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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, June 23, 2010.

Met at eight minutes past one o'clock P.M.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Hart for the purpose of an introduction. Mr. Hart then introduced, in the rear of the Chamber, the University of Massachusetts-Boston baseball team. The team was recognized for being the Division III Little East Champs, the Division III North East Regional Champs and for having played in the Division III World Series in Wisconsin. They were accompanied by Chancellor Keith Motley, Head Coach Brendan Eigerbrote

and Assistant Coach Craig Kupaik. The Senate applauded their accomplishments and withdrew from the chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Joyce for the purpose of an introduction. Mr. Joyce then introduced, in the rear of the Chamber, the Boston College Hockey Team. They were being recognized for winning the NCAA Division I National Championship. They were accompanied by Head Coach, Jerry York, who briefly addressed the Senate from the side of the Chamber. The Senate applauded their accomplishments and withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. McGee for the purpose of an introduction. Mr. McGee then introduced, in the rear of the Chamber, Corinthia Blanco, Michelle Angel, Josselyn Hernandez and Katheryn Morales. They are members of the ROTC Marine Jr. Honor Guard from Lynn English High School. They were accompanied by Sgt. Maj. Oswald. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President introduced, on the rostrum, the Honorable Lou D'Allesandro, the chair of the Senate Ways and Means Committee in New Hampshire. The Senate welcomed him with applause and he withdrew from the Chamber.

Petitions.

Petitions were severally presented and referred, as follows:

By Ms. Candaras, a petition (accompanied by bill, Senate No. 2514) of Gale D. Candaras, Angelo J. Puppolo, Jr. and Brian M. Ashe (with the approval of the mayor and the city council) for legislation relative to texting while driving in the city of Springfield [Local approval received];

Under Senate Rule 20, to the committee on Transportation.

Sent to the House for concurrence.

By Ms. Chang-Diaz, a petition (subject to Joint Rule 12) of Sonia Chang-Diaz and Elizabeth A. Malia for legislation to provide for the disposition of the Commonwealth owned land in the city of Boston; and

By Mr. Eldridge, a petition (subject to Joint Rule 12) of James B. Eldridge. Corv

Atkins, William M Straus, Thomas P. Kennedy and other members of the General Court for legislation relative to corporate accountability; and
By Mr. Richard T. Moore (by request), a petition (subject to Joint Rule 12) of Steve R. Demers for legislation to require the installation and maintenance of police in-car patrol video systems in police patrol vehicles;
Severally, under Senate Rule 20, to the committees on the two branches, acting concurrently.

Reports of Committees.

By Ms. Jehlen, for the committee on Elder Affairs, on petition, a Bill creating a special commission on institutional long term care services (Senate, No. 306); and
By the same Senator, for the same committee, on petition, a Bill establishing a special commission to promote prescription pharmaceutical affordability in the Commonwealth (Senate, No. 324);
Severally read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Ms. Jehlen for the committee on Elder Affairs, on petition, a Bill relative to long term care insurance claims (Senate, No. 309); and
By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 303), a Bill relative to psychotropic medications (Senate, No. 2509);
Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition (accompanied by bill, Senate, No. 2346), a Bill further regulating business practices between motor vehicle dealers, manufacturers, and distributors (Senate, No. 2508);
By Ms. Creem, for the committee on the Judiciary, on petition, a Bill relative to strengthening the Anti-Slapp Law (Senate, No. 1618);
By the same Senator, for the same committee, on petition, a Bill further regulating debt collection (Senate, No. 1712);
By the same Senator, for the same committee, on petition, a Bill relative to the service of civil process (Senate, No. 1830);
By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1559), a Bill to protect and enhance the rights of child and adult victims and witnesses of crime (Senate, No. 2510);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1659), a Bill to provide access to forensic and scientific analysis (Senate, No. 2511);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1806), a Bill relative to a lien for architects, engineers, land surveyors, and site professionals (Senate, No. 2512)

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to trenches on private property (Senate, No. 2409); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 917), a Bill relative to the oversight of inspections (Senate, No. 2513);

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

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to the interstate compact warrant (Senate, No. 934);

Read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

PAPERS FROM THE HOUSE

A message from His Excellency the Governor recommending legislation relative to authorizing the leasing of land in Grafton to the United States Department of Labor and authorizing the conveyance or lease of surplus state-owned properties (House, No. 4780),-- **was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.**

A petition (accompanied by bill, House, No. 4772) of Michael A. Costello and Steven A. Baddour (by vote of the town) for legislation to authorize a certain question relative to charter provisions in the town of Amesbury to be placed on the state election ballot,-- **was referred, in concurrence, to the committee on Election Laws.**

A Bill authorizing James M. McGarry to continue to serve as police chief in the town of Sheffield (House, No. 4487,-- on petition) [Local approval],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Resolutions.

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

Resolutions (filed by Mr. Joyce) "congratulating Dr. Charles and Mrs. Irene Lowney on the occasion of their fiftieth wedding anniversary";

Resolutions (filed by Mr. Knapik) "honoring Dr. Robert M. Abrams on the occasion of his retirement"; and

Resolutions (filed by Mr. Ross) "congratulating Reverend David Anthony Costa on the occasion of his twenty-fifth anniversary of being ordained as a priest."

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to Class A controlled substances (Senate, No. 2222),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Morrissey moved that the bill be amended 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 forthwith to provide that all forms of the controlled substance ketamine, a substance frequently used in the commission of sexual assault crimes, is classified as a Class A substance for purposes of the commonwealth's controlled substances laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety."

The amendment was adopted.

The bill (Senate, No. 2222, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing an organ donor registration fund (Senate, No. 2338),-- **ought to pass, with an amendment substituting a new draft entitled "An Act establishing an organ and tissue donation registration fund" (Senate, No. 2515).**

There being no objection, the rules were suspended, on motion of Mr. Tarr,

and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2515) was then ordered to a third reading and read a third time.

After remarks, and pending the question on passing the bill to be engrossed, Mr. Buoniconti moved that the bill be amended by striking out section 7 and inserting in place thereof the following:-

“SECTION 7. Section 12D of chapter 112 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

If a patient covered by MassHealth pursuant to chapter 118E is prescribed a narrow therapeutic index immunosuppressant drug for the treatment of an organ or tissue transplant, the pharmacist shall notify the prescribing physician if a substitution to a narrow therapeutic index immunosuppressant drug for the treatment of an organ or tissue transplant is made. For the purposes of this paragraph, “narrow therapeutic index immunosuppressant drug” shall mean an immunosuppressant drug for the treatment of an organ or tissue transplant that has a narrow range in blood concentrations between efficacy and toxicity and requires therapeutic drug concentration or pharmacodynamic monitoring.”

The amendment was adopted.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at nineteen minutes past one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (37 yeas – 0 nays) [Yeas and Nays No. 294]:

INSERT ROLL CALL “294”

The yeas and nays having been completed at twenty-five minutes past one o'clock P.M., the bill (Senate, No. 2515, amended) was passed to be engrossed.

Sent to the House for concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Rick LeClair, an employee of the Department of Children and Families (House, No. 4698, amended),-- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill 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 Bill.

An engrossed Bill authorizing the establishment of a Raynham Development Revolving Fund in the town of Raynham (see House, No. 4485) (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 signed by the President and laid before the Governor for his approbation.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4797) of Paul J. Donato that the Department of Revenue be authorized to establish a sick leave bank for Maria Hudson, an employee of said department; and

Petition (accompanied by bill, House, No. 4798) of James E. Vallee for legislation to establish a sick leave bank for Meghan Savage, an employee of the Department of Children and Families;

Severally under suspension of Joint Rule 12, to the committee on Public Service.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Relative to the Yarmouth Marina (House, No. 4321); and

Authorizing the town of Cohasset to grant certain interests in land (House, No. 4322);

Were severally read a second time and ordered to a third reading.

The Senate Order relative to an amendment deadline for the Ways and Means proposed new text to the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619),-- was declared moot as the time for the amendment deadline had expired and a similar order with a different time had previously been adopted.

The order was placed on file.

The House Bill establishing expanded gaming in the Commonwealth (House, No. 4619),-- was read a second time.

Mr. Brewer in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair), after debate, and

pending the question on adoption of the Ways and Means amendment, and pending the main question on ordering the bill to a third reading, at the request of Messrs. Tisei and Knapik, the bill was laid over until the next session, under the provisions of Senate Rule 31, with several amendments for consideration to be printed by title only, in the Calendar.

At the request of Messrs. Montigny and Tisei, under the provisions of Senate Rule 31, amendment number 31 was printed in its entirety in the Calendar.

The House Bill relative to the agreement among the states to elect the President by national popular vote (House, No. 4156),-- was considered, the question being on passing the bill to be engrossed, in concurrence.

On motion of Mr. Tisei, the further consideration of the bill was postponed until Wednesday, July 28.

Subsequently, on motion of Mr. Petruccelli, the postponement of the bill was reconsidered.

On motion of Mr. Tisei, the further consideration of the bill was postponed until Wednesday, July 7.

PAPERS FROM THE HOUSE

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill exempting the city of Springfield from certain provisions of the General Laws (see House, No. 4316) (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 o'clock P.M., as follows, to wit (yeas 38 - nays 0) [Yeas and Nays No. 295]:

Yeas:- 38

INSERT ROLL CALL [295]

Nays:- 0

The yeas and nays having been completed at six minutes past four 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 Acting President (Mr. Brewer)

and laid before the Governor for his approbation.

Engrossed Bills.

The following engrossed bills (the first 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 Acting President (Mr. Brewer) and laid before the Governor for his approbation, to wit: Validating the election of a charter commission in the city of Holyoke (see Senate, No. 2408, amended);

Relative to the removal of spending limits in the town of North Andover (see House, No. 1897);

Designating a certain section of state highway Route 110 in the city of Haverhill as the Emilio Brothers Memorial Highway (see House, No. 3197);

Relative to the transportation of telephone poles (see House, No. 3790);

Authorizing the government employers in the county of Dukes County to establish a pooled other post-employment benefits trust fund (see House, No. 4105);

Relative to health insurance coverage for retired employees of the town of Brookline (see House, No. 4451);

Increasing the membership of the Board of the Commonwealth Zoological Corporation (see House, No. 4707); and

Authorizing the town of Northborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4719).

Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill relative to safe driving (House, No. 4475) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2305), reported a "Bill relative to safe driving" (House, No. 4795),-- came from the House, and was read.

The rules were suspended, on motion of Mr. Baddour, and the report was considered forthwith.

After remarks, and pending the question on accepting the report of the committee of conference, in concurrence, on further motion of Mr. Baddour, the matter was postponed to the next session.

Order Adopted.

On motion of Mr. Joyce,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at twelve o'clock noon, in a full formal session.

Adjournment in Memory of Vaughn Lloyd of Ashburnham.

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, requested that when the Senate adjourns today, it adjourn in memory of Vaughn Lloyd of Ashburnham.

Vaughan Lloyd of Ashburnham, Massachusetts, devoted husband of Susan and loving father to Cameron Lloyd, tragically lost his life while trying to break up a fight. Although Lloyd began his professional career as a successful chiropractor, his drive and passion for teaching soon guided him to the position of Biology MCAS Academic Support Teacher at Fitchburg High School. Here, his kindness and ability to engage and enlighten students made him an asset to them and to his colleagues. Mr. Lloyd also worked with Mount Wachusett Community College's Gear Up program, tutoring students who were likely to fail the MCAS test. During his professional career, he achieved near perfect results tutoring students in his area of expertise. His tremendous commitment as an educator was exemplified in every aspect of his life. On Friday, June 4, 2010, Vaughan Lloyd passed away shortly after the start of the school day at Fitchburg High School. Vaughn Lloyd will be remembered as a friend to all whose lives he touched.

Accordingly, as a mark of respect to the memory of Vaughn Lloyd, at twenty-four minutes past four o'clock P.M., on motion of Mr. Joyce, the Senate adjourned to meet again tomorrow at twelve o'clock noon.