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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, December 28, 2005.

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

The Chair (Ms. Wilkerson), members, guests and employees then recited the pledge of allegiance to the flag.

PAPERS FROM THE HOUSE.

A .petition (accompanied by bill, House, No. 4595) of William Smitty Pignatelli and Andrea F. Nuciforo, Jr. (by vote of the town) relative to the use of certain land in the town of Stockbridge,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill establishing a sick leave bank for Maureen Quinney, an employee of the Department of Revenue (House, No. 4450,— on petition),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to the salary of the mayor of the city of Lawrence (House, No. 4506,— on petition) [Local approval received],— was read.

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

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

Relative to the board of health in the town of North Andover (see House, No. 4115);
Authorizing certain investments by the treasurer of the town of Brookline (see House, No. 4222);
Establishing a department of public works in the town of West Newbury (see House, No. 4271); and
Establishing a sick leave bank for Marion Dawicki, an employee of the Trial Court (see House, No. 4554).

A Bill relative to group marketing plans (House, No. 4577,— on House, No. 1548),— was read.

There being no objection, the rules were suspended, on motion of Mr. Brown, 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 seven minutes past eleven o'clock A.M., the Chair (Ms. Wilkerson) declared a recess; and at twenty-seven minutes past one o'clock P.M., the Senate reassembled, Mr. Pacheco 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.

An engrossed Bill relative to automatic amusement devices (see Senate, No. 1350, 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 (Mr. Pacheco) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (both 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 Acting President (Mr. Pacheco) and laid before the Governor for his approbation, to wit:

Establishing the Concord Housing Development Corporation (see House, No. 4320); and
Establishing a revolving fund in the town of Sudbury (see House, No. 4389, changed).

The House Bill extending simulcasting for the horse and greyhound racing industry in the Commonwealth (House, No. 4585),— came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the following:—

“SECTION 1. The first paragraph of section 2A of chapter 494 of the acts of 1978 is hereby amended by inserting after the word ‘inclusive’, inserted by section 29 of chapter 139 of the acts of 2001, the following words:— ; and until March 31, 2006.

SECTION 2. The last paragraph of said section 12A of said chapter 494 is hereby amended by striking out the words ‘December 31, 2005’; inserted by section 30 of said chapter 139, and inserting in place thereof the following words:— March 31, 2006.

SECTION 3. The introductory paragraph of section 13 of said chapter 494 is hereby amended by inserting after the word ‘inclusive’, inserted by section 31 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 4. Section 15 of said chapter 494 is hereby amended by inserting after the word ‘inclusive’, inserted by section 32 of said chapter 139, the following words:— , and, until March-31, 2006.

SECTION 5. The first paragraph of section 9 of chapter 277 of the acts of 1986 is hereby amended by inserting after the word ‘inclusive’, inserted by section 33 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 6. The first sentence of the first paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by inserting after the word ‘inclusive’, inserted by section 34 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 7. The last paragraph of said section 3 of said chapter 114 is hereby amended by striking out the words ‘December 31, 2005’, inserted by section 35 of said chapter 139, and inserting in place thereof the following words:— March 31, 2006.

SECTION 8. The first paragraph of section 4 of said chapter 114 is hereby amended by inserting after the word ‘inclusive’, inserted by section 36 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 9. The last paragraph of said section 4 of said chapter 114 is hereby amended by striking out the words ‘December 31, 2005’, inserted by section 36 of said chapter 139, and inserting in place thereof the following words:— March 31, 2006.

SECTION 10. The first paragraph of section 5 of said chapter 114 is hereby amended by inserting after the word ‘inclusive’, inserted by section 34 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 11. Section 13 of chapter 101 of the acts of 1992 is hereby amended by striking out the words ‘December 31, 2005’, inserted by section 39 of said chapter 139, and inserting in place thereof the following words:— March 31, 2006.

SECTION 12. Section 45 of chapter 139 of the acts of 2001 is hereby amended by striking out the words ‘December 31, 2005’ and inserting in place thereof the following words:— March 31, 2006, with a further amendment striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 4599.
The rules were suspended, on motion of Mr. Brown, and the House amendment was considered forthwith and adopted, in concurrence.

Recess.

There being no objection, at twenty-five minutes before two o'clock P.M., the Chair (Mr. Pacheco) declared a recess; and at twenty-four minutes before three o'clock P.M., the Senate reassembled, Ms. Wilkerson in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preambles Adopted; Engrossed Bills Enacted.

An engrossed Bill relative to group marketing plans (see House, No. 4577), 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 (Ms. Wilkerson) 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. Wilkerson) and laid before the Governor for his approbation.

An engrossed Bill extending simulcasting for the horse and greyhound racing industry in the Commonwealth (see House, No. 4585, 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 (Ms. Wilkerson) 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. Wilkerson) 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 (Ms. Wilkerson) and laid before the Governor for his approbation, to wit:

Relative to automatic amusement devices (see Senate, No. 1350, amended); and

Relative to the salary of the mayor of the city of Lawrence (see House, No. 4506).

The Senate Bill providing emergency prescription drug coverage for seniors and the disabled (Senate, No. 2310, amended),— came from the House passed to be engrossed, in concurrence with several amendments in section 2 striking out the following: “December 31, 2006” and inserting in place thereof the following: “March 31, 2006”; and by adding at the end thereof at the following two sections:

“SECTION 6. Section 1 of chapter 176K of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the definition of “Medicare” the following definition:

“Medicare Part D”, Medicare prescription drug coverage available to Medicare-eligible persons beginning January 1, 2006, as authorized under the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

SECTION 7. Subsection (c) of section 4 of said chapter 176K, as so appearing, is hereby amended by adding the following paragraph:—

Consistent with the implementation of Medicare Part D, no carrier that participates in the market shall offer any Medicare supplement insurance plans with prescription drug coverage. All Medicare supplement insurance plans with prescription drug coverage shall be closed to new enrollments, but shall be kept guaranteed renewable. A person enrolled in a Medicare supplement insurance plan with prescription drug coverage and who enrolls in Medicare Part D shall be transferred to that person's carrier's most comparable Medicare supplement insurance plan without prescription drug coverage, unless that person chooses coverage under any of that carrier's other Medicare supplement insurance plans without prescription drug coverage. The coverage provided by such comparable plan shall become effective when the Medicare Part D coverage becomes effective. The

rate for such comparable plan shall be the same rate that is in effect at the time of the transfer. The carrier shall notify all persons affected by this change and shall describe these persons all the reasons for the respective coverage.

SECTION 8. Section 7 shall take effect on January 1, 2006.” (as corrected, BTR).

The rules were suspended, on motion of Mr. Brown, and the House amendment was considered forthwith. Messrs. Moore and Brown moved that the Senate non-concur in the House amendments in sections 2 and 3 of the bill (Senate, No. 2310) and concur in the House amendment adding sections 6, 7 and 8 (as corrected by House and Senate BTR).

The motion was adopted.

Sent to the House for its action.

Recess.

There being no objection, at nine minutes before three o'clock P.M., the Chair (Ms. Wilkerson) declared a recess; and at thirteen minutes before four o'clock P.M., the Senate reassembled, Ms. Wilkerson in the Chair.

Order Adopted.

On motion of Mr. Brown,—

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.

On motion of the same Senator, at twelve minutes before. four o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.