION 36. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Transitional Escrow Fund. Notwithstanding any general or special law to the contrary, the state comptroller shall, effective June 30, 2001, transfer to the Transitional Escrow Fund the sum of \$579,215,151 from revenues credited to the General Fund in fiscal year 2001. Expenditures from the fund shall be subject to appropriation.

The fund shall expire on November 30, 2001 at which time the comptroller shall transfer the unexpended balance in said fund in accordance with the comptroller's authority under section 8 and 9 of chapter 7A of the General Laws for the purposes specified in section 49 and 2H of chapter 29 of the General Laws.”.

Senate Rule 36 was suspended, on motion of Mr. Knapik, and the House amendment was considered forthwith.

On further motion of Mr. Knapik, the Senate concurred in the House amendment *with a still further amendment, presented by Mr. Montigny*, by striking out section 36 and inserting in place thereof the following section:—

“SECTION 36. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Transitional Escrow Fund. Notwithstanding any general or special law to the contrary, the state comptroller shall, effective June 30, 2001, transfer to said Transitional Escrow Fund the sum of \$579,215,151 from revenues credited to the General Fund in fiscal year 2001. Expenditures from the Transitional Escrow Fund shall be subject to appropriation.

The fund shall expire on November 30, 2001 at which time the comptroller shall transfer the unexpended balance in the fund in accordance with section 5C of Chapter 29 of the General Laws, except clause (a) of said section 5C.”

Sent to the House for concurrence in the still further amendment.

A petition (accompanied by bill, House, No. 4534) of Nancy Flavin, Michael R. Knapik and Stanley C. Rosenberg relative to designating a certain bridge in the town of Easthampton as the Pearl Harbor Veterans Memorial Bridge,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Transportation.**

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 Stanley C. Rosenberg and Ellen Story for legislation to authorize the Board of Registration of Dieticians and Nutritionists to issue a certain license to Arshid Nabet.

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

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 Andrea F. Nuciforo, Jr., Richard T. Moore, Stanley C. Rosenberg, Patricia D. Jehlen and other members of the General Court for legislation to establish the auto pilot car ownership program for low-income families.

Senate Rule 36 was suspended, on motion of Mr. Knapik, 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 Andrea F. Nuciforo, Jr. and Shaun P. Kelly for legislation to authorize the Division of Capital Asset Management and Maintenance to release certain easements to O'Connell Oil Associates, Inc.

Senate Rule 36 was suspended, on motion of Mr. Knapik, 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.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4532, 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 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.

Engrossed Bill.

An engrossed Bill making certain appropriations for the fiscal year ending June 30, 2002, before final action on the General Appropriation Bill for that fiscal year (see House Bill, printed in House, No. 4517) (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. Knapik,—

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

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