

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, December 13, 2001.

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

Distinguished Guests.

There being no objection, the President recognized the Walpole High School Field Hockey Team. The team is the 2001 Division I State Champions. They were accompanied by Head Coach Penny Calf and assistant coaches Marianne Murphy, Terri Thornton and Betty Golding. They were the guests of Senator Sprague.

Reports of a Committee.

By Mr. Tolman, for the committee on Local Affairs, on petition, a Bill providing for a charter for the town of Sandwich (Senate, No. 2192, changed by inserting after Section 1 the following section:

“SECTION 2. This act shall be submitted for acceptance to the voters of the town of Sandwich at an annual or special town election in the form of the following question which shall be placed on the official ballot: ‘Shall an act passed by the General Court in the year 2001, entitled “An Act providing for a charter for the town of Sandwich” be accepted?’ If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect, but not otherwise.” [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill relative to the recreation revolving fund in the town of Rutland (Senate, No. 2195) [Local approval received];

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

Ms. Resor, 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 management of state chartered banks (House, No. 1723, amended);

Returning tax title properties to productive use (House, No. 4726); and

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

The House reports

Of the committee on Natural Resources and Agriculture, ought NOT to pass, on the message from His Excellency the Governor, recommending legislation relative to the reorganization of certain functions within the Executive Office of Environmental Affairs (accompanied by bill, House, No. 3029); and

Of the committee on Taxation, ought NOT to pass, on the message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to promoting fiscal responsibility in the Commonwealth (accompanied by bill, House, No. 4106).

Committees Discharged.

Ms. Menard, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Health Care to make an investigation and study of Senate document numbered 481, relative to dental assistants (Senate, No. 2200); and

Of the Senate Order relative to authorizing the joint committee on Health Care to make an investigation and study of Senate documents numbered 500 and 513, relative to nursing home costs (Senate, No. 2201);

And recommending that the same severally be referred to the Senate committee on Rules.
Under Senate Rule 36, the reports were severally considered forthwith and accepted.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4805) of Deborah D. Blumer, Karen E. Spilka and David P. Magnani (by vote of the town) relative to voting precincts in the town of Framingham,— **was referred, in concurrence, to the committee on Election Laws.**

A Bill increasing the fee for admitting a person to bail (House, No. 843, changed,— on House, Nos. 843 and 1803),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

Bills

Relative to the town of Weymouth's enhanced emergency telephone system (House, No. 4012,— on Senate, No. 1821 and House, No. 4012) [Local approval received on Senate, No. 1821 and House, No. 4012]; and

Relative to the salary of the mayor of the city of Medford (House, No. 4740,— 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.

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:

Establishing a presumption relative to the disability retirement of a certain firefighter in the town of Clinton (see House, No. 4332);

Authorizing the certification and appointment of John F. Neville, III as a firefighter in the city of Newton (see House, No. 4604); and

Authorizing the town of Barnstable to convey certain land (see House, No. 4708).

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 Stephen M. Brewer, Reed V. Hillman and Thomas M. Petrolati for legislation relative to retirement buy-back provisions for certain employees of the University of Massachusetts at Amherst.

Senate Rule 36 was suspended, on motion of Ms. Resor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

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 Pamela P. Resor and Cory Atkins for legislation to authorize the State Retirement Board to grant a certain pension to Michael G. Sweeney.

Senate Rule 36 was suspended, on motion of Ms. Resor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

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 Stanley C. Rosenberg, Stephen Kulik, Linda J. Melconian, Stephen M. Brewer and other members of the General Court for legislation relative to certain tolls on the turnpike.

Senate Rule 36 was suspended, on motion of Ms. Resor, 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.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4816) of Robert A. DeLeo and other members of the General Court relative to authorizing an alternative method of construction for the covered water storage tanks in the Blue Hills and Spot Pond areas,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Natural Resources and Agriculture.**

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 relative to the rights of adopted persons under a certain instrument (Senate, No. 825) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill authorizing affordable housing covenants in the town of Nantucket (Senate, No. 2006) (its title having been changed by the committee on Bills in the Third Reading) was read third time.

Pending the question on passing the bill to be engrossed, Mr. O'Leary presented an amendment in section 2, by striking out, in lines 9 and 10, the words "low or moderate" and inserting in place thereof the following word:— "middle"; by striking out, in line 12, the words "low and moderate" and inserting in place thereof the following word:— "middle"; by striking out, in line 16, the words "low and moderate" and inserting in place thereof the following word:— "middle"; and in section 3, by striking out, in line 1, the words "low and moderate" and inserting in place thereof the following word:— "middle".

This amendment was adopted.

The bill (Senate, No. 2006, amended) was then passed to be engrossed.

Sent to the House for concurrence.

The House Bill authorizing the town of Needham to establish a post retirement insurance liability fund (House, No. 4306),— **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 relative to the charter of the town of Swampscott (House, No. 4720,— on petition) [Local approval received],— was read. **There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

A Bill relative to the position of treasurer-collector in the town of Kingston (House, No. 4298,— on petition) [Local approval received],— was read.

There being no objection, the rules were suspended, on motion of Ms. Wilkerson, and the bill 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 a quarter past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at three minutes past five o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

A Bill making appropriations for the fiscal year 2002 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4807,— on House, No. 4777, in part),— was read.

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

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2002 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4807, printed as 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.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the President and laid before the Acting Governor for her approbation.

Committee Change.

The President announced the resignation of Senator Moore of Worcester and Norfolk as a member of the committee on Bills in the Third Reading and the appointment of Senator Wilkerson of Second Suffolk to fill the vacancy.

Report of a Committee.

Mr. Montigny, for the committee on Ways and Means, reported, pursuant to Senate Rule 19, a Bill making appropriations for the fiscal year 2002 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2203).

The bill was read. There being no objection, on motion of Mr. Travaglini, the bill was read a second time, ordered to a third reading, read a third time and was passed to be engrossed.

Sent to the House for concurrence.

Committee Change.

The President announced the resignation of Senator Wilkerson of Second Suffolk as a member of the committee on Bills in the Third Reading and the reappointment of Senator Moore of Worcester and Norfolk thereto to fill the vacancy.

Order Adopted.

On motion of Ms. Wilkerson,—

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.
