

**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.



### JOURNAL OF THE SENATE.

Thursday, November 21, 2002.

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

#### *Distinguished Guest.*

There being no objection, the President introduced, seated in the rear of the Chamber, Andrew Comita, Jr. of Winchester. Mr. Comita was visiting the State House to take part in a ceremony where he was to receive a replacement Purple Heart medal that was stolen from his home. Mr. Comita is a distinguished veteran of World War II who fought in many battles in the Pacific theater of the war. He was accompanied by family members and friends, as well as Middlesex County Sheriff James DePaolo. Mr. Comita was the guest of Senator Shannon.

#### *Communications.*

The following communications were placed on file, to wit:

A communication from the Plainridge Racecourse (under the provisions of Section 2 of Chapter 128C of the General Laws) submitting copies of simulcasting contracts entered into by the Plainridge Racecourse (received November 19, 2002); and

A communication from the Raynham/Taunton Greyhound Park (under the provisions of Section 2 of Chapter 128C of the General Laws) submitting copies of simulcasting contracts entered into by said facility.

#### *Report.*

A report of the Division of Employment and Training (under the provisions of Section 68 of Chapter 233 of the Acts of 1983) submitting its quarterly report on the Commonwealth's unemployment insurance trust fund (received November 19, 2002),—**was placed on file.**

#### *Petitions.*

Petitions were presented and referred as follows:

By Mr. Tisei, a petition (accompanied by bill, Senate, No. 2494) of Richard R. Tisei and Carol A. Donovan (by vote of the town) for legislation relative to authorizing the town of Stoneham to issue bonds or notes to fund its retirement system's unfunded pension liability [Local approval received]; and

By the same Senator, a petition (accompanied by bill, Senate, No. 2495) of Richard R. Tisei, Paul C. Casey and Carol A. Donovan (by vote of the town) for legislation to provide for municipal employee appointment powers for the Stoneham town administrator [Local approval received];

**Severally, under Senate Rule 20, to the committee on Public Service.  
Severally sent to the House for concurrence.**

Mr. Brewer presented a petition (subject to Joint Rule 12) of Stephen M. Brewer and Reed V. Hillman for legislation to establish a sick leave bank for Toni Rae Hebert, an employee of the Department of Mental Retardation,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

*Report of a Committee.*

Ms. Resor, 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 the taxation of real and personal property (House, No. 3436).

PAPER FROM THE HOUSE.

A Bill establishing an affordable housing trust fund in the town of Ipswich (House, No. 5122,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

*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 Acton to lease a certain school building for residential purposes for 50 years (Senate, No. 2490),— **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 relative to the deferral of certain sewer betterments in the town of Marion (House, No. 5114),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the deferral of certain sewer betterments in the town of Marion.”**

The House Bill relative to certain motor vehicle dealers (House, No. 5357),— was considered.

The pending motion, previously moved by Mr. Baddour, that the Senate reconsider the vote by which it had passed the bill to be engrossed, in concurrence,— was considered; and the motion to reconsider prevailed.

Pending the recurring question on passing the bill to be engrossed, in concurrence, Mr. Morrissey presented an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2493.

The amendment was adopted.

**The bill was then passed to be engrossed, in concurrence, with the amendment.  
Sent to the House for concurrence in the amendment.**

PAPERS FROM THE HOUSE.

A Bill relative to liens on buildings and land (printed as Senate, No. 931,— on petition),— was read.

**There being no objection, the rules were suspended, on motion of Mr. McGee, and the bill was read a second time and ordered to a third reading.**

The Senate Bill relative to open trenches and construction safety (Senate, No. 2234),— came from the House passed to be engrossed, in concurrence *with amendments* by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5279, amended in section 2, in line 22, by inserting after the word “regulations”, the first time it appears, the following: “This penalty structure shall include the imposition of a fine for each violation of the regulations promulgated pursuant to this section. Any such fines collected by the department of public safety or the department of labor and workforce development shall be available for expenditure, without further appropriation, by those departments in an amount not to exceed \$100,000 during each fiscal year for the sole purpose of providing construction safety training for licensed operators of hoisting equipment, police department officials, fire department officials and building officials. Those departments may also charge a reasonable fee to help defray the costs associated with said training. Any monies collected from the imposition of these fines in excess of \$100,000 shall be transmitted monthly by those departments to the state treasurer who shall then deposit the excess funds into the General Fund. The department of public safety, in conjunction with the department of labor and workforce development, shall file a report detailing the amount of fines imposed, collected and expended pursuant to this section with the house and senate committees on ways and means and with the joint committee on public safety not later than August 15 of each year.”; in line 48, by inserting after the word “claim” the words “or provide evidence of self-insurance in equal amounts”; in lines

107 to 142, inclusive, by striking out the paragraph contained therein; and by striking out the title and inserting in place thereof the following title: "An Act relative to excavation and trench safety."

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

*Resolutions.*

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

Resolutions (filed by Ms. Menard) "congratulating Representative and Mrs. Philip Travis on the occasion of their 40th wedding anniversary";

Resolutions (filed by Ms. Wilkerson) "honoring Worthy Grand Matron Sister Sandra Malloy Blake"; and

Resolutions (filed by Ms. Wilkerson) "honoring Worthy Grand Patron Brother Ludie D. DeVaughn."

At the request of the President, the Clerk read the text of "Resolutions (filed by Mr. Shannon) congratulating Andrew Comita, Jr. upon his receiving a replacement Purple Heart Medal", which were considered forthwith and adopted.

PAPERS FROM THE HOUSE.

*Engrossed Bill.*

An engrossed Bill providing for the work force reduction of the city of Medford through an early retirement incentive program for certain employees (see House, No. 5351, changed) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Acting Governor for her approbation.**

*Engrossed Bill — Laid Aside.*

An engrossed Bill authorizing the town of Hingham to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5358) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was laid before the Senate, but objection was made thereto by Mr. Tolman, and the engrossed bill was laid aside.**

*Recess.*

There being no objection, at seventeen minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and at twenty-one minutes before twelve o'clock noon, the Senate reassembled, the President in the Chair.

PAPER FROM THE HOUSE.

The engrossed Bill relative to creditable service for town moderators (House, No. 1469),— came from the House, amended as follows:

By 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 forthwith grant creditable service for town moderators, 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 Mr. Tarr, and the House amendment was considered forthwith and adopted, in concurrence.**

*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 twenty minutes before twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.