

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, October 11, 2001.

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

Petition.

Mr. Berry presented a petition (subject to Joint Rule 12) of Frederick E. Berry, Robert E. Travaglini, Thomas M. McGee, Edward G. Connolly and other members of the General Court for legislation relative to discounting tolls for frequent commuters in the Commonwealth,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

PAPERS FROM THE HOUSE.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to ensuring the environmental protection of the northern 15,000 acres of the Massachusetts Military Reservation (House, No. 4640),— **was referred, in concurrence, to the committee on Natural Resources and Agriculture.**

A Bill relative to the employment of certain minors (House, No. 4310, amended,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A Bill relative to a certain alcoholic beverage license in the town of Westborough (House, No. 4143,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A report of the committee on Housing and Urban Development, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2086) of Jo Ann Sprague, William C. Galvin and Louis L. Kafka (by vote of the town) for legislation to authorize the town of Stoughton to join the Massachusetts Water Resources Authority, and recommending that the same be referred to the committee on Natural Resources and Agriculture,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4622) of Demetrius J. Atsalis and Robert A. O'Leary (by vote of the town) that the town of Barnstable be authorized to convey a certain parcel of land to H&K Properties, LP;

Petition (accompanied by bill, House, No. 4623) of William M. Straus and Marc R. Pacheco (by vote of the town) for legislation to establish a capital investment fund in the town of Rochester; and

Petition (accompanied by bill, House, No. 4649) of Charles A. Murphy and Robert A. Havern (by vote of the town) relative to authorizing the town of Burlington to lease a certain parcel of land to be used for the construction of a wireless communication facility;

Severally to the committee on Local Affairs.

Petition (accompanied by bill, House, No. 4624) of Stephen J. Buoniconti (by vote of the town) for legislation to certify provisional employees within the town of West Springfield as permanent employees;

Petition (accompanied by bill, House, No. 4625) of Stephen J. Buoniconti (by vote of the town) that the town of West Springfield be authorized to grant retirement benefits to the widow and children of Steven F. Greene; and

Petition (accompanied by bill, House, No. 4626) of Martin J. Walsh (with the approval of the mayor and city council) that the city of Boston be authorized to pay certain medical expenses to Charles J. Kelly, a retired Boston fire fighter;

Severally to the committee on Public Service;

Notice was received from the House of Representatives that the Minority Leader of the House of Representatives has announced the following changes in House and Joint Standing Committees:

That Representative Hargraves of Groton had been relieved (at his own request) from the committee on Ways and Means, and that Representative deMacedo of Plymouth had been appointed to the thirty-second position on said committee to fill the existing vacancy; and

That Representative Hargraves had been appointed to the tenth position on the committee on Education, Arts and Humanities to fill the existing vacancy.

A Bill relative to extending simulcast wagering of horse and dog racing (House, No. 4652,— 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. Travaglini, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

The House Bill providing for the filling of vacancies in the city known as the town of Agawam (House, No. 4273, amended),— came from the House amended as follows:

Striking out section 2 and inserting in place thereof the following two sections:—

SECTION 2. Notwithstanding section 42C of Chapter 54 of the General Laws, as appearing in the 2000 Official Edition, this act shall be submitted to the voters of the city known as the town of Agawam in the form of the following question which shall be placed on the ballot for the next municipal election:

“Shall an act passed by the General Court in the year 2001 entitled ‘An Act providing for the filling of vacancies in the city known as the town of Agawam’, be accepted?” If a majority of the votes cast in answer to said question is in the affirmative, section 1 shall take effect with the next term for the position of councilor in said city, but not otherwise.

SECTION 3. Section 2 of this act shall take effect upon its passage.

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

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill relative to the net school spending of the Southern Worcester County Regional Vocational School District (printed as Senate, No. 1864),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill clarifying the definition of physician (Senate No. 2142, printed as amended),— **was considered; and it was passed to be engrossed.**

Sent to the House for concurrence.

The Senate bills

Relative to election officers in towns (Senate, No. 353); and

Relative to a statewide grand jury (Senate, No. 907);

Were severally read a third time and, after remarks, were passed to be engrossed.

Severally sent to the House for concurrence.

The Senate Bill relative to the issuance of subpoenas for records of providers of electronic communication services (Senate, No. 2137),— was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Creem, Mr. Creedon and Ms. Walsh moved that the bill be amended in section 1, by adding the following sentence:— “The recipient of such a subpoena shall not provide any such records disclosing the content of electronic communications or such subscriber count records disclosing Internet locations which have been accessed, in response to such a subpoena.”.

This amendment was adopted.

The bill (Senate, No. 2137, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill providing equitable coverage of services under health plans (Senate, No. 2139),— 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 three minutes past two o'clock P.M., on motion of Ms. Wilkerson, as follows, to wit (yeas 33— nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hedlund, Robert L.	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.	33.

NAYS — 0.

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	Shannon, Charles E. —
	5.

Jacques, Cheryl A.

The yeas and nays having been completed at eight minutes past two o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

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; and it was ordered to a third reading.**

The Senate Bill increasing the availability of protective gear for renters of recreational sports equipment (Senate, No. 1236) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and, after debate, was passed to be engrossed.**

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the town of Grafton to convey a certain parcel of conservation land (see House, No. 4426) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nine minutes past two o'clock P.M., as follows, to wit (yeas 33 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hedlund, Robert L.	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.	33.

NAYS — 0.

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	Shannon, Charles E. —

5.

Jacques, Cheryl A.

The yeas and nays having been completed at thirteen minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Acting Governor for her approbation.

An engrossed Bill authorizing the town of Hingham to convey certain conservation land (see House, No. 4201) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at fourteen minutes past two o'clock P.M., as follows, to wit (yeas 33 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hedlund, Robert L.	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 —
	33.
Montigny, Mark C.	

NAYS — 0.

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	Shannon, Charles E. —
	5.
Jacques, Cheryl A.	

The yeas and nays having been completed at sixteen minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Acting Governor for her approbation.

An engrossed Bill authorizing the Department of Environmental Management to acquire conservation restrictions in lands of the town of Hatfield and the Hatfield Water Commission (see Senate, No. 1985, amended) (which originated in the Senate), having

been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at seventeen minutes past two o'clock P.M., as follows, to wit (yeas 33 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hedlund, Robert L.	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.	33.

NAYS — 0.

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	Shannon, Charles E. —
Jacques, Cheryl A.	5.

The yeas and nays having been completed at nineteen minutes past two o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Acting Governor for her approbation.

An engrossed Bill authorizing the town of Plymouth to use certain conservation land for sewer purposes (see House, No. 4010) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty minutes past two o'clock P.M., as follows, to wit (yeas 33 — nays 0):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese

Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Glodis, Guy W.	Rosenberg, Stanley C.
Hedlund, Robert L.	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 —
	33.
Montigny, Mark C.	

NAYS — 0.

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	Shannon, Charles E. —
	5.
Jacques, Cheryl A.	

The yeas and nays having been completed at twenty-two minutes past two o’clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Acting Governor for her approbation.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4653) of Paul Kujawski relative to reprecincting;
Under suspension of Joint Rule 12, to the committee on Election Laws.

Petition (accompanied by bill, House, No. 4654) of Marie J. Parente for legislation to prohibit the hiring by human and social services agencies of persons convicted of certain crimes;
Under suspension of Joint Rule 12, to the committee on Human Services and Elderly Affairs.

Bill Recalled from the Governor.

On motion of Mr. Lees, it was voted that a messenger be appointed to wait upon His Excellency the Governor, requesting the return to the Senate of the engrossed Bill validating the proceedings of the annual town election in the town of Hampden (see House, No. 4223).

Mr. Lees was appointed the messenger. Subsequently, the bill was returned to the Senate.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the notice section of the Calendar and considered, as follows:

The Senate Bill authorizing the town of Topsfield to convey a certain parcel of conservation land to the town of Boxford for conservation purposes (Senate, No. 2106),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**

Sent to the House for 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 Harriette L. Chandler, James B. Leary, Richard T. Moore, Stephen M. Brewer and other members of the General Court for legislation to reduce medication waste in facilities in the Commonwealth.

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 Health Care.

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 Shaun P. Kelly that provision be made to allow the State Treasury to reimburse Major General Chester E. Gorski, Massachusetts Army National Guard, for legal expenses.

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 Cynthia S. Creem, Ruth B. Balser and Kristen Mackay for legislation relative to the retirement of school social workers.

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.

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 Bruce J. Ayers for legislation to authorize the Department of Highways to acquire lands in Quincy and Milton for the purposes of flood control.

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 State Administration.

Severally sent to the House for concurrence.

Resolutions.

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

Resolutions (filed by Ms. Chandler, Messrs. Antonioni, Brewer, Glodis and Moore and Ms. Resor) “honoring Worcester County Sheriff John ‘Mike’ Flynn on the occasion of the celebration of his seventy-fifth birthday”;

Resolutions (filed by Mr. Joyce and Ms. Walsh) “on the retirement of Canton Fire Chief James A. Fitzpatrick, Jr.”;

Resolutions (filed by Mr. Magnani) “honoring John F. Hodgman upon his retirement from the Massachusetts Technology Development Corporation”;

Resolutions (filed by Ms. Murray) “recognizing the observance of the month of November as National Lung Cancer Awareness Month”;

Resolutions (filed by Mr. Panagiotakos) “congratulating Diane K. Brogan on the occasion of her retirement”;

Resolutions (filed by Mr. Panagiotakos) “congratulating Robert G. Parsons on the occasion of his retirement from the Westford Fire Department”; and

Resolutions (filed by Mrs. Sprague) “in recognition of Impath Inc.”

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill relative to extending simulcast wagering of horse and dog racing (see House Bill, printed in House, No. 4652), 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 7 to 0.
The bill was signed by the President and sent to the House for enactment.**

Engrossed Bills.

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), the following engrossed bills (all of which originated in the House), 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:

Authorizing the conservation commission of the town of Dennis to establish fees for the employment of consultants (see House, No. 4188);

Providing for the filling of vacancies in the city known as the town of Agawam (see House, No. 4273, amended);

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

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

Relative to extending simulcast wagering of horse and dog racing (see House Bill, printed in House, No. 4652).

Order Adopted.

On motion of Ms. Walsh,—

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. Lees, at eleven minutes before three o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
