

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.

Thursday, July 29, 2010.

[being a continuation of the session of Wednesday, July 28, 2010.]

Met at three minutes past eleven o'clock A.M. (Mr. Brewer in the Chair).

The Chair (Mr. Brewer) then led the members, guests and employees in the recitation of the pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Ms. Menard) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced Jackson Altieri, who at one month old was diagnosed with dilated cardiomyopathy. He was at Children's Hospital when finally at about 18 months old Jackson received a heart transplant. He was accompanied by his mother Nicole Altieri and his grandparents Fran and Rebecca Aliberte. Mr. Tarr also introduced Tammy Silveira and John Nicastro, the parents of the now deceased J.J. Nicastro. J.J. Nicastro was diagnosed with myocarditis when he was 12 years old and was living off of an artificial heart and died before an organ was available. Mr. McGee then introduced Jim and Cara Linehan from Melrose. Their daughter, Laura, passed away at 20 after receiving a liver donation a few hours too late. The Senate welcomed them with applause and they withdrew from the Chamber. The families were also guests of Representative Ferrante and Representative Clark.

There being no objection, the Chair (Ms. Menard) handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, Ruthie Baker a 10 year old constituent from Wilmington who, like her dad and brother, suffers from the charcot-marie-tooth (CMT) form of muscular dystrophy. After years of receiving help from the Muscular Dystrophy Association (MDA), Ruthie Baker, with the help of her father, decided to write a children's book and have all the profits donated to the MDA as a way to say thank you for all their help. The Senate applauded their accomplishments and generosity and they withdrew from the Chamber.

There being no objection, the Chair (Ms. Menard) introduced, in the rear of the Chamber, Ellis and Vanessa Gill from Kent, England. The Senate welcomed them with applause and they withdrew from the Chamber. They were guests of Senator Kennedy.

Petition.

Mr. O'Leary presented a petition (subject to Joint Rule 12) of Robert A. O'Leary and Timothy Madden for legislation to clarify the application of Chapter 156B;

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

Committee Discharged.

Mr. Berry, for the committee on Ethics and Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain current Senate documents (Senate, No. 2550), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1106) of

Thomas M. McGee and Lori Ehrlich for legislation relative to creditable service for teachers,-- **and recommending that the same be recommitted to the committee on Public Service.**

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

PAPERS FROM THE HOUSE

Messages were severally referred, in concurrence, as follows:

Message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the results of the special town election held in the town of Wenham on December 17, 2009 (House, No. 4948);

To the committee on Election Laws.

Message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the city of Gardner to convey certain land under the control of the Gardner Conservation Commission (House, No. 4949); and

Message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at an annual town meeting held in the town of Essex (House, No. 4950);

Severally to the committee on Municipalities and Regional Government.

Recess.

At three minutes past eleven o'clock A.M., the Chair (Mr. Brewer) declared a recess subject to the call of the Chair.

At one minute before one o'clock P.M., members of the Senate proceeded to the Chamber of the House of Representatives, under the escort of the Sergeant-at-Arms, for the purpose of considering certain proposals for Amendments to the Constitution which have been called up for consideration by the Senate and House of Representatives.

Joint Session of the Two Houses to Consider Specific Legislative Amendments to the Constitution.

At one o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Stanley C. Rosenberg.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Ms. Menard, at one minute past one o'clock P.M., the Joint Session was adjourned; and the Senate withdrew from the House Chamber, under the escort of the Sergeant-at-Arms.

At twenty-seven minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

Communications.

The Clerk read the following communications:

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

July 29, 2010

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

Dear Mr. Clerk,

Due to a scheduling conflict, I was out of the state during the formal Senate session on Wednesday, July 28, 2010, and therefore, was not present for the following roll call votes:

350: House Bill No. 4194, authorizing North Andover to amend a certain conservation restriction

Roll Call 351: House Bill No. 4879, creating a prescription drug monitoring program

Roll Call 352: House Bill No. 4304, authorizing Manchester-by-the-Sea to grant an easement

Roll Call 353: House Bill No. 4318, authorizing Andover to grant an easement
Roll Call 354: House Bill No. 4916, creating a silver alert community response system.

Had I been present, I would have voted in the affirmative on all five matters.

I would appreciate the printing of this communication in the Senate Journal. Thank you in advance for your assistance with this request.

Sincerely,
Stanley C. Rosenberg
State Senator
Hampshire and Franklin.

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

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

July 29, 2010

The Honorable William Welch
Clerk, Massachusetts State Senate
Boston, MA 02133

Dear Mr. Clerk,

I write regarding a vote taken on July 28, 2010 to enact H. 4304 which is entitled "An Act Authorizing the town of Manchester-by-the-Sea to Grant an Easement on Certain Water Protection Land." At the time the vote was taken, I was unfortunately at an event on the steps of the State House and was unable to cast my vote. If I had been in the Chamber, I would have voted "Yes." Thank you for your prompt attention to this matter.

Sincerely,
Steven A. Tolman

On motion of Ms. Menard, the above communication was ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE
Emergency Preambles Adopted.

An engrossed Bill authorizing certain development in the Fort Point Channel in the city of Boston (see Senate, No. 2376, 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 4 to 0.** The bill was signed by the President and sent to the House for enactment.

An engrossed Bill requiring adequate education relative to the proper safety and operation of a motorcycle for minors (see Senate, No. 2344, 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 relative to the qualifications, service and salary of county managers (see House, No. 1993), 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 7 to 0.** The bill was signed by the President and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Susan Spera, an employee of the Department of Developmental Services (see House, No. 4717), 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 three 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 linkage exaction program in the city of Gloucester (see Senate, No. 100);

Exempting the position of chief of police of the town of Great Barrington from the civil service law (see Senate, No. 2332);

Relative to certain temporary registrations and volunteer dentistry (see Senate, No. 2567); and

Establishing the Essex County Commission on the status of women (see House, No. 3410).

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 modifying a conservation restriction in the town of North Andover (House, No. 598),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to health insurance and other benefits in the town of Phillipston (House, No. 4196),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Sherborn to use certain town forest land (House, No. 4585),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill exempting all positions in the police department of the town of Provincetown from the civil service law (House, No. 4656),-- **was read a third time and passed to be engrossed, in concurrence.**

Reports of a Committee.

Mr. Berry, for the committee on Ethics and Rules, reported, that the following matter be placed in the Ogossip girl evarders of the Day for the next session:

The Senate Bill relative to the prevention of falls in the elderly community (Senate, No. 2240).

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. Sent to the House for concurrence.

Mr. Berry, for the committee on Ethics and Rules, reported, that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to deposits in trust for other persons (House, No. 999).

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

Mr. Berry, for the committee on Ethics and Rules, reported, that the following matter be placed in the Orders of the Day for the next session:

The House Bill promoting fairness in private construction contracts (House, No. 4721) (the committee on Ethics and Rules recommending that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2577).

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

After remarks, pending the question on ordering the bill to a third reading, the further consideration of the matter was laid aside, on motion of Mr. Tarr.

PAPER FROM THE HOUSE

A Bill authorizing the Department of Conservation and Recreation to enter into a certain lease (House, No. 4482,-- on petition),-- **was read.**

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

Reports of a Committee.

Mr. Berry, for the committee on Ethics and Rules, reported, that the following matter be placed in the Orders of the Day for the next session:

The House Bill prohibiting the use of novelty lighters in the Commonwealth (House, No. 4369, amended) (the committee on Ethics and Rules recommending that the bill be amended by striking out all after the enacting clause and inserting in place

thereof the text of Senate document numbered 2578).

There being no objection, the rules were suspended, on motion of Mr. Timilty, and the bill was read a second time and was amended, on recommendation of the committee on Ethics and Rules.

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

Sent to the House for concurrence in the amendment.

Mr. Berry, for the committee on Ethics and Rules, reported, that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to certain banking laws (House, No. 4341).

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

A Bill conveying land to the town of Salisbury (House, No. 4929,-- on House, No. 634),-- **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.

Ms. Menard in the Chair, the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the city of Somerville to the Somerville Housing Authority (Senate, No. 2286, amended),-- **came from the House passed to be engrossed, in concurrence with amendments in lines 2 to 4, inclusive, by striking out the following “**, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, may convey by deed approved as to form by the inspector general” and inserting in place thereof the following “and the Massachusetts Water Resources Authority, may convey, notwithstanding sections 40E to 40J, inclusive of chapter 7 of the General Laws, by deed.”; and by adding the following section: “SECTION 5. The use of the parcel shall be restricted to the development and operation of affordable senior housing pursuant to section 2. In the event the property ceases to be used for such purpose, title to the property shall, after the provision of notice and an opportunity to cure from the commonwealth, revert to the commonwealth.”.

The rules were suspended, on motion of Ms. Jehlen, 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 Senate Bill relative to the continued use of Memorial Park in the town of Rockland (Senate, No. 2474),-- **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill providing an easement for affordable senior apartments in the town of Harvard (House, No. 4850),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Eldridge moved that the bill be amended by inserting after the word “road”, in line 8, the following words:- “or to the Harvard Conservation Trust or to both the owners of the land and the Harvard Conservation Trust”.

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.

Mr. Montigny, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Honor the Lieutenant-Governor, Acting Governor to the engrossed Bill relative to further regulating funeral processions (see Senate, No. 1884, amended) [for message, see Senate, No. 2568],-- **reported, recommending that if the Senate adopts said amendment, it be adopted in the following form:-**

In paragraph (1) of subsection (b) of the proposed section 14A of chapter 85 of the General Laws, by striking out the second and third sentences and inserting in place thereof the following sentence: “A vehicle in a funeral procession may follow the preceding vehicle in the funeral procession as closely as is practicable and safe.”;

In paragraph (3) of subsection (c) of said section 14A of said chapter 85, by striking out the last sentence; and

In subsection (d) of said section 14A of said chapter 85, by striking out paragraph (5) and inserting in place thereof the following paragraph:-

“(5) a vehicle owned by a funeral home establishment or a licensed or registered certified funeral director, and operated by a funeral director, an employee or an independent contractor of a funeral home may have mounted thereon flashing, rotating or oscillating lights as may be assigned by the registrar of motor vehicles. Such lights shall only be displayed when such owner or

operator is proceeding in a funeral procession and at no other time.”

Senate Rule 36 was suspended, on motion of Mr. Baddour, and the report was considered forthwith and accepted.

The Chair (Ms. Menard) stated that the bill was “before the General Court and subject to amendment and re-enactment.

On further motion of Mr. Baddour, the Senate adopted the amendment recommended by His Honor the Lieutenant-Governor, Acting Governor (as written by the committee on Bills in the Third Reading.

The bill was sent to the House for its action.

PAPERS FROM THE HOUSE

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. Menard) (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, to wit:

Requiring adequate education relative to the proper safety and operation of a motorcycle for minors (see Senate, No. 2344, amended);

Relative to the qualifications, service and salary of county managers (see House, No. 1993); and

Establishing a sick leave bank for Susan Spera, an employee of the Department of Developmental Services (see House, No. 4717).

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to transfer the control of certain land in the city of Boston (House, No. 4778),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the Division of Capital Asset Management and Maintenance to transfer the control of certain land in the city of Boston to the Massachusetts Bay Transportation Authority”.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the town of Tewksbury (House, No. 4822),-- **ought to pass.**

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the city of Cambridge to grant a permanent easement on and over certain strips of land owned by the city of Cambridge in Watertown (House, No. 4874),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the city of Cambridge to grant a permanent easement to the Commonwealth and over certain strips of land owned by the city of Cambridge”.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the granting of easements upon land of the Commonwealth located in the city of Cambridge (House, No. 4875),-- **ought to pass.**

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

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to pension divestment in the Republic of Iran (House, No. 4297, amended),-- **ought to pass, with an amendment adding the following section:**

“SECTION 8. The treasurer shall conform all public fund investments related to companies doing business with Iran with the foreign policy of the United States of America and with 22 U.S.C. 8532.”

There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time and was amended, on recommendation of the committee on Ways and Means.

After debate, the bill, as amended, was ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to insurance coverage for autism (House, No. 4935, 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.

Pending the question on ordering the bill to a third reading, Mr. Buoniconti moved that the bill be amended by striking the definition of “Treatment of Autism Spectrum Disorders” in section 1 and replacing it with the following language:

“Treatment of Autism Spectrum Disorders”, includes the following care prescribed, provided or ordered for an individual

diagnosed with 1 of the autism spectrum disorders by a licensed physician or a licensed psychologist that are medically necessary: habilitative or rehabilitative care; pharmacy care; psychiatric care; psychological care; and therapeutic care.”;

In Section 1:

By striking subsection (b) and inserting in place thereof the following new language:

“(b) The commission shall provide to an active or retired employee of the commonwealth who is insured under the group insurance commission medically necessary benefits on a nondiscriminatory basis for the diagnosis and treatment of Autism Spectrum Disorder in individuals.”;

By striking subsection (c) and replacing it with the following new language:

“(c) Coverage under this section shall not be subject to any limits on the number of visits an individual may make to an autism services provider and shall be subject to copayment, deductible and coinsurance provisions, and any other general exclusions or limitations to the same extent as other medical services covered by the policy.”;

In Section 2:

By striking the definition of “Treatment of Autism Spectrum Disorders” in and replacing it with the following new language:

“Treatment of Autism Spectrum Disorders”, includes the following care prescribed, provided or ordered for an individual diagnosed with 1 of the autism spectrum disorders by a licensed physician or a licensed psychologist that are medically necessary: habilitative or rehabilitative care; pharmacy care; psychiatric care; psychological care; and therapeutic care.”;

By striking subsection (b) and replacing it with the following new language:

“(b) An individual policy of accident and sickness insurance issued pursuant to section 108 that provides hospital expense and surgical expense insurance and any group blanket or general policy of accident and sickness insurance issued pursuant to section 110 that provides hospital expense and surgical expense insurance, which is issued or renewed within or without the commonwealth, shall provide medically necessary benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders having a principal place of employment in the commonwealth for the diagnosis and treatment of Autism Spectrum Disorder in individuals.”;

By striking subsection (c) and replacing it with the following new language:

“(c) Coverage under this section shall not be subject to any limits on the number of visits an individual may make to an autism services provider and shall be subject to copayment, deductible and coinsurance provisions, and any other general exclusions or limitations to the same extent as other medical services covered by the policy.”;

In Section 3:

By striking the definition of “Treatment of Autism Spectrum Disorders” and replacing it with the following new language:

“Treatment of Autism Spectrum Disorders”, includes the following care prescribed, provided or ordered for an individual diagnosed with 1 of the autism spectrum disorders by a licensed physician or a licensed psychologist that are medically necessary: habilitative or rehabilitative care; pharmacy care; psychiatric care; psychological care; and therapeutic care.”;

By striking subsection (b) and replacing it with the following new language:

“(b) A contract between a subscriber and the corporation under an individual or group hospital service plan which is issued or renewed within or without the commonwealth shall provide medically necessary benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders having a principal place of employment in the commonwealth for the diagnosis and treatment of Autism Spectrum Disorder in individuals.”;

By striking subsection (c) and replacing it with the following new language:

“(c) Coverage under this section shall not be subject to any limits on the number of visits an individual may make to an autism services provider and shall be subject to copayment, deductible and coinsurance provisions, and any other general exclusions or limitations to the same extent as other medical services covered by the policy.”;

In Section 4 by striking the definition of “Treatment of Autism Spectrum Disorders” and replacing it with the following new language:

“Treatment of Autism Spectrum Disorders”, includes the following care prescribed, provided or ordered for an individual diagnosed with 1 of the autism spectrum disorders by a licensed physician or a licensed psychologist that are medically necessary: habilitative or rehabilitative care; pharmacy care; psychiatric care; psychological care; and therapeutic care.;

By striking subsection (b) and replacing it with the following new language:

“(b) A subscription certificate under an individual or group medical service agreement which is issued or renewed within or without the commonwealth shall provide medically necessary benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders having a principal place of employment in the commonwealth for the diagnosis and treatment of Autism Spectrum Disorder in individuals.”;

By striking subsection (c) and replacing it with the following new language:

“(c) Coverage under this section shall not be subject to any limits on the number of visits an individual may make to an autism services provider and shall be subject to copayment, deductible and coinsurance provisions, and any other general exclusions or limitations to the same extent as other medical services covered by the policy.”

In Section 5:

By striking the definition of “Treatment of Autism Spectrum Disorders” and replacing it with the following new language:

“Treatment of Autism Spectrum Disorders”, includes the following care prescribed, provided or ordered for an individual diagnosed with 1 of the autism spectrum disorders by a licensed physician or a licensed psychologist that are medically necessary: habilitative or rehabilitative care; pharmacy care; psychiatric care; psychological care; and therapeutic care.

By striking subsection (b) and replacing it with the following new language:

“(b) A health maintenance contract issued or renewed within or without the commonwealth shall provide medically necessary

benefits on a nondiscriminatory basis to residents of the commonwealth and to all policyholders having a principal place of employment in the commonwealth for the diagnosis and treatment of Autism Spectrum Disorder in individuals.”; and

By striking subsection (e) and replacing it with the following new language:

“(e) Coverage under this section shall not be subject to any limits on the number of visits an individual may make to an autism services provider and shall be subject to copayment, deductible and coinsurance provisions, and any other general exclusions or limitations to the same extent as other medical services covered by the policy.”

The amendment was rejected.

The bill was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill to establish standards for long term care insurance (Senate, No. 2476) (the committee on Health Care Financing having recommended that the bill be amended by substituting a new draft with the same title (Senate No. 2554),-- ought to pass, with an amendment recommending that the proposed Health Care Financing new draft (Senate, No. 2554) be amended in section 1, by inserting after the word “institutionalized”, in line 6, the following words:- or permanently receiving care at home;

In section 2:

By striking out, in lines 62 through 68, inclusive, the words:-

“(4) A group other than those described in paragraphs (1), (2) and (3) subject to a finding by the commissioner that:

(i) the issuance of the group policy is not contrary to the best interest of the public;

(ii) the issuance of the group policy would result in economies of acquisition or administration; and

(iii) the benefits are reasonable in relation to the premiums charged.”;

By striking out, in line 174, the word “may” and inserting in place thereof the following word:- shall; by striking out, in line 315, the figure “8” and inserting in place thereof the following figure:- 24; by striking out, in line 316, the figure “4” and inserting in place thereof the following figure:- 8; by striking out, in line 316, the figure “24” and inserting in place thereof the following figure:- 12; and by inserting after the word “Actuaries,” in line 387, the following words:- Mass Home Care.

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

The recommended Ways and Means amendment to the proposed Health Care Financing new draft (Senate, No. 2554),-- was considered; and, after remarks, was adopted.

The pending Health Care Financing new draft (Senate, No. 2554, amended),-- was then considered; and it was adopted.

After remarks, the bill (Senate, No. 2554, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPER FROM THE HOUSE

Engrossed Bill - Amended

The engrossed Bill relative to the requirements for licensing as a real estate broker or salesman (see Senate, No. 121, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was laid before the Senate.

On motion of Mr. Hart, Senate Rule 49 was suspended.

Mr. Buoniconti moved that the engrossed bill be amended by inserting before section 1 the following section :-

“SECTION A. Section 87RR of chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word “contractor”, in line 17, the following words:- “and may, by agreement, be paid as an outside salesperson on a commission-only basis”; and

By striking out section 2 and inserting in place thereof the following section:-

“SECTION 2. Section 1 shall take effect on June 1, 2011.”

The amendment was adopted.

Sent to the House for concurrence in the amendment.

Report of a Committee

By Mr. Baddour, for the committee on Transportation, on petition, a Bill designating a certain bridge in the town of Mansfield as the Sergeant Douglas Weddleton Memorial Bridge (Senate, No. 2528).

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

Matter Taken Out of the Orders of the Day.

Mr. Brewer requested unanimous consent that the House Bill relative to early education and care by family child care providers (House, No. 4917) ,-- be taken out of the Orders of the Day for consideration,-- but objection was made thereto by Mr. Tisei.

Mr. Brewer then requested that a standing vote be taken to determine whether two-thirds of the members present and voting could be obtained to suspend the rules; and by a vote of 8 to 1, the rules were suspended.

The bill was read a second time.

After debate, and pending the question on ordering the bill to a third reading, the further consideration of the matter was laid aside, on motion of Mr. Tisei.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to Plimoth Plantation (House, No. 4510),-- ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing the lease of a certain parcel of state-owned land to Plimoth Plantation".

PAPERS FROM THE HOUSE

Engrossed Bill —Land Takings for Conservation Etc.

An engrossed Bill authorizing certain development in the Fort Point Channel in the city of Boston (see Senate, No. 2376, amended) (which originated in the Senate), 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 eight minutes past five o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 355]:

INSERT ROLL CALL "355"

The yeas and nays having been completed at fourteen minutes past five 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 (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill relative to a transfer of land in the town of Plymouth (see House, No. 4264, 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 a quarter past five o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 356]:

INSERT ROLL CALL "356"

The yeas and nays having been completed at seventeen minutes past five 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 (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Cohasset to grant certain interests in land acquired for conservation, open space and water protection purposes (see House, No. 4322) (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 eighteen minutes past five o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 357]:

INSERT ROLL CALL "357"

The yeas and nays having been completed at twenty-one minutes past five 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 (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill making a technical correction in a special act relative to certain land in the town of Sherborn (see House Bill, printed in House, No. 4614) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage; and, this being a bill which had been submitted by the Governor, under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution; and also 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 the bill to be enacted was determined by a call of the yeas and nays, at twenty-two minutes past five o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 358]:

INSERT ROLL CALL "358"

The yeas and nays having been completed at twenty-five minutes past five 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 (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Westford to lease a certain parcel of land for camp purposes (see House, No. 4662, 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 twenty-six minutes past five o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 359]:

INSERT ROLL CALL "359"

The yeas and nays having been completed at twenty-eight minutes past five 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 (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill authorizing the Boston Parks and Recreation Commission to lease certain real property (see House, No. 4663) (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 twenty-nine minutes past five o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 360]:

INSERT ROLL CALL "360"

The yeas and nays having been completed at twenty-nine minutes before six 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 (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Winthrop and the Winthrop Housing Authority to grant certain easements for underground electric and intelligence transmission and distribution cables (see House, No. 4766, 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 twenty-eight minutes before six o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 361]:

INSERT ROLL CALL "361"

The yeas and nays having been completed at twenty-six minutes before six 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 (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Cohasset to use a certain parcel of water supply land for general municipal purposes (see House, No. 4844) (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 twenty-five minutes before six o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 362]:

INSERT ROLL CALL "362"

The yeas and nays having been completed at twenty-three minutes before six 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 (Ms. Menard) and laid before the Governor for his approbation.

An engrossed Bill authorizing the city of Beverly to convey certain land located in the city of Beverly (see House, No. 4905) (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 twenty-two minutes before six o'clock P.M., as follows, to wit (yeas 37 - nays 0) [Yeas and Nays No. 363]:

INSERT ROLL CALL "363"

The yeas and nays having been completed at twenty minutes before six 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 (Ms. Menard) and laid before the Governor for his approbation.

Engrossed Bill.

An engrossed Bill relative to insurance coverage for autism (see House, No. 4935, 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 enacted and signed by the Acting President (Mr. Berry) (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.

Report of a Committee.

Mr. Berry, for the committee on Ethics and Rules, reported, that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to the Board of Directors of the Massachusetts Water Resources Authority (House, No. 3807).

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.

Moment of Silence.

On motion of Mr. Kennedy, the Senate observed a moment of silence to the memory of State Police Sergeant Douglas A. Weddleton.

Recess in Memory of State Police Sergeant
Douglas A. Weddleton

The Senator from Plymouth and Bristol, Mr. Kennedy, requested that when the Senate recesses today, it recess in memory of State Police Sergeant Douglas A. Weddleton.

Sergeant Douglas A. Weddleton, 52 years, of Brockton, died unexpectedly in the line of duty Friday, June 18, 2010 after being struck by a speeding car during a routine traffic stop. He was born in Randolph and was a lifelong resident of the City of Brockton. Doug was a graduate of Brockton High School Class of 1976 and was in the process to receive a Bachelor's Degree in Criminal Justice from Curry College in Milton. Many people remember him as a manager at the historic York Steakhouse in Brockton.

He entered the State Police Academy 65th Recruit Training Troop in December of 1982 and was sworn in as a State Trooper in May of 1983. Officer Weddleton excelled in his duties as a police officer and quickly rose to the rank of Sergeant. He was held in the highest esteem by his superiors and peers alike.

Doug was a dedicated family man and when he was not working, he could be found supporting all the activities important to his wife and four sons. He touched many people in his short 52 years and will be sadly missed by all who knew him.

He is survived by the love of his life, his wife Judith (Whittemore) Weddleton, his beloved sons, Stephen, Mark, Ross and Matthew all of Brockton; his parents David Weddleton of Brewster and Anna Woodward of Orleans; a sister and brother, Lori Spadea of Brewster and Gary Weddleton of Carver.

The tragic death of Sergeant Weddleton is to all Legislators and citizens alike, an occasion for us to be cognizant of the daily dangers faced by the brave men and women of public safety, especially those in the Massachusetts State Police, who risk their lives on every occasion to protect the citizens of the Commonwealth.

Our hearts and prayers go out to the family of Sergeant Douglas A. Weddleton, as they try to move on with their lives without the presence and guidance of their heroic and beloved husband and father.

We ask for a moment of silence.

Accordingly, as a mark of respect to the memory of Douglas A. Weddleton, at twelve minutes before six o'clock P.M., on motion of Mr. Kennedy, the Senate recessed to meet again tomorrow at one o'clock P.M.