

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.



Wednesday, November 21, 2001.

Met at nine minutes before one o'clock P.M.

Petitions.

Ms. Murray presented a petition (accompanied by bill, Senate, No. 2192) of Therese Murray, Ruth W. Provost, Demetrius J. Atsalis and Matthew Patrick (by vote of the town) for legislation to provide for a charter for the town of Sandwich [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.

Petitions were presented and referred, as follows:

By Mr. Antonioni, a petition (subject to Joint Rule 12) of Robert A. Antonioni and Mary Jane Simmons for legislation to make a technical change to the accelerated transportation development and improvement program for the Commonwealth; and

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation to authorize the Registrar of Motor Vehicles to issue distinctive registration plates for certain private passenger motor vehicles to promote tourism on the South Shore;

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

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4755) of Michael P. Cahill (with the approval of the mayor and city council) for legislation to authorize the town of Beverly to discontinue a portion of a certain street as a public way;

Petition (accompanied by bill, House, No. 4756) of Maryanne Lewis and Marian Walsh (by vote of the town) relative to establishing the position of director of finance in the town of Dedham; and

Petition (accompanied by bill, House, No. 4757) of Marie J. Parente and Richard T. Moore (by vote of the town) that the town of Mendon be authorized to charge reduced trash fees to residents sixty-five years of age and older;

Severally to the committee on Local Affairs.

Petition (accompanied by bill, House, No. 4758) of Paul Kujawski and Richard T. Moore (by vote of the town) relative to exempting the position of deputy chief of police in the town of Webster from the provisions of civil service law;
To the committee on Public Service.

A Bill authorizing the State Retirement Board to grant creditable service to Harvey J. Chopp (House, No. 869, changed and amended,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to civil service in the city known as the town of Weymouth (House, No. 4019,— on petition) [Local approval received];

Authorizing the town of Needham to establish a post retirement insurance liability fund (House, No. 4306,— on petition) [Local approval received]; and

Authorizing the town of Tyngsborough to issue two licenses for the sale of alcoholic beverages to be drunk on the premises (House, No. 4660,— on petition) [Local approval received];

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

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill providing a partial release of certain land in the town of Colrain from the operation of an agricultural preservation restriction (see Senate, No. 1871, 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 eight minutes before one o'clock P.M., 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.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Hedlund, Robert L. Sprague, Jo Ann
Jacques, Cheryl A. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne —
37.
Montigny, Mark C.

NAYS — 0.

The yeas and nays having been completed at three minutes before one 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 conservation commission of the town of Andover to grant a sewer easement (see House, No. 295) (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 two minutes before one o'clock P.M., 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. |
| Fargo, Susan C. | Resor, Pamela |
| Glodis, Guy W. | Rosenberg, Stanley C. |
| Havern, Robert A. | Shannon, Charles E. |
| Hedlund, Robert L. | Sprague, Jo Ann |
| Jacques, Cheryl A. | Tarr, Bruce E. |
| Joyce, Brian A. | Tisei, Richard R. |
| Knapik, Michael R. | Tolman, Steven A. |
| Lees, Brian P. | Travaglini, Robert E. |
| Magnani, David P. | Tucker, Susan C. |
| Melconian, Linda J. | Walsh, Marian |
| Menard, Joan M. | Wilkerson, Dianne — 37. |
| Montigny, Mark C. | |

NAYS — 0.

The yeas and nays having been completed at one 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 relative to certain conservation land in the town of Sherborn (see House Bill, House, No. 4295) (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 one minute past one o'clock P.M., 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. |
| Fargo, Susan C. | Resor, Pamela |
| Glodis, Guy W. | Rosenberg, Stanley C. |
| Havern, Robert A. | Shannon, Charles E. |
| Hedlund, Robert L. | Sprague, Jo Ann |
| Jacques, Cheryl A. | Tarr, Bruce E. |
| Joyce, Brian A. | Tisei, Richard R. |
| Knapik, Michael R. | Tolman, Steven A. |
| Lees, Brian P. | Travaglini, Robert E. |
| Magnani, David P. | Tucker, Susan C. |
| Melconian, Linda J. | Walsh, Marian |
| Menard, Joan M. | Wilkerson, Dianne — |
| | 37. |
| Montigny, Mark C. | |

NAYS — 0.

The yeas and nays having been completed at four minutes past one 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 park commissioners of the town of Rochester to change the use of a certain parcel of municipal land (see House, No. 855) (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 four minutes past one o'clock P.M., as follows, to wit (yeas 31— 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. |
| Fargo, Susan C. | Resor, Pamela |
| Glodis, Guy W. | Rosenberg, Stanley C. |
| Havern, Robert A. | Shannon, Charles E. |
| Hedlund, Robert L. | Sprague, Jo Ann |
| Jacques, Cheryl A. | Tarr, Bruce E. |
| Joyce, Brian A. | Tisei, Richard R. |
| Knapik, Michael R. | Tolman, Steven A. |
| Lees, Brian P. | Travaglini, Robert E. |

Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne —
37.
Montigny, Mark C.

NAYS — 0.

The yeas and nays having been completed at seven minutes past one 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 Walpole to use certain forest land for school purposes (see House, No. 4055, amended) (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 eight minutes past one o'clock P.M., 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.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Hedlund, Robert L. Sprague, Jo Ann
Jacques, Cheryl A. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne —
37.
Montigny, Mark C.

NAYS — 0.

The yeas and nays having been completed at ten minutes past one 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 transfer of a certain parcel of land in the town of North Reading (see House, No. 356) (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 ten minutes past one o'clock P.M., 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.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Hedlund, Robert L. Sprague, Jo Ann
Jacques, Cheryl A. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne —
37.
Montigny, Mark C.

NAYS — 0.

The yeas and nays having been completed at thirteen minutes past one 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 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) (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 one o'clock P.M., 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.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.

| | |
|---------------------|-----------------------|
| Hedlund, Robert L. | Sprague, Jo Ann |
| Jacques, Cheryl A. | Tarr, Bruce E. |
| Joyce, Brian A. | Tisei, Richard R. |
| Knapik, Michael R. | Tolman, Steven A. |
| Lees, Brian P. | 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.

The yeas and nays having been completed at sixteen minutes past one 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 Sherborn to convey certain forest land (see House, No. 4191) (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, seventeen minutes past one o'clock P.M., 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. |
| Fargo, Susan C. | Resor, Pamela |
| Glodis, Guy W. | Rosenberg, Stanley C. |
| Havern, Robert A. | Shannon, Charles E. |
| Hedlund, Robert L. | Sprague, Jo Ann |
| Jacques, Cheryl A. | Tarr, Bruce E. |
| Joyce, Brian A. | Tisei, Richard R. |
| Knapik, Michael R. | Tolman, Steven A. |
| Lees, Brian P. | 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.

The yeas and nays having been completed at nineteen minutes past one 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 city of Peabody to use certain park land for school purposes (see House, No. 4301) (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 a half past one o'clock P. M., 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.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Hedlund, Robert L. Sprague, Jo Ann
Jacques, Cheryl A. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. Tolman, Steven A.
Lees, Brian P. Travaglini, Robert E.
Magnani, David P. Tucker, Susan C.
Melconian, Linda J. Walsh, Marian
Menard, Joan M. Wilkerson, Dianne —
37.
Montigny, Mark C.

NAYS — 0.

The yeas and nays having been completed at twenty-seven minutes before 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 Chatham to grant an easement in certain conservation land (see House, No. 4369) (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-six minutes before two o'clock P.M., 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. |
| Fargo, Susan C. | Resor, Pamela |
| Glodis, Guy W. | Rosenberg, Stanley C. |
| Havern, Robert A. | Shannon, Charles E. |
| Hedlund, Robert L. | Sprague, Jo Ann |
| Jacques, Cheryl A. | Tarr, Bruce E. |
| Joyce, Brian A. | Tisei, Richard R. |
| Knapik, Michael R. | Tolman, Steven A. |
| Lees, Brian P. | Travaglini, Robert E. |
| Magnani, David P. | Tucker, Susan C. |
| Melconian, Linda J. | Walsh, Marian |
| Menard, Joan M. | Wilkerson, Dianne — 37. |
| Montigny, Mark C. | |

NAYS — 0.

The yeas and nays having been completed at twenty-four minutes before 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 Edgartown to convey a certain parcel of land (see House, No. 4361) (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-three minutes before two o'clock P.M., 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. |
| Fargo, Susan C. | Resor, Pamela |
| Glodis, Guy W. | Rosenberg, Stanley C. |
| Havern, Robert A. | Shannon, Charles E. |
| Hedlund, Robert L. | Sprague, Jo Ann |
| Jacques, Cheryl A. | Tarr, Bruce E. |
| Joyce, Brian A. | Tisei, Richard R. |
| Knapik, Michael R. | Tolman, Steven A. |
| Lees, Brian P. | Travaglini, Robert E. |
| Magnani, David P. | Tucker, Susan C. |
| Melconian, Linda J. | Walsh, Marian |

SECTION 4. Any reporting requirements imposed upon vendors of tangible personal property, including motor vehicles, by law or regulation, including but not limited to the requirements for filing returns required by chapter 62C, shall remain in effect for sales during the period of December 1, 2001 through December 2, 2001, inclusive.

SECTION 5. On or before March 1, 2002, the commissioner of revenue shall certify to the comptroller the amount of the sales tax revenue foregone due to the operation of this act. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under the provisions of said chapter 64H which would have been deposited in each fund, notwithstanding the provisions of this act. Notwithstanding section 21 of chapter 29 of the General Laws, as appearing in the 2000 Official Edition, on or before March 15, 2002, the comptroller shall transfer, from the Tax Reduction Fund into each fund named in said report, the amount foregone by said fund, as reported.

SECTION 6. The commissioner of revenue shall issue any instructions or forms, or promulgate any rules or regulations, necessary to effect the purposes of this act.

SECTION 7. The provisions of this act shall take effect upon passage.”

After debate, Ms. Walsh arose to a point of order, which, being stated was that the amendment, offered by the Senator from Hampden and Hampshire, Mr. Lees, was beyond the scope of the bill presently before the Senate.

The President stated that the bill before the Senate is a very discrete motor vehicle excise tax notification bill that is narrowly crafted. The President noted that the proposed amendment is a highly controversial and high-profile proposal relative to a sales tax holiday. The President therefor ruled that the amendment was beyond the scope of the pending bill, and that the point of order was well taken.

Mr. Lees appealed the ruling of the Chair and was seconded by Mr. Tarr.

The question, “Shall the decision of the Chair stand as the judgement of the Senate?” was then considered; and the question thereon was determined by a call of the yeas and nays, at nine minutes past two o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 30 — nays 6):

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.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Jacques, Cheryl A. Shannon, Charles E.
Joyce, Brian A. Tolman, Steven A.
Magnani, David P. Travaglini, Robert E.
Melconian, Linda J. Tucker, Susan C.
Menard, Joan M. Walsh, Marian
Wilkerson, Dianne —
Montigny, Mark C. 30.

NAYS.

Hedlund, Robert Sprague, Jo Ann
L.
Knapik, Michael Tarr, Bruce E.

R.
Lees, Brian P. Tisei, Richard R. —
 6.

ABSENT OR NOT VOTING.

Havern, Robert A. — 1.

The yeas and nays having been completed at twelve minutes past two o'clock P.M., the ruling of the Chair was sustained; and accordingly, the amendment was laid aside.

The bill (Senate, No. 1654) was then ordered to a third reading.

The Senate bills

Relative to the assessment of local taxes of resident owners of cooperative housing corporations (Senate, No. 1753); and

Further regulating the use of crossbows in the Commonwealth (Senate, No. 2162);

Were severally read a second time and, after remarks, in each instance, were ordered to a third reading.

The House Bill relative to speed limits in cities and towns (House, No. 4318, amended),— **was read a second time and ordered to a third reading.**

The House Bill relative to deceased depositors (House, No. 3479),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill establishing wireless enhanced 911 services (Senate, No. 1920, amended),— **was read a third time and, after remarks, was passed to be engrossed.**

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 Mr. Montigny) “honoring Stan Lipp on the occasion of his retirement”; and

Resolutions (filed by Mr. Tisei) “honoring James P. Del Rossi.”

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4761) of Carol C. Cleven relative to the tuition costs for certain persons residing both in the city of Lowell and the town of Chelmsford,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Education, Arts and Humanities.**

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 House Bill authorizing the town of North Attleborough to continue the employment of Brian F. Coyle (House, No. 4308),— **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.

Engrossed Bills.

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

Authorizing the town of Needham to grant certain establishments licenses for the sale of wines and malt beverages to be drunk on the premises (see House, No. 3921);

Authorizing the town of Needham to establish a special fund (see House, No. 4009);

Authorizing the town of Harwich to lease certain land (see House, No. 4425);

Relative to the board of selectmen in the town of Dalton (see House, No. 4560);

Relative to a certain parcel of land in the town of North Reading (see House, No. 4733); and

Authorizing the town of Stoneham to grant licenses for the sale of alcoholic beverages to be drunk on the premises in theaters (see House, No. 4739).

Recess.

There being no objection, at twenty-nine minutes past two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at eleven minutes past seven o'clock P.M., the Senate reassembled, the President in the Chair.

PAPER FROM THE HOUSE.

Order Adopted.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted, in concurrence, to wit:

Ordered, That notwithstanding the provisions of Joint Rule 12A the House and Senate shall meet on December 5, 2001, to consider the Governor's objections to certain items and sections and parts of certain items and reductions in certain items and parts of certain items and certain other parts of the General Appropriation Bill for fiscal year 2002 returned by the Governor, and proposed legislation to the establish new Congressional districts in the Commonwealth; provided that said formal session shall not extend or continue beyond the hour of twelve o'clock midnight on said December 5, 2001.

The Senate Bill authorizing the Department of Environmental Protection to grant a certain tideland construction license to the Boston Tea Party Ship, Inc. (Senate, No. 1830, changed and amended),— came from the House passed to be engrossed, in concurrence, *with an amendment*, striking out the emergency preamble previously inserted by change and inserting in place thereof the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith for the granting of a chapter 91 license to the Boston Tea Party Ship, Inc., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

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

Engrossed Bills.

The following engrossed bills (both 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 President and laid before the Acting Governor for her approbation, to wit:

Validating the proceedings at an annual town election in the town of North Attleborough (see House, No. 4287); and

Authorizing the town of North Attleborough to continue the employment of Brian F. Coyle (see House, No. 4308).

Suspension of Senate Rule 38A.

Ms. Melconian moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; and, there being no objection, on further motion of the same Senator, the rule was suspended without a recorded yea and nay vote.

PAPER FROM THE HOUSE.

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill making appropriations for the fiscal year 2002 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101, printed as amended) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1901), reported, in part, a Bill making appropriations for the fiscal year 2002 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4800).

[Direct Appropriations: \$21,294,338,207.00

Retained Revenue: \$ 962,819,622.00

Total Appropriation: \$22,257,157,829.00].

The report was read and considered forthwith.

After debate, the question on acceptance of the conference committee report was determined by a call of the yeas and nays, at nineteen minutes before nine o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 29 — nays 8).

YEAS.

| | |
|--------------------------|-------------------------|
| Antonioni, Robert A. | Fargo, Susan C. |
| Berry, Frederick E. | Glodis, Guy W. |
| Brewer, Stephen M. | Havern, Robert A. |
| Chandler, Harriette L. | Jacques, Cheryl A. |
| Clancy, Edward J., Jr. | Joyce, Brian A. |
| Creedon, Robert S., Jr. | Knapik, Michael R. |
| Magnani, David P. | Panagiotakos, Steven C. |
| Melconian, Linda J. | Resor, Pamela |
| Menard, Joan M. | Rosenberg, Stanley C. |
| Montigny, Mark C. | Shannon, Charles E. |
| Moore, Richard T. | Travaglini, Robert E. |
| Morrissey, Michael W. | Tucker, Susan C. |
| Murray, Therese | Walsh, Marian |
| Nuciforo, Andrea F., Jr. | Wilkerson, Dianne — 29. |
| O'Leary, Robert A. | |

NAYS.

| | |
|----------------------|------------------------|
| Creem, Cynthia Stone | Sprague, Jo Ann |
| Hedlund, Robert L. | Tarr, Bruce E. |
| Lees, Brian P. | Tisei, Richard R. |
| Pacheco, Marc R. | Tolman, Steven A. — 8. |

The yeas and nays having been completed at sixteen minutes before nine o'clock P.M., the report was accepted, in concurrence.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Truro to convey certain conservation land (see House, No. 4416, amended) (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 a quarter before nine o'clock P.M., as follows, to wit (yeas 36 — nays 1):

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.
Fargo, Susan C. Resor, Pamela
Glodis, Guy W. Rosenberg, Stanley C.
Havern, Robert A. Shannon, Charles E.
Hedlund, Robert L. Sprague, Jo Ann
Jacques, Cheryl A. Tarr, Bruce E.
Joyce, Brian A. Tisei, Richard R.
Knapik, Michael R. 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 —
36.

NAYS.

Lees, Brian P. — 1.

The yeas and nays having been completed at thirteen minutes before nine 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.

Emergency Preamble Adopted.

An engrossed Bill authorizing the Department of Environmental Protection to grant a certain tideland construction license to the Boston Tea Party Ship, Inc. (see Senate, No. 1830, changed and 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 10 to 1.

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

Recess.

There being no objection, at eleven minutes before nine o'clock P.M., the President declared a recess subject to the call of the Chair; and, at fourteen minutes past nine o'clock P.M., the Senate reassembled, the President in the Chair.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2002 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), 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.

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 (House, No. 4764,— on House, No. 4763, in part),— was read.

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

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 Department of Environmental Protection to grant a certain tideland construction license to the Boston Tea Party Ship, Inc. (see Senate, No. 1830, changed and amended);

Authorizing certain amendments to the housing and employment exaction requirements (linkage) with respect to large-scale commercial real estate development (see Senate, No. 2176);

Authorizing certain terms for borrowing by the town of Norfolk for constructing a golf course (see House, No. 4423);

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, No. 4764); and

Making appropriations for the fiscal year 2002 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements. (see House, No. 4800).

Order Adopted.

On motion of Mr. Tarr,—

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