

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 20, 2001.

Met at five minutes past eleven o'clock A.M.

Petitions.

Mr. Shannon presented a petition (accompanied by bill, Senate, No. 2191) of Charles E. Shannon and Paul C. Casey (by vote of the town) for legislation to authorize the town of Winchester to establish a retiree healthcare liability trust fund [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Local Affairs.**

Sent to the House for concurrence.

Petitions were presented and referred, as follows:

By Mr. Havern, a petition (subject to Joint Rule 12) of Robert A. Havern, Anne M. Paulsen and Diane Mahon for legislation relative to a study of a section of Route 2 by the Executive Office of Transportation and Construction; and

By the same Senator, a petition (subject to Joint Rule 12) of Robert A. Havern, Anne M. Paulsen, Carol A. Donovan, William G. Greene, Jr. and Charles A. Murphy for legislation relative to biochemical weapons;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Moore, for the committee on Health Care, on petition (accompanied by bill, Senate, No. 2154), a Bill reducing medication waste in facilities in the Commonwealth (Senate, No. 2186); and

By Mr. Joyce, for the committee on Public Service, on the recommitted petition (accompanied by bill, Senate, No. 1343), a Bill to increase the amount of benefit to children who are survivors in the case of an accidental death benefit under the provisions of chapter thirty-two (Senate, No. 2185);

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill relative to the town of Holliston and the establishment of a cemetery care fund (Senate, No. 2144, changed in line 5 by striking out the number "1829" and inserting in place thereof the number "1828") [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to the debt limiting the town of Holliston (Senate, No. 2155) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill establishing a board of public works and a department of public works in the city of Northampton (Senate, No. 2172) [Local approval received];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

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 House bills

Relative to the promotion of charitable giving in the Commonwealth (House, No. 2984); and

Protecting the privacy of elderly persons (House, No. 4735).

PAPERS FROM THE HOUSE.

Bills

Relative to commercial area revitalization districts (House, No. 4637,— on House, Nos. 3249 and 4399); and

Further regulating limited liability companies relative to certain alcoholic beverage licenses (House, No. 4727,— on House, No. 10);

Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

A Bill designating a certain portion of state highway Route 169 as the Leonide J. Lemire V.F.W. Post 6055 Memorial Highway (House, No. 3227, changed and amended,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

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 exchange of interests in land located in the town of Hingham and for an improved waterfront park and improved access to water transportation facilities (House, No. 4102),— **was considered; and it was passed to be engrossed, in concurrence.**

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

November 19, 2001.

Mr. Patrick F. Scanlan, *Clerk*
Massachusetts Senate
State House, Room 335
Boston, Massachusetts 02133

Dear Mr. Clerk:

On November 15, 2001, I was away from the State House on a personal matter and I was therefore unable to be present for the roll call votes taken on the following items:

1. Senate Bill 7, An Act Protecting Consumers From Unsolicited Loans.
2. Senate Bill 2180, An Act Ensuring The Environmental Protection of The Northern 15,000 Acres of The Massachusetts Military Reservation.
3. Senate Bill 1615, An Act Authorizing The Division of Capital Asset Management And Maintenance To Convey A Certain Parcel of Land In The City of Boston.
4. Senate Bill 1876, An Act Authorizing The City of Marlborough To Convey A Certain Parcel of Recreation Land to Louis Seymour.
5. Senate Bill 2106, An Act Authorizing The Town of Topsfield to Convey A Certain Parcel of Conservation Land To The Town of Boxford For Conservation Purposes.

6. House Bill 4297, An Act Authorizing The Conveyance of A Certain Parcel of Land In The Town of Duxbury.
7. House Bill 4649, An Act Authorizing The Town of Burlington To Lease Certain Conservation Land.
8. House Bill 4667, An Act Authorizing The City Known As The Town of Methuen To Enter Into A Lease Agreement With Dispatch Communications.

9. Senate Bill 2176, An Act Authorizing Certain Amendments To The Housing and Employment Exaction Requirements With Respect To Large-Scale Commercial Real Estate Development.

Had I been present, I would have voted in the affirmative on these nine matters.

I would respectfully request your assistance with the printing of the communication in the Senate Journal. Thank you in advance for your help on this matter.

Sincerely,

ANDREA F. NUCIFORO, JR.,
State Senator.

On motion of Mr. Brewer, the above statement was ordered printed in the Journal of the Senate.

Resolutions.

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

Resolutions (filed by Ms. Jacques) “supporting Community Investment Day.”

Reports of Committees.

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

The House Bill relative to elections for town meeting members in the town of Milford (printed in House, No. 4069).

There being no objection, the rules were suspended, on motion of Mr. Moore, and the bill was read a second time.

Mr. Moore presented amendments, in section 1, by striking out, in line 9, the figure “28” and inserting in place thereof the figure:— “35”; and by striking out, in line 12, the figure “30” and inserting in place thereof the following figure:— “49”.

The amendments were 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 amendments.

Sent to the House for concurrence in the amendments.

By Mr. Montigny, for the committee on Ways and Means, that the Senate Bill establishing wireless enhanced 911 services (Senate, No. 1920),— ought to pass, with amendments, in section 3 (as printed), by striking out, in lines 26 and 27, the words “the responsibility of the applicant” and inserting in place thereof the following words:— “reviewed and approved by the board. The installation and operation costs of secondary public safety answering points shall be the responsibility of the applicant”; and in section 5 (as printed), by inserting after the words “enhanced 911 service”, in line 29, the following words:— “In compliance with provisions required by the Federal Communications Commission. All costs incurred by telephone companies in assisting with the delivery of enhanced 911 service”.

The rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 1920, amended) was then ordered to a third reading.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4753) of Thomas M. Petrolati relative to authorizing the teaches retirement system to reinstate Diantha G. Ferrier;

Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 4754) of Marie J. Parente and Richard T. Moore relative to authorizing the Division of Capital Asset Management and Maintenance to convey an easement under the control of the State Quartermaster to the town of Milford for use by the fire department of said town.

Under suspension of Joint Rule 12, to the committee on State Administration.

Engrossed Bills.

The following engrossed bills (the first two 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 city of Peabody to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (see Senate, No. 2002);

Requiring the Massachusetts Water Resources Authority to provide water to the town of Stoughton (see Senate, No. 2086, changed);

Relative to the procurement and award of contracts for redeveloping certain public housing projects in the city of Boston (see House, No. 3936); and

Authorizing the town of Braintree to establish a department of public works (see House, No. 4326).

Emergency Preamble Adopted.

An engrossed Bill relative to the right of incarcerated felons to vote (see House, No. 2883), 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 5 to 0.**

The bill was signed by the President and sent to the House for enactment.

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 Senate Bill authorizing the town of East Bridgewater to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2175),— **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.

The House Bill authorizing the town of Needham to grant certain establishments licenses for the sale of wines and malt beverages to be drunk on the premises (House, No. 3921) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Needham to establish a special fund (House, No. 4009),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the city of Peabody to use certain park land for school purposes (House, No. 4301),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Chatham to grant an easement in certain conservation land (House, No. 4369),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing certain terms for borrowing by the town of Norfolk for constructing a golf course (House, No. 4423),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Harwich to lease certain land (House, No. 4425),— **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 sixteen minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at four minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.

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 authorizing the town of Sherborn to convey certain forest land (House, No 4191),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Wareham to release their interests in a certain parcel of land (House, No. 4126,— on House, No. 1687) [Local approval received on House, No. 1687],— was read.

There being no objection, the rules were suspended, on motion of Ms. Murray, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Order Adopted.

The House Order relative to the suspension of Joint Rule 11A to authorize the report of the committee of conference on the General Appropriation Bill to contain matters on which there exists no disagreement between the branches and matters contained in certain other appropriation bills, and relative to the local reimbursement appropriations contained in said report (House, No. 4751) (having been approved by the committees on Rules of the two branches, acting concurrently),— **was adopted, in concurrence.**

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:

Relative to limitations on total obligations of 1 borrower to a stock corporation or thrift institution (see Senate, No. 1874); and

Relative to the right of incarcerated felons to vote (see House, No. 2883).

Order Adopted.

On motion of Mr. Rosenberg,—

Ordered, That when the Senate adjourns, it adjourn to meet again on Wednesday at twelve o'clock noon in full formal session.

Recess.

There being no objection, at thirteen minutes past three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-five minutes before six o'clock P.M., the Senate reassembled, the President in the Chair.

PAPER FROM THE HOUSE.

Committee of Conference.

The House Bill relative to unemployment insurance rates (House, No. 4531, amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendments:

Striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2166; and inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to reduce unemployment insurance rates beginning January 1, 2002, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Greene of Billerica, Rodrigues of Westport and de Macedo of Plymouth had been appointed the committee on

the part of the House.

On motion of Mr. Tarr, the Senate insisted on its amendments and concurred in the appointment of a committee of conference; and Senators Pacheco, Montigny and Hedlund were appointed on the part of the Senate. The bill was returned to the House endorsed accordingly.

Emergency Preamble Adopted.

An engrossed Bill relative to exchange of interests in land located in the town of Hingham and for an improved waterfront park and improved access to water transportation facilities (see House, No. 4102, 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 President and sent to the House for enactment.

At seventeen minutes before six o'clock P.M., the Chair declared a recess subject to the call of the Chair.

MORE TO COME