

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.

Wednesday, July 29, 2009.

Met according to adjournment at three o'clock P.M. (Mr. Rosenberg in the Chair).

Reports of a Committee

By Mr. Morrissey, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill relative to home improvement contractor registration (Senate, No. 111) ;
By the same Senator, for the same committee, on petition, a Bill clarifying the requirements for licensing as a real estate broker or salesperson (Senate, No. 121) ;
By the same Senator, for the same committee, on petition, a Bill prohibiting the sale of lottery tickets on credit (Senate, No. 157);
By the same Senator, for the same committee (on House, No. 325), a Bill to update public charities law (Senate, No. 2117);
By the same Senator, for the same committee, on petition (accompanied by bill Senate, No. 112), a Bill relative to flea market vendors (Senate, No. 2118);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

PAPERS FROM THE HOUSE.

A Bill adopting the federal secure and fair enforcement of mortgage licensing act of 2008 (House, No. 4178,- on House, No. 4127),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Reports

Of the House committee on Ways and Means, asking to be discharged from further consideration
Of the petition (accompanied by bill, Senate, No. 747) of Robert A. O'Leary for legislation relative to Martha's Vineyard Hospital,-- **and recommending that the same be referred to the committee on State Administration and Regulatory Oversight;**
Of the petition (accompanied by bill, House, No. 174) of Michael J. Rodrigues and others for legislation to further regulate the Registration Board of Social Workers,-- **and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure;**
Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Recess.

There being no objection, at one minute past three o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair, and, at twenty-eight minutes past four o'clock P.M., the Senate reassembled, the President in the Chair

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

Communications.

There being no objection the Clerk read the following communications:

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

July 29, 2009

William Welch, *Clerk*
Massachusetts State Senate
State House, Room 334
Boston, MA 02133

Dear Mr. Clerk:

I was unable to vote on several matters during Senate deliberations on July 28, 2009. Had I been present, I would have voted in support of the following:

- Overriding Governor Patrick's veto in line item 1790-0000
- Overriding Governor Patrick's veto in line item 7004-0101
- Senate No. 1469, An Act Establishing Disability History Month
- Overriding Governor Patrick's veto in line item 1100-1100
- Overriding Governor Patrick's veto in line item 1201-0100
- Overriding Governor Patrick's veto in line item 4800-0015
- Overriding Governor Patrick's veto in line item 7010-0033
- Overriding Governor Patrick's veto in line item 8400-0001
- Overriding Governor Patrick's veto in line item 8900-0001
- Overriding Governor Patrick's veto in line item 8910-0102
- Overriding Governor Patrick's veto in line item 8910-0105
- Overriding Governor Patrick's veto in line item 8910-1017
- Overriding Governor Patrick's veto in line item 8910-0108
- Overriding Governor Patrick's veto in line item 8910-0110
- Overriding Governor Patrick's veto in line item 8910-0145
- Overriding Governor Patrick's veto in line item 8910-0619
- Overriding Governor Patrick's veto in line item 4510-0108
- Overriding Governor Patrick's veto in line item 4190-0100
- Overriding Governor Patrick's veto in line item 4180-0100

I respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for July 28, 2009. Thank you in advance for your attention to this important matter.

Sincerely,
Frederick E. Berry
Majority Leader

On motion of Mr. Galluccio, the above communication was ordered printed in the Journal of the Senate.

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

July 29, 2009

Mr. William F. Welch
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

During the formal sessions held on Friday, July 17, 2009, Tuesday, July 21, 2009, I was absent from the chamber serving in my capacity as a member of the Special Senate Committee to the Annual Meeting of the National Conference of State Legislatures. Consequently, I was not recorded on several roll call votes. Had I been present, I would have voted in the following manner:

Friday, July 17, 2009

H 4141 – Commonwealth Transportation Fund – Yes

Tuesday, July 21, 2009

H 4140 – Criminal History for Wall Climbing Instructors – Yes

S 998 – Mixed Martial Arts – Yes

H 2097 – Affordable Housing – Yes

S 2109 – Cape Cod Electricity – Yes

I respectfully request that a copy of this letter be printed in the Journal of the Senate. Thank you in advance for your assistance.

Sincerely,
RICHARD T. MOORE
State Senator
Worcester & Norfolk District

On motion of Mr. Rosenberg, the above communication was ordered printed in the Journal of the Senate.

Report of a Committee of Conference.

Mr. Joyce, for the committee of conference, to whom was referred the matters of difference between the two branches with reference to the House amendment to the Senate Bill transferring county sheriffs to the Commonwealth (Senate, No. 2045, printed as amended) (*amended by the House* by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 1153, printed as amended; and 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 transfer forthwith county sheriffs to the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience”), reported, a “Bill transferring county sheriffs to the Commonwealth” (Senate, No. 2119). Pending the question on accepting the report of the conference committee, there being no objection, the Clerk read the following communication relative to the conference committee report:

Dear Mr. Clerk,

As the House and Senate chairs of the conference committee on “An Act transferring county sheriffs to the Commonwealth” we have conferred with the House and Senate Counsel and have authorized a technical change to section 19 to correctly place an effective date. Thank you for your attention to this matter.

Senator Brian Joyce, *Chair*
Representative Stephen Walsh, *Chair*

On motion of Mr. Joyce, the above communication was ordered printed in the Journal of the Senate.

The above mentioned changes were then added to the official report of the committee of conference and were included in the text of Senate, No. 2119, when it was accepted in both branches.

After remarks, the question on accepting the report of the committee of conference was determined by a call of the yeas and nays, at twenty-one minutes before five o’clock P.M., on motion of Mr. O’Leary, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 124**]:

INSERT RC “124”

The yeas and nays having been completed at seventeen minutes before five o’clock P.M., the report (Senate, No. 2119) was accepted.

Sent to the House for concurrence.

PAPER FROM THE HOUSE

A Bill adopting the federal secure and fair enforcement for mortgage licensing act of 2008 (House, No. 4178,- on House, No. 4127),- **was read.**

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

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to the disposition of property in the town of Westborough (House, No. 3147),— **ought to pass, with an amendment** by inserting the following 2 new sections:—
“SECTION 2A. The first sentence of section 6 of said chapter 660 is hereby amended by striking out, in line 6, the words ‘nursery and’ and inserting in place, thereof the following words:— ‘nursery, a municipal firing range or’.
SECTION 2B. The commissioner of capital asset management and maintenance may execute and deliver to the town of Westborough such amended deed, in accordance with section 6 of chapter 660 of the acts of 1987, or other document as the commissioner deems reasonable and appropriate to effect the purposes of section 2A.”

There being no objection, the rules were suspended, on motion of Mr. Eldridge, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, as amended, was then ordered to a third reading and, after remarks was read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar, and considered as follows:

The House Bill authorizing the town of Nantucket to convey or otherwise dispose of a parcel of land on Muskeget Island in the town of Nantucket (House, No. 4134) **(its title having been changed by the committee on Bills in the Third Reading),- was read a third time.**

After remarks, and pending the question on passing the bill to be engrossed, Mr. O’Leary moved that the bill be amended in section 1, by striking out the words “, a government body of the commonwealth or a non-profit organization whose mission is to conserve natural resources or otherwise dispose of”.

After further remarks, the amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Theodore S. Bielecki, an employee of the Department of Correction (Senate, No. 2110),— **ought to pass.**

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

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill providing for the issuance of certain veterans’ plates by the registrar of motor vehicles (see House, No. 4144, 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 8 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill prohibiting health care facilities from charging for certain services (see House, No. 4145, 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 President and sent to the House for enactment.

An engrossed Bill authorizing the transfer of certain funds within the trial court (see House, No. 4148), 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 9 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill providing for the transfer of certain funds to the General Fund (see House, No. 4150, 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 6 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to the District Local Technical Assistance Fund (see House, No. 4151, 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 6 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to the Massachusetts Life Sciences Investment Fund (see House, No. 4152), 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 5 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to development in the towns of Monson and Templeton (see House, No. 4153, 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 5 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill establishing a regionalization advisory commission (see House, No. 4154, 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 5 to 0.

The bill was signed by the President and sent to the House for enactment.

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 President and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Kathleen Ginn, an employee of the Department of Developmental Services (see Senate, No. 2089);

Establishing a sick leave bank for Mary F. Keeler, an employee of the Trial Court (see House, No. 1138);

Establishing a sick leave bank for Gayle Tickel, an employee of the Department of Correction (see House, No. 1155, amended); and

Further regulating a certain license for the sale of all alcoholic beverages not to be drunk on the premises in the town of Dracut (see House, No. 3800).

An engrossed Bill providing for reporting dates for capital gains revenue and transferring certain funds (see House, No. 4142, amended) (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 re-enacted and signed by the President and again laid before the Governor for his approbation.**

Petition.

On motion of Mr. Richard T. Moore, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Hart, (accompanied by bill) of John A. Hart, Jr. for legislation to establish a sick leave bank for Ellen Starck, an employee of the Massachusetts Parole Board,— **and the same was referred to the committee on Public Service.**

Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Establishing a town manager form of government for the town of Hanover (House, No. 1123);

Authorizing the city of Attleboro to continue the employment of Ronald M. Churchill (House, No. 1884); and

Establishing the position of municipal hearing officer in the town of Southbridge (House, No. 4116);

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

The House Bill authorizing the city of Gardner to convey certain park land (House, No.612),- was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Flanagan moved that the bill be amended in section 2, by striking out, in lines 24 to 27, inclusive, the words “ and (2) Said dwelling units shall be sold or leased by the Greater Gardner Community Development Corporation to individuals who: reside in the city of Gardner; have parents or siblings who reside in the city of Gardner; or work in the city of Gardner” and inserting in place thereof the following 2 clauses:-

“(2) The dwelling units shall be sold or leased by the Greater Gardner Community Development Corporation to individuals who: reside in the city of Gardner; have parents or siblings who reside in the city of Gardner; or work in the city of Gardner; and

(3) As a condition of the conveyance, the city of Gardner shall transfer a parcel of land under the care, custody, management and control of the board of selectmen and dedicated for general municipal purposes to the conservation commission or park commission and such parcel shall be dedicated for conservation or park purposes. If no suitable parcel can be transferred to the conservation commission, the city shall acquire a parcel of land or a conservation restriction upon private or public land as defined at section 31 of chapter 184 of the General Laws. Such land shall be dedicated or restricted to conservation or park purposes and under the jurisdiction of the conservation commission or park commission. The parcel dedicated pursuant to this section, shall be of equal or greater size and value for conservation or park purposes when compared to the parcel described in section 1. If the land conveyed ceases to be used for the purposes described in section 1, the land shall revert to the city of Gardner for public park purposes.”

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill relative to public utility companies (House, No. 4126, amended),- was considered, the main question being on passing the bill to be engrossed.

After debate, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at a quarter past five o'clock P.M. on the motion of Mr. Tarr as follows, to wit (yeas 37 – nays 0) [Yeas and Nays No. 125]:

INSERT ROLL CALL “125”

The yeas and nays having been completed at nineteen minutes past five o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments previously adopted by the Senate.

Sent to the House for concurrence in the amendments.

Recess.

There being no objection, at twenty-three minutes past five o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-one minutes past seven o'clock P.M., the Senate reassembled, the President in the Chair.

At twenty-one minutes past seven o'clock P.M, Mr. Tisei doubted the presence of a quorum; and, a count of the Senate determined that a quorum was not present.

Subsequently, at twenty-nine minutes before eight o'clock P.M., the President declared that a quorum was present.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, on House, No. 4181, in part, a “Bill transferring county sheriffs to the Commonwealth” (Senate, No. 2121).

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

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill transferring county sheriffs to the Commonwealth (see Senate, No. 2119), 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 14 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill adopting the federal secure and fair enforcement for Mortgage Licensing Act of 2008 (see House, No. 4178), 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 13 to 0.
The bill was signed by the President and sent to the House for enactment.

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 re-enacted and were signed by the President and again laid before the Governor for his approbation, to wit:

Providing for the issuance of certain veterans' plates by the registrar of motor vehicles (see House, No. 4144, amended);
Prohibiting health care facilities from charging for certain services (see House, No. 4145, amended);
Authorizing the transfer of certain funds within the trial court (see House, No. 4148);
Providing for the transfer of certain funds to the General Fund (see House, No. 4150, amended).
Relative to the District Local Technical Assistance Fund (see House, No. 4151, amended);
Relative to the Massachusetts Life Sciences Investment Fund (see House, No. 4152);
Relative to development in the towns of Monson and Templeton (see House, No. 4153, amended); and
Establishing a regionalization advisory commission (see House, No. 4154, amended).

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (on the residue of House, No. 4181),-- ought to pass with an amendment by inserting the following section:-

“SECTION __. The department of correction shall not suspend, terminate, reduce services or otherwise divert clients of the Massachusetts alcohol and substance abuse center until such time as the department files a displacement plan for the center's clients to the house and senate committee on ways and means, the joint committee on public safety and homeland security and the joint committee on mental health and substance abuse; provided, however, that if such a plan shall be filed, the plan shall not take effect sooner than 90 days from the date that such plan has been filed with said committees.”; in paragraph (h) of section 29 by striking out the words “secretary of education” and inserting in place thereof the following words:- “president of the university of Massachusetts”; and by inserting the following section:-

“SECTION _____. Section 2 of chapter 27 of the acts of 2009 is hereby amended in item 1233-2350 by striking the figure “\$936,376,140” and inserting in place thereof the following figure:- “\$936,437,803”.

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

Suspension of Senate Rule 38A.

There being no objection, during consideration of the matter, Ms. Menard moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. The motion was considered forthwith, and it was adopted

Pending the question on adoption of the amendment recommended by the committee on Ways and Means, Messrs. Tisei, Tarr, Knapik and Brown moved that the bill be amended by inserting at the end thereof the following sections: -

“**SECTION 1.** Notwithstanding any general or special law to the contrary, for the days of August 1, 2009 and August 2, 2009, an excise shall not be imposed upon nonbusiness sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. For the purposes of this act, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or a single item the price of which is in excess of \$2,500.

SECTION 2. Notwithstanding any general or special law to the contrary, for the days of August 1, 2009, and August 2, 2009, a vendor shall not add to the sales price or collect from a nonbusiness purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. The commissioner of revenue shall not require a vendor to collect and pay excise upon sales at retail of tangible personal property purchased on August 1, 2009 and August 2, 2009. An excise erroneously or improperly collected during the days of August 1, 2009, and August 2, 2009, shall be remitted to the department of revenue. This section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or a single item the price of which is in excess of \$2,500.

SECTION 3. Reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days of August 1, 2009, and August 2, 2009.

SECTION 4. On or before December 31, 2009, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised from personal and corporate income taxes and other sources, pursuant to this act. The commissioner shall file a report with the joint committee on revenue and the house and senate committees on ways and means detailing by fund the amounts under general and special laws governing the distribution of revenues under chapter 64H of the General Laws which would have been deposited in each fund, without this act.

SECTION 5. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.”

Mr. Brewer arose to a point of order which, being stated, was that the amendment was beyond the scope of the bill before the Senate insofar as it would come under the definition of a “money bill” which must be initiated by the House.

The President stated that the point of order was well taken and that “The Massachusetts Constitution says: “All money bills shall originate in the House of Representatives”, and therefore the amendment is out of order.

Mr. Tisei doubted the ruling of the Chair; and this motion was seconded by Mr. Knapik.

After debate, the question on whether the ruling of the Chair would stand was determined by a call of the yeas and nays, at eleven minutes past eight o’clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 32 — nays 5*) [**Yeas and Nays No. 126**]:

Insert Roll Call “126”

The yeas and nays having been completed at a quarter past eight o’clock P.M., the ruling of the Chair stood and the amendment was laid aside.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended by inserting at the end thereof the following section: -

“SECTION X. Chapter 118E of the General Laws, as most recently amended by chapter 451 of the Acts of 2008, is hereby amended by adding the following new section:-

Section 63. The Executive Office of Health and Human Services shall discontinue membership in the Mass Health fee-for-service program and primary care clinician plan, and shall begin enrolling all members, meeting eligibility requirements as established pursuant to applicable federal and state law and regulation, into a Medicaid managed care organization that has contracted with the commonwealth to deliver such managed care services, in accordance with the enrollment and assignment processes for other eligible categories and at the appropriate levels of premium.”

“SECTION X. Any savings associated with the expanded use of Medicaid managed care organization shall be utilized to assist in the health care coverage of those persons extended coverage by section 32 of this act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before nine o’clock P.M., on motion of Mr. Knapik, as follows, to wit (*yeas 5 — nays 31*) [**Yeas and Nays No. 127**]:

Insert Roll Call “127”

The yeas and nays having been completed at twenty minutes before nine o’clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by adding at the end the following additional section:-

“SECTION XX. Notwithstanding any law to the contrary, the registrar of motor vehicles shall develop and promulgate a plan to ensure full accessibility to all registry branch services to citizens residing in the region commonly known as the “North Shore” prior to the closure of the branch office currently located in the city of Beverly.”

The amendment was rejected.

There being no objection, the following matters were considered, as follows:

PAPERS FROM THE HOUSE

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 President and laid before the Governor for his approbation, to wit:

Transferring county sheriffs to the Commonwealth (see Senate, No. 2119); and

Adopting the federal secure and fair enforcement for Mortgage Licensing Act of 2008 (see House, No. 4178).

Emergency Preamble Adopted.

An engrossed Bill relative to the disposition of property in the town of Westborough (see House, No. 3147, 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 6 to 0.

The bill was signed by the President and sent to the House for enactment.

Unfinished Business.

The House Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (on the residue of House, No. 4181),-- was further considered, the main question being on adoption of the Ways and Means amendment.

Messrs. Tarr, Tisei, Knapik, Hedlund, and Brown moved that the bill be amended by adding at the end the following additional

section:-

“SECTION XX. Section 23 of Chapter 64H is hereby repealed.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes past nine o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 11 — nays 25) **[Yeas and Nays No. 128]**:

Insert Roll Call “128”

The yeas and nays having been completed at seventeen minutes past nine o'clock P.M., the amendment was *rejected*.

Messrs. Tarr, Tisei, and Brown moved that the bill be amended by adding at the end the following additional section:-

“SECTION XX. Notwithstanding any general or special law to the contrary, the registrar of motor vehicles shall not close any existing branch office unless and until a plan is produced and implemented to provide effective access to all services to those citizens which will be affected by such closure. In developing such plan, the registrar shall consider all available options and resources, including but not limited to the renegotiation of rental contracts, utilization of any available municipal, state or other spaces in the public sector, and innovative partnerships with public agencies or private entities. Such plan shall be submitted to the clerks of the house and senate before the any such branch closures.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-two minutes past nine o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 8 — nays 28) **[Yeas and Nays No. 129]**:

Insert Roll Call “129”

The yeas and nays having been completed at twenty-five minutes past nine o'clock P.M., the amendment was *rejected*.

The Ways and Means amendment was then adopted.

The bill was then ordered to a third reading and read a third time.

After remarks, The question on passing the bill, as amended, to be engrossed was determined by a call of the yeas and nays at twenty minutes before ten o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (*yeas 31 — nays 5*) **[Yeas and Nays No. 130]**:

Insert Roll call “130”

The yeas and nays having been completed at seventeen minutes before ten o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE

Engrossed Bill—Land Taking for Conservation Etc.

Mr. Rosenberg in the Chair, an engrossed Bill relative to the disposition of property in the town of Westborough (see House, No. 3147, amended) (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 sixteen minutes before ten o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) **[Yeas and Nays No. 131]**:

INSERT ROLL CALL [131]

The yeas and nays having been completed at fourteen minutes before ten 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. Rosenberg) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Nantucket to convey or otherwise dispose of a parcel of land on Muskeget Island in the town of Nantucket (see House, No. 4134, amended) (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 thirteen minutes before ten o'clock P.M., as follows, to wit (*yeas 36 — nays 0*) **[Yeas and Nays No. 132]**:

INSERT ROLL CALL [131]

The yeas and nays having been completed at eleven minutes before ten 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. Rosenberg) and laid before the Governor for his approbation.

Recess.

There being no objection, at ten minutes before ten o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty-two minutes past eleven o'clock P.M., the Senate reassembled, Ms. Chang-Díaz in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE

Emergency Preamble Adopted; Engrossed Bill Enacted

An engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4181, 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 Acting President (Ms. Chang-Díaz) 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 (Ms. Chang-Díaz) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Adjournment in Memory of Patrick A. Dunlavy

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, and the Senator from Worcester and Norfolk, Mr. Richard T. Moore, requested that when the Senate adjourns today, it adjourn in memory of Patrick A. Dunlavy of Templeton.

Patrick A. Dunlavy of Templeton passed away on July 26th at the age of 80. Mr. Dunlavy was a former police chief in Templeton for seven years and a selectman in the town for nearly twenty one years. As a local activist, Mr. Dunlavy was in his second term as cemetery commissioner and served on the community improvement committee and the town Skateboard Park Committee. Mr. Dunlavy was also active in senior citizen and veteran's issues as he himself was an Air Force Korean War veteran. Mr. Dunlavy will be missed by family and friends for his charming smile and genuine desire to make the world a better place.

Accordingly, as a mark of respect to the memory of Patrick A. Dunlavy, at a half past eleven o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.