

**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.



Tuesday, September 25, 2001.

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

### *Communication.*

A communication from the Clerk of the House of the West Virginia House of Delegates transmitting House Resolution No. 1, expressing the sense of the House of Delegates and decrying the outrageous terrorist attacks launched against the United States on Tuesday, September 11, 2001 (received Tuesday, September 25, 2001),— **was placed on file.**

### *Reports.*

The following reports were severally read and placed on file:

A report of the Massachusetts Convention Center Authority (under the provisions of Section 5 of Chapter 152 of the Acts of 1997) submitting a report for the quarter ending June 30, 2001 (received Thursday, August 30, 2001);

A report of the Administrative Office of the Trial Court (under the provisions of Section 15 of Chapter 358 of the Acts of 1996, as amended by Section 4 of Chapter 157 of the Acts of 1998 and Section 19 of Chapter 142 of the Acts of 2000) submitting the interim report on the implementation of the expansion of the civil one trial system in Berkshire, Essex, Middlesex and Norfolk counties (received Friday, August 31, 2001); and

A report of the Boston University/Chelsea Partnership (under the provisions of Section 13 of Chapter 133 of the Acts of 1989) submitting a copy of its 2001 annual report (received Friday, August 31, 2001).

### PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4572) of Peter J. Larkin and Andrea F. Nuciforo, Jr. (with the approval of the mayor and city council) relative to insurance premium rates paid by the city of Pittsfield for employees of said city,— **was referred, in concurrence, to the committee on Insurance.**

### Bills

Authorizing the conservation commission of the town of Dennis to establish fees for the employment of consultants (House, No. 4188,— on petition) [Local approval received]; and

Relative to the charter of the city known as the town of Watertown (House, No. 4478,— on petition) [Local approval received]; **Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

### *Orders of the Day.*

The Orders of the Day were considered, as follows:

Bills

Relative to the appointing of alternate members to the conservation commission of the town of North Andover (House, No. 4017);

Providing for an executive director of city services in the city of Everett (House, No. 4289); and

Authorizing the town of Westport to establish a preservation trust fund (House, No. 4542);

**Were severally read a second time and ordered to a third reading.**

The Senate Bill authorizing certain group insurance benefits in the town of Brookline (printed as House, No. 528) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill providing equal employment benefits for public sector employees (Senate, No. 2120),— was read a third time.

Pending the main question on passing the bill to be engrossed, Mr. Clancy moved to amend the bill in section 2, by striking out the sentence in lines 5 to 15, inclusive, and inserting in place thereof the following sentence:— “Such a partnership shall meet the following criteria: (1) the employee or retiree and the partner reside in a common household and share financial responsibilities and expenses; (2) both the employee and the partner are at least 18 years of age and competent to enter into contract; (3) the employee or retiree and the partner are not married to any other person; (4) the partners intend to reside together indefinitely as each other’s sole and exclusive domestic partner; and (5) the partners are in a relationship of mutual support, caring and commitment.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes past two o’clock P.M., on motion of Mr. Clancy, as follows, to wit (yeas 6 — nays 31):

**YEAS.**

Clancy, Edward J., Jr.	Knapik, Michael R.
Creedon, Robert S., Jr.	Morrissey, Michael
.	W
Hedlund, Robert L.	Shannon, Charles E -
	6

**NAYS.**

Antonioni, Robert A.	Moore, Richard T.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O’Leary, Robert A.
Creem, Cynthia	Pacheco, Marc R.
Stone	Panagiotakos, Steven
Glodis, Guy W.	C.
Havern, Robert A.	Resor, Pamela
Jacques, Cheryl A.	Rosenberg, Stanley C.
Joyce, Brian A.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.
Lynch, Stephen F.	Tisei, Richard R.
Magnani, David P.	Tolman, Steven A.
Melconian, Linda J.	Travaglini, Robert E.

Menard, Joan M.      Tucker, Susan C.  
Montigny, Mark C.    Walsh, Marian  
                                 Wilkerson, Dianne —  
                                 31.

**ABSENT OR NOT VOTING.**

Fargo, Susan C. — 1.

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

Ms. Wilkerson moved to amend the bill by inserting after section 26 the following section:—

“SECTION 26A. The group insurance commission shall conduct a study of the cost of extending public employee health benefits offered by the commission to a person, other than a dependent as defined in paragraph (d) of section 2 of chapter 32A of the General Laws, named by a public employee or retiree, including such person's unmarried children under the age of 19 years. The study shall consider such persons who are domiciled with the public employee or retiree, who share financial responsibilities and expenses, who are at least 18 years of age and competent to contract, and who are not married to any other person. The commission shall report the results of its study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate on or before 90 days after the passage of this act.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes before three o'clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 37 — nays 0):

**YEAS.**

Antonioni, Robert A.    Moore, Richard T.  
Berry, Frederick E.      Morrissey, Michael W.  
Brewer, Stephen M.      Murray, Therese  
Chandler, Harriette L.    Nuciforo, Andrea F., Jr.  
Clancy, Edward J., Jr.    O'Leary, Robert A.  
Creedon, Robert S.,      Pacheco, Marc R.  
Jr.  
Creem, Cynthia Stone    Panagiotakos, Steven  
                                 C.  
Glodis, Guy W.          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.  
Lynch, Stephen F.      Travaglini, Robert E.  
Magnani, David P.      Tucker, Susan C.  
Melconian, Linda J.      Walsh, Marian  
                                 Wilkerson, Dianne —  
Menard, Joan M.          37.  
Montigny, Mark C.

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Fargo, Susan C. — 1.

The yeas and nays having been completed at twenty-one minutes before three o'clock P.M., the amendment was adopted.

Mr. Montigny moved to amend the bill by striking out section 27 and inserting in place thereof the following section:—

“SECTION 27. Section 26 shall take effect as soon as this act has the force of law. The remaining provisions of this act shall take effect on January 1, 2003.”

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the bill by inserting after section 26 the following two sections:—

“SECTION 26A. Section 9C of chapter 118E of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 20, the figure ‘200’ and inserting in place thereof the following figure:— 250.

SECTION 26B. The division of medical assistance shall develop a graduated system of eligibility based on levels for incomes below 200 per cent of the federal poverty level, from 201 to 225 per cent of the federal poverty level, and from 226 to 250 per cent of the federal poverty level. This system shall provide proportionally for levels of assistance which shall decrease progressively for those categories of eligibility above 200 per cent of the federal poverty level.”

After remarks, the amendment was *rejected*.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twelve minutes before three o'clock P.M., on motion of Mrs. Sprague, as follows, to wit (yeas 35 — nays 1):

#### YEAS.

Antonioni, Robert A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Lynch, Stephen F.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 35.
Moore, Richard T.	

#### NAYS.

Glodis, Guy W. — 1.

#### PAIRED.

YEA. NAY.

Susan C. Fargo  
Edward J. Clancy, Jr. (present) — 2.

**The yeas and nays having been completed at eight minutes before three o'clock P.M., the bill (Senate, No. 2123, printed as amended) was passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill authorizing the city of Cambridge to provide health insurance to domestic partners of city employees (printed as House, No. 4225),— **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The House Bill providing for insurance coverage of certain clinical trials (House, No. 4376, amended),— was read a third time.

After remarks, the question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at one minute past three o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 37 — nays 0):

**YEAS.**

Antonioni, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Clancy, Edward J., Jr.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Glodis, Guy W.	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.
Lynch, Stephen F.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
Montigny, Mark C.	37.

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Fargo, Susan C. — 1.

**The yeas, and nays having been completed at four minutes past three 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 previously adopted by the Senate.**

The Senate Bill providing for the annual inspection of schools, churches, hospitals, theatres, arenas and other public buildings by gas corporations in the Commonwealth (Senate, No. 419),— was considered, the question being on ordering it to a third reading. **On motion of Mr. Lees, the further consideration thereof was postponed until the next session.**

The Senate report of the committee on Taxation, ought NOT to pass, on the petition (accompanied by bill, Senate, No. 1673) of Brian P. Lees, Bruce E. Tarr, Richard R. Tisei and other members of the General Court for legislation to make the investment tax credit permanent,— was considered, the question being on accepting the adverse report.  
**After remarks, on motion of Mr. Lees, the further consideration thereof was postponed until Thursday, November 1.**

### ***Report of a Committee.***

There being no objection, during consideration of the Orders of the Day, by Ms. Creem, for the committee on Criminal Justice, on petition (accompanied by bill, Senate, No. 174), a Bill establishing the crime of communicating a terroristic threat (Senate, No. 2122).

The bill was read. There being no objection, the rules were suspended, on motion of Ms. Creem, 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 was determined by a call of the yeas and nays, at twenty-nine minutes before four o'clock P.M., on motion of Ms. Jacques, as follows, to wit (yeas 35 — nays 0):

#### **YEAS.**

Antonioni, Robert A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Lynch, Stephen F.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 35.
Moore, Richard T.	

**NAYS — 0.**

#### **ABSENT OR NOT VOTING.**

Clancy, Edward J., Jr.  
Havern, Robert A.  
Fargo, Susan C.— 3.

**The yeas and nays having been completed at twenty-seven minutes before four o'clock P.M., the bill was passed to be engrossed.**

**Sent to the House for concurrence.**

### ***Orders of the Day.***

The Orders of the Day were further considered, as follows:

The Senate Bill relative to the practice of public accountancy (Senate, No. 402),— **was read a third time and, after debate, was passed to be engrossed.**

**Sent to the House for concurrence.**

### ***Petition.***

On motion of Mr. Shannon, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Shannon (accompanied by bill) of Charles E. Shannon for legislation relative to increasing the total number of hours that public pension recipients may be employed as public servants,— **and the same was referred to the committee on Public Service.**

**Sent to the House for concurrence.**

### **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 President and laid before the Acting Governor for her approbation, to wit:

Directing the Superintendent of State Office Buildings to install a plaque in honor of Clara Barton (see Senate, No. 1581);

Designating the tourist information center on state highway Route 2 in the town of Lancaster as the Johnny Appleseed visitor center (see House, No. 1136); and

Directing the retirement board of the city of Holyoke to retire John Daly (see House, No. 4457).

### ***Resolutions.***

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

Resolutions (filed by Mr. Pacheco) “congratulating John and Mary Sikorski on the occasion of their fiftieth wedding anniversary.”

### ***Report 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 Susan C. Tucker and Barry R. Finegold for legislation to further regulate community preservation.

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

**Sent to the House for concurrence.**

### **PAPERS FROM THE HOUSE.**

Petitions were referred, in concurrence, as follows.:

Petition (accompanied by bill, House, No. 4573) of Mark J. Carron and other members of the House for legislation to prohibit retail stores from opening on Memorial Day;

Petition (accompanied by bill, House, No. 4574) of Patricia A. Haddad and Philip Travis relative to the compensation to employees of retail stores on Sundays; and

Petition (accompanied by bill, House, No. 4575) of Paul J. P. Loscocco relative to secured transactions within the Uniform Commercial Code;

**Severally, under suspension of Joint Rule 12, to the committee on Commerce and Labor.**

Petition (accompanied by bill, House, No. 4576) of J. Michael Ruane, John P. Slattery and Frederick E. Berry relative to providing insurance coverage for prosthetic devices for certain individuals and patients;

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

Petition (accompanied by bill, House No. 4577) of Joseph F. Wagner and other members of the General Court relative to the designation of a portion of Route 391 as the Korean Veterans Memorial Highway;  
**Under suspension of Joint Rule 12, to the committee on Transportation.**

***Order Adopted.***

On motion of Ms. Melconian,—

*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.

*Adjournment in Memory of Gregory Panagiotakos.*

Mr. Panagiotakos moved that when the Senate adjourns today, it adjourn in memory of Gregory Panagiotakos, retired police lieutenant of the Lawrence Police Department, and the uncle of Steven C. Panagiotakos, the Senator from the First Middlesex District. The President noted that former Police Lieutenant Gregory Panagiotakos passed away today. This motion prevailed.

Accordingly, as a mark of respect to the memory of Gregory Panagiotakos, at two minutes past four o'clock P.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.