

**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.



Friday, December 28, 2001.

Met at six minutes past eleven o'clock A.M, (Mr. Moore in the Chair).

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 civil service preference of the children of Alton Grindle for appointment for fire service in the Commonwealth (House, No. 4611).

By Mr. Brewer, for the committee on Natural Resources and Agriculture, on petition (accompanied by bill, Senate, No. 1145), a Bill establishing an environmental justice designation program (Senate, No. 2213); and

By Ms. Walsh, for the committee on Taxation, on petition, a Bill clarifying the tax treatment of prepaid calling arrangements (Senate, No. 1634);

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

### *Petitions.*

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer and John F. Merrigan (by vote of the town of Erving) for legislation relative to creditable service for Robert Miner [Local approval received];

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey, Bruce J. Ayers, A. Stephen Tobin and Ronald Mariano (with the approval of the mayor and city council) for legislation relative to governmentally involved housing in the city of Quincy [Local approval received]; and

By Ms. Murray (by request), a petition (subject to Joint Rule 12) of Michael F. Jones for legislation to require property owners' consent in designating historic districts;

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

### *Placed on File.*

By Ms. Walsh, for the committee on Taxation, recommending that the report of the Massachusetts Capital Resource Company (under the provisions of Section 20 of Chapter 816 of the Acts of 1977) submitting its twenty-fourth annual report (Senate, No. 1825) be placed on file;

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

**Sent to the House for concurrence.**

## PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4827) of Patricia A. Haddad and Joan M. Menard (by vote of the town) that the licensing authority of the town of Somerset be authorized to issue an additional license for the sale of wine and malt beverages not to be drunk on the premises;

**To the committee on Government Regulations.**

Petition (accompanied by bill, House, No. 4828) of Thomas N. George and Robert A. O'Leary (by vote of the town) for legislation to establish a capital investment fund in the town of Brewster;

**To the committee on Local Affairs.**

### *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 House Bill authorizing the town of Natick to grant licenses for the sale of wines and malt beverages to be drunk on the premises (House, No. 3923) was read a second time.

Ms. Jacques presented an amendment striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Notwithstanding section 11 of chapter 138 of the General Laws or any other general or special law to the contrary, the town of Natick may grant to restaurants with seating capacities of not less than 50 persons licenses for the sale of wines and malt beverages to be drunk on the premises; provided, however, that not more than 7 such licenses shall be in effect at any 1 time for restaurants with seating capacities of not less than 50 but not more than 99 persons. The licenses shall be subject to all of said chapter 138, except said section 11.”

The amendment was adopted.

**The bill, as amended, was ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Natick to grant certain licenses for the sale of wines and malt beverages to be drunk on the premises.”**

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

The House Bill authorizing the town of Norwood to use certain conservation land for roadway and bridge purposes (House, No. 4091),— was read a third time and passed to be engrossed, in concurrence.

### *Resolutions.*

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

Resolutions (filed by Mr. Knapik) “expressing support for the American Forest & Paper Association’s Sustainable Forestry Initiative Program.”

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

#### *Laid Before the Senate.*

The engrossed Bill authorizing the town of Needham to establish a post retirement insurance liability fund (see House, No. 4306) which, at a previous session, had been returned by Her Honor the Lieutenant-Governor, Acting Governor, at the request of the Senate,— was laid before the Senate.

There being no objection, on motion of Mr. Tarr, 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.

Ms. Jacqus presented an amendment, in section 1, by striking out, in the sixth sentence, the word “unfounded” and inserting in place thereof the following word:— “unfunded”.

**The amendment was adopted.**

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

***Order Adopted.***

The following order (filed by Ms. Menard) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

*Ordered*, That, notwithstanding the provisions of an order previously adopted, the temporary Joint Rules of the General Court shall remain in effect until Thursday, January 31, 2002; and be it further ordered that, notwithstanding the provisions of Joint Rule 10, joint standing committees and the committees on Rules of the two branches, acting concurrently, be granted until Thursday, January 31, 2002, within which to make reports on matters referred to them.

**Subsequently, Ms. Menard, for the said committee on Rules of the two branches, acting concurrently, reported that the order ought to be adopted, and, there being no objection, the order was considered forthwith; and it was adopted.**

**Sent to the House for concurrence.**

***Recess.***

There being no objection, at ten minutes past eleven o'clock A.M., the Chair (Mr. Moore) declared a recess subject to the call of the Chair; and, at five minutes before one o'clock P.M., the Senate reassembled, Mr. Joyce in the Chair.

**PAPER FROM THE HOUSE.**

The House Order (having been approved by the committees on Rules of the two branches, acting concurrently) relative to the suspension of Joint Rule 12B to provide for carry-over of certain collective bargaining agreements (House, No. 4832),— **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 Wednesday next at eleven o'clock A.M., in a full formal session.

***Recess.***

There being no objection, at two minutes before one o'clock P.M., the Chair (Mr. Joyce) declared a recess subject to the call of the Chair; and, at six minutes past two the o'clock P.M., the Senate reassembled, Mr. Joyce in the Chair.

**PAPER FROM THE HOUSE.**

A Bill relative to state finance law and the operation of certain agencies in anticipation of supplemental funding (House, No. 4829,— on House, No. 4777, 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.

Mr. Montigny presented an amendment, striking out all after the enacting clause and inserting in place thereof the following:—

“For fiscal year 2002, notwithstanding sections 26 and 27 and the second paragraph of section 29 of chapter 29 of the General Laws or any other general or special law to the contrary, the comptroller shall at the direction of the secretary of administration and finance permit disbursements or the incurring of obligations before July 1, 2002 over the amount appropriated in chapter 177 of the acts of 2001, in the following amounts for which it is anticipated that supplemental funds will be made available: not more than \$1,200,000 for the Massachusetts rehabilitation commission; and in the following accounts: 4403-2000, not more than \$15,656,752; 4404-1000, not more than \$2,063,909; 4408-1000, not more than \$7,248,574; 4513-1005, an amount not more than \$2,022,465; 4800-0015, not more than \$1,405,710; 4800-0031, not more than \$21,842,161; 4800-0041, not more than \$33,264,191; 4800-1100, not more than \$3,510,226; 9110-1604; not more than \$140,535; 9110-1633, not more than \$2,531,787; and 9110-1636, not more than \$738,887.”

**The amendment was adopted.**

**The bill, as amended, was ordered to a third reading, read a third time and passed to be engrossed.**

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

## **Recess.**

There being no objection, at eight minutes past two o'clock P.M., the Chair (Mr. Joyce) declared a recess subject to the call of the Chair; and, at four minutes past four o'clock P.M., the Senate reassembled, Mr. Moore in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

## **PAPER FROM THE HOUSE.**

The House Bill relative to state finance law and the operation of certain agencies in anticipation of supplemental funding (House, No. 4829, printed as amended),— came from the House with the endorsement that the House had concurred in the Senate amendment *with a further amendment* striking out all after the enacting clause and inserting in place thereof the following:

“For fiscal year 2002, notwithstanding sections 26 and 27 and the second paragraph of section 29 of chapter 29 of the General Laws or any other general or special law to the contrary, the comptroller shall at the direction of the secretary of administration and finance permit disbursements or the incurring of obligations before July 1, 2002 over the amount appropriated in chapter 177 of the acts of 2001, in the following amounts for which it is anticipated that supplemental funds will be made available in the following accounts: 4403-2000, not more than \$15,656,752; 4404-1000, not more than \$2,063,909; 4408-1000, not more than \$7,248,574; 4800-0031, not more than \$21,842,161; 4800-0041, not more than \$33,264,191.”

**The rules were suspended, on motion of Mr. Tolman, and the House amendment was considered forthwith and adopted, 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 House bills

Increasing the fee for admitting a person to bail (House, No. 843, changed); and

Relative to the finances of regional school committees (House, No. 3071);  
**Were severally read a second time and ordered to a third reading.**

## **PAPER FROM THE HOUSE.**

## ***Emergency Preamble Adopted; Engrossed Bill Enacted.***

An engrossed Bill relative to state finance law and the operation of certain agencies in anticipation of supplemental funding (see House, No. 4829, 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 3 to 0.

The bill was signed by the Acting 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 Acting President and laid before the Acting Governor for her approbation.**

On motion of Mr. Tarr, at twenty-five minutes before five o'clock P.M., the Senate adjourned to meet on the following Wednesday at eleven o'clock A.M.

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