

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, November 12, 2002.

Met according to adjournment, at eleven o'clock A.M.

Communications.

A communication was received from the President announcing the appointment of the Senator from Middlesex and Worcester, Ms. Resor, to the position vacated by the resignation of the Senator from Norfolk and Plymouth, Mr. Morrissey, (at his request) on the Special Commission to Conduct an Investigation and Study Relative to the Adequacy and Effectiveness of Existing Licensing and Regulation of the Cable Television Operations by Municipalities and the Commonwealth pursuant to Section 238 of Chapter 184 of the Acts of 2002; and the appointment of the Senator from Middlesex and Worcester, Ms. Resor, the Senator from Worcester and Middlesex, Mr. Antonioni, and the Senator from Plymouth and Norfolk, Mr. Hedlund, to the Advisory Commission on Multimodal Transportation Improvements to the Massachusetts Bay Transit Association Line Corridor in the city of Fitchburg pursuant to Section 59 of Chapter 246 of the Acts of 2002.

A communication from Sterling Suffolk Racecourse LLC (under the provisions of Section 2 of Chapter 128C of the General Laws) submitting copies of simulcasting contracts entered into by Sterling Suffolk Racecourse LLC (received Friday, November 8, 2002),— **was placed on file.**

Petition.

Mr. Knapik presented a petition (accompanied by bill, Senate, No. 2492) of Michael R. Knapik and Cele Hahn (with the approval of the mayor and city council) for legislation relative to Ponders Hollow Road in the city of Westfield [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs.**

Sent to the House for concurrence.

Report of a Committee.

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill authorizing the town of Acton to lease a certain school building for residential purposes for 50 years (Senate, No. 2490) [Local approval received];
Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5367) of Mary Jane Simmons and Robert A. Antonioni (with the approval of the mayor and city council) that the city of Leominster be authorized to establish an early retirement incentive program for employees of said city,— **was referred, in concurrence, to the committee on Public Service.**

A Bill exempting the position of chief of police in the town of Carver from the civil service law (House, No. 5256,— on petition), [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Notice was received that the Speaker had announced that Representatives LeDuc of Marlborough, Vallee of Franklin, Hynes of Marshfield and Loscocco of Holliston had been appointed to the special commission established (pursuant to Section 44 of Chapter 246 of the Acts of 2002) to study the financing of the MassHighway system.

Resolutions.

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

Resolutions (filed by Mr. Pacheco) “congratulating Timothy J. Chiappini upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Pacheco) “congratulating Seamus Lugh LaValley upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mr. Pacheco) “on the occasion of the fiftieth wedding anniversary of Mary and Raymond Monteiro”;

Resolutions (filed by Mrs. Sprague) “congratulating Marc Edward Christian of Rehoboth upon his elevation to the rank of Eagle Scout”; and

Resolutions (filed by Mrs. Sprague) “congratulating Melissa Erin Avery of Mansfield upon her receiving the Gold Award.”

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:

Authorizing the town of Holden to lease a certain school building for 99 years (see Senate, No. 2298);

Providing for placement of certain children without loss of custody (see House, No. 207); and

Authorizing the town of Hingham to grant 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5356).

Motion to Reconsider.

Mr. Baddour moved that the Senate reconsider the vote by which, at a previous session, it had passed to be engrossed, in concurrence, the House Bill relative to certain motor vehicle dealers (House, No. 5357).

Pending the question on reconsideration, on further motion of Mr. Baddour, the further consideration thereof was postponed until Monday, November 18.

PAPER FROM THE HOUSE.

The Senate Bill protecting children (Senate, No. 2436),— came from the House passed to be engrossed, in concurrence, with an amendment by adding at the end thereof the following two sections (as changed by the House committee on Bills in the Third Reading):

“SECTION 1. Section 168A of chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is amended by inserting after the word ‘institutions’, in line 25, the following words:— or to any employer.

SECTION 2. Section 172 of said chapter, as so appearing, is hereby amended by inserting after the word ‘agencies’, in line 12, the following word:—, employers.”.

The rules were suspended, on motion of Ms. Melconian, and the House amendment was considered forthwith. The Senate NON-concurred in the House amendment.

Sent to the House for its action.

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 undistributed ballots (House, No. 994),— **was read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

The House Bill establishing the Mashpee economic development and industrial corporation (House, No. 4430),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2478, *with further amendments* in section 1, in line 22, by inserting after the word “development.” the following paragraph:

“ ‘Economic assistance coordinating council’, or ‘EACC’, the council established by section 3B of chapter 23A.”; in section 3, in line 24, by inserting after the word “date” the words “; but the initial appointments may be made at any time after the effective date of this act”, in line 38, by striking out the following: “, and after approval by MOBD”; in section 5, in line 21, by striking out the following: “MOBD” and inserting in place thereof the words “the bureau of local assessment”, in line 56, by striking out the following: “MOBD” and inserting in place thereof the words “the economic assistance coordinating council”, and in line 138, by striking out the figures “\$25,000” and inserting in place thereof the figures “\$40,000”; and in section 10, in line 5, by striking out the following: “MOBD and”.

The rules were suspended, on motion of Ms. Chandler, and the House amendment (as corrected by the Senate committee on Bills in the Third Reading) was considered forthwith and adopted, in concurrence.

A petition (accompanied by bill, House, No. 5371) of Geraldine Creedon and Robert S. Creedon, Jr., for legislation to authorize the Department of Correction to establish a sick leave bank for Saillens Dumay, an employee of said department,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

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.

On motion of Mr. Knapik, at five minutes past eleven o’clock A.M., the Senate adjourned to meet on the following Thursday at eleven o’clock A.M.
