

**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, November 29, 2001.

Met at five minutes past eleven o'clock A.M. (Mr. Travaglini in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

### *Communications.*

The following communications were severally placed on file:

Communication from the Board of Higher Education submitting a revised request for an appropriation (received Tuesday, November 13, 2001);

Communication from the Human Resources Division, Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the Massachusetts General Laws) submitting a list of fire lieutenant and fire captain eligible lists that were revoked November 1, 2001 (received Thursday, November 15, 2001); and

Communication from the Wonderland Greyhound Park, Inc. (under the provisions of Section 2 of Chapter 128C of the General Laws) submitting copies of simulcasting contracts entered into by Wonderland (received Monday, November 19, 2001).

### *Reports.*

The following reports were severally read and placed on file:

A report of the Department of Education (under the provisions of Section 432 of Chapter 159 of the Acts of 2000) submitting its report on special education (received Wednesday, November 14, 2001); and

A report of the Division of Employment and Training (under the provisions of Chapter 233 of the Acts of 1983) submitting its quarterly report on the condition of the Commonwealth's unemployment insurance trust fund (received Friday, November 16, 2001).

The following reports were severally read and sent to the House for its information:

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) submitting a copy of its inspection of the Boston Pre-Release Center (received Friday, November 16, 2001);

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to the inspection of the Norfolk County Correctional Center (received Monday, November 19, 2001);

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of M.C.I. Plymouth (received Tuesday, November 20, 2001); and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Barnstable County House of Correction and Jail (received Tuesday, November 20, 2001).

### ***Reports of Committees.***

By Mr. Havern, for the committee on Transportation, on petition, a Bill designating Route 146A in the town of Uxbridge as the Lydia Taft highway (Senate, No. 2189); and

By the same Senator, for the same committee, on petition, a Bill designating a certain bridge in the town of Sharon as the Lance Corporal Daniel J. Dabreu Memorial Bridge (Senate, No. 2190);

**Severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

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 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).

### ***Committee Discharged.***

Ms. Menard, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Safety to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate documents relative to firearms and related public safety matters (Senate, No. 1998), reported, in part, asking to be discharged from further consideration of the Senate petition (accompanied by bill, Senate, No. 1222) of James P. Jajuga, Therese Murray, Bruce E. Tarr, Reed V. Hillman and other members of the General Court for legislation relative to the issuance of firearms licenses to environmental police officers,— and recommending that the same be recommitted to the committee on Public Safety.

**Under Senate Rule 36, the report was considered forthwith and accepted.**

### **PAPERS FROM THE HOUSE.**

Messages were referred, in concurrence, as follows:

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to further promoting public safety in the Commonwealth (House, No. 4759);

**To the committee on Public Safety.**

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to establishing an early retirement incentive program and making related appropriations for the fiscal year ending June 30, 2002 (House, No. 4767);

**To the committee on Public Service.**

#### **Bills**

Relative to the taxation of certain personal property (House, No. 4442,— on House, No. 378);

Authorizing and directing the reinstatement of Robert W. Aylward as a member in service of the teachers' retirement system (House, No. 4738,— on House, No. 3977); and

Authorizing the Division of Capital Asset Management and Maintenance to grant a certain easement in the town of Tewksbury to the Tewksbury Housing Authority (House, No. 4766,— on House, No. 733);

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

#### **Bills**

Relative to civil service preference of the children of Alton Grindle for appointment for fire service in the Commonwealth (House, No. 4611,— on petition); and

Authorizing the conveyance to the town of Billerica of a certain parcel of land (House, No. 4747, amended,— on petition);

**Were severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

### ***Committee Change.***

The President announced the resignation of Senator Tarr of Essex and Middlesex as a member of the committee on Bills in the Third Reading and the appointment of Senator Tisei of Middlesex to fill the vacancy.

### ***Resolutions.***

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

Resolutions (filed by Mr. Lees) “congratulating Neil L. Chayet on the twenty-fifth anniversary celebration of Looking at the Law”;

Resolutions (filed by Mr. Pacheco) “congratulating Jacqueline and David Medas on the occasion of their fiftieth wedding anniversary”;

Resolutions (filed by Mrs. Sprague) “congratulating Stephen Joseph Boucher of Mansfield upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Mrs. Sprague) “congratulating Douglas Joseph Miller III of Foxborough upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Walsh) “congratulating Boy Scout Thomas J. Greeley on the occasion of his Eagle Scout court of honor”;

Resolutions (filed by Ms. Walsh) “congratulating Boy Scout Jason P. Sullivan on the occasion of his Eagle Scout court of honor”; and

Resolutions (filed by Ms. Walsh) “congratulating Boy Scout John P. Sullivan on the occasion of his Eagle Scout court of honor.”

### ***Communication.***

The Clerk read the following communication:

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

November 28, 2001.

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

Dear Mr. Scanlan:

On Tuesday, September 25th, I was away from the State House, due to family obligations, and I was, therefore, unable to be present for the roll call votes on the following items:

1. An Act Providing for Insurance Coverage of Certain Clinical Trials (H. 4376).
2. An Act Establishing the Crime of Communicating a Terroristic Threat (S. 2122).

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

With regard to the amendments to Senate Bill 2110, An Act Providing Equal Employment Benefits for Public Sector Employees, had I been present, I would have voted in the negative on the amendment offered by Mr. Clancy and in the affirmative on the amendment offered by Mrs. Wilkerson.

I respectfully request that this letter be reprinted in the Senate Journal as part of the official record for September 25. Thank you for your assistance in this matter.

Sincerely,

SENATOR SUSAN C. FARGO,  
*Fifth Middlesex District.*

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

## PAPER FROM THE HOUSE.

### *Engrossed Bill.*

An engrossed Bill relative to deceased depositors (see House, No. 3479) (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 Acting President and laid before the Acting Governor for her approbation.**

### *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 John X. Kauffman for legislation to require pilots for certain vessels.

**Senate Rule 36 was suspended, on motion of Mr. Tisei, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Natural Resources and Agriculture.**

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 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.

**Senate Rule 36 was suspended, on motion of Mr. Tisei, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.**  
Severally sent to the House for concurrence.

## PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4773) of Harold P. Naughton, Jr., relative to merging the Boylston and Morningdale water districts;

**Under suspension of Joint Rule 12, to the committee on Local Affairs.**

Petition (accompanied by bill, House, No. 4774) of Geoffrey D. Hall and Pamela P. Resor relative to the unreasonable discharge from employment of volunteer fire fighters;

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

### *Bill Recalled from the Acting Governor.*

On motion of Mr. Tisei, it was voted that a messenger be appointed to wait upon the Acting Governor, requesting the return to the Senate of the engrossed Bill relative to a certain parcel of land in the town of North Reading (see House, No. 4733).

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

### *Bill Previously Recalled from the Acting Governor*

### *Laid Before the Senate.*

The engrossed Bill relative to the Amherst town government (see Senate, No. 1855) which, at a previous session, had been returned by the Acting Governor, at the request of the Senate,— was laid before the Senate.

There being no objection, on motion of Mr. Tisei, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of the same Senator, Senate Rule 49 was suspended.

Mr. Rosenberg presented an amendment striking out section 4 and inserting in place the following section:—

“SECTION 4. Sections 6, 7, 8 and 9 of chapter 512 of the acts of 1972 are hereby repealed.”

**The amendment was adopted.**

**Sent to the House for concurrence in the amendment.**

## **PAPER FROM THE HOUSE.**

A Bill designating a certain bridge as the Pearl Harbor Veterans Bridge (House, No. 4534,— on petition),— was read.

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

### ***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 Board of Registration of Dieticians and Nutritionists to issue a certain license (Senate, No. 2130),— **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

#### **The House bills**

Establishing the office of treasurer-collector in the town of Carlisle (House, No. 645); and

Relative to the zoning by-laws of the town of Needham (House, No. 4290);

**Were severally read a third time and passed to be engrossed, in concurrence.**

### ***Committee Change.***

The President announced the resignation of Senator Tisei of Middlesex as a member of the committee on Bills in the Third Reading and the reappointment of Senator Tarr of Essex and Middlesex thereto.

### ***Order Adopted.***

On motion of Mr. Tisei,—

*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. Tisei, at fourteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.

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