

**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.

*Monday, October 4, 2010.*

Met according to adjournment at eleven o'clock A.M. (Mr. Hart 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 (Mr. Hart), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Communications.*

The following communications were severally read and placed on file, to wit:

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of Senator mark C. Montigny (pursuant to Chapter 4 of the Resolves of 2010) to the special commission relative to establishing a coordinated, generic marketing program for seafood caught in the Commonwealth.

A communication from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment of Senator Bruce E. Tarr (pursuant to Chapter 4 of the Resolves of 2010) to the special commission relative to establishing a coordinated, generic marketing program for seafood caught in the Commonwealth.

#### *Reports of a Committee.*

By Ms. Creem, for the committee on the Judiciary, on Senate, Nos. 697,1552, 1553, 1558, 1560, 1561, 1562, 1566, 1567, 1586, 1588, 1590, 1593, 1602, 1603, 1607, 1617, 1655, 1666, 1669, 1677, 1679, 1681, 1684, 1695, 1696, 1701, 1702, 1703, 1704, 1715, 1719, 1720, 1721, 1724, 1735, 1736, 1740, 1754, 1757, 1759, 1760, 1763, 1765, 1768, 1772, 1774, 1784, 1796, 1798, 1821, 1823, 1835, 1850, 1851, 1859, 1860 and 2103, an Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to the Judiciary (Senate, No. 2631);  
**Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.**

#### *Committees Discharged.*

Mr. Berry, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

Of the Senate Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain current Senate documents relative to public service (Senate, No. 2629); and

Of the Senate Order relative to authorizing the joint committee on Telecommunications, Utilities and Energy to make an investigation and study of certain current Senate documents relative to telecommunications, utilities and energy issues (Senate, No. 2630);

**And recommending that the same severally be referred to the Senate committee on Ethics and Rules. Under Senate Rule 36, the reports were severally considered forthwith and accepted.**

## PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 5036) of Geraldo Alicea and James J. O'Day for legislation to establish a sick leave bank for Brian J. Dupuis, an employee of the Department of Children and Families ;

**Under suspension of Joint Rule 12, to the committee on Public Service.**

Petition (accompanied by House, No. 5035) of Robert A. DeLeo for legislation designating a certain walkway in Winthrop as the John Kilmartin Walkway;

**Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.**

### *Resolutions.*

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

Resolutions (filed by Ms. Creem and Mr. Ross) "congratulating the World of Wellesley on the occasion of its twentieth anniversary";

Resolutions (filed by Ms. Chandler and Mr. M. Moore) "congratulating the Worcester Women's History Project on the occasion of its fifteenth anniversary"; and

Resolutions (filed by Mr. Tisei) "recognizing the Northeast Region International Training in Communication in its celebration of Founders Month."

### *Matter Out of the Orders of the Day.*

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The House Bill amending and updating the Foxborough Sewer Act (House, No. 4680),-- **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 providing for a sewage in the town of Foxborough."**

### *Motion To Take a Matter Out of the Orders of the Day.*

The Chair (Mr. Hart) asked unanimous consent to take the engrossed Bill relative to comprehensive siting reform for land based wind projects (see House, No. 4955) out of the Orders of the Day for consideration,-- **but objection was made thereto by Mr. Ross.**

**The engrossed bill was returned to the Orders of the Day for the next session.**

### *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 Senate Bill validating certain proceedings of the Pathfinder Regional Vocational Technical High School District (Senate, No. 2536) the committee on Ethics and Rules recommending that the bill be amended by inserting, after section 1, the following section:-

"SECTION 1A. Chapter 70 funding allocated in section 3 of chapter 131 of the acts of 2010 shall be transferred to the Pathfinder Regional Vocational-Technical School District for any Oakham student attending a school in the Pathfinder Regional Vocational-Technical School District in school year 2011.")

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

**The Bill (Senate, No. 2536, amended) was then ordered to a third reading, read a third time and was passed to be engrossed.**

**Sent to the House for concurrence.**

### *Recess.*

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

## PAPER FROM THE HOUSE.

The House Bill making appropriations for the Fiscal Years 2010 and 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5028, amended),-- **was read.**

**There being no objection, the rules were suspended, on motion of Mr. Ross, and the bill was a read a second time. Pending the question on ordering the bill to a third reading, Mr. Brewer presented an amendment ), in section 2C.I by inserting, after item 1599-4284, the following 8 items:**

“1599-4302 .....	\$6,095
1599-4303 .....	\$11,551
1599-4307 .....	\$4,681
1599-4308 .....	\$64,443
1599-4309 .....	\$36,163
1599-4316 .....	\$209,358
1599-4317 .....	\$240,909
1599-4318 .....	\$46,698”;

In section 3, in item 4000-0700, by striking out the figure “\$196,848,914” and inserting in place thereof the following figure:-  
“\$194,791,454”;

in said section 3, by inserting after the words “Department of Public Health” the following item:-

“4510-0616 .....	\$528,223
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Commonwealth Substance Abuse Treatment and Prevention Fund.....100%”;

In said section 3, by inserting after item 4513-1020, the following 3 items:-

“4590-0250.....	\$326,958
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**OFFICE OF CHILDREN, YOUTH AND FAMILY SERVICES.**

*Department of Children and Families.*

4800-0015 .....	\$483,561
4800-0025 .....	\$168,718”;

In section 3A, by inserting, after the words “for the purposes of those items” the following item:-

**“ JUDICIARY.**  
Trial Court

0330-0312 For the office of the Trial Court for losses in revenue associated with Civil Motor Vehicle Infraction fees.....\$300,000”;

In said section 3A, by inserting after item 1599-1759, the following 2 items:-

*“Department of Public Health.*

4510-0715 For the operation of a center for primary care recruitment and placement to improve access to primary care services; provided, that funds may be expended for primary care workforce development and loan forgiveness grant programs .....\$157,000

4510-0716 For the operation of an evidence-based outreach and education program designed to provide information and education on the therapeutic and cost-effective utilization of prescription drugs to physicians, pharmacists and other health care professionals authorized to prescribe and diagnose prescription drugs .....\$93,000”;

By striking out section 32;

By striking out section 35 and inserting in place thereof the following section:-

“SECTION 35. Subsection (a) of section 4 of chapter 614 of the acts of 1968, as most recently amended by section 161 of chapter 240 of the acts of 2010, is hereby further amended by striking out the third sentence.”;

In section 39, by striking out the last 2 sentences and inserting in place thereof the following 3 sentences:-

“Transitional relief payments shall be subject to approval by the Centers for Medicare and Medicaid Services of the amendment to the MassHealth Section 1115 Demonstration as submitted by the commonwealth on March 1, 2010, and in accordance with the methodology approved therein. Such payments may be made only pursuant to written certification to the comptroller and the house and senate committees on ways and means by the secretary of administration and finance that sufficient state revenue is

available to fund the non-federal share for such payments, consistent with the requirement for a balanced budget. The transfer authorization from this section shall expire on June 30, 2011.”;

By striking out section 51 and inserting in place thereof the following section:-

“SECTION 51. Item 4000-0640 of said section 2 of said chapter 131 is hereby amended by adding the following words:- ; and provided further, that notwithstanding any general or special law to the contrary, contingent upon receipt of not less than \$27,200,000 in TANF contingency funds authorized by Title IV, section 403(b) of the Social Security Act, the division shall establish nursing facility supplemental Medicaid rates and that a sum of \$27,200,000 shall be distributed as supplemental nursing facility Medicaid rates for fiscal year 2011”;

By striking out sections 63 to 87, inclusive;

By striking out section 91 and inserting in place thereof the following section:-

“SECTION 91. Section 2E of said chapter 131 is hereby amended by striking out item 1595-1068 and inserting in place thereof the following item:-

1595-1068 For an operating transfer to the MassHealth provider payment account in the Medical Assistance Trust Fund established in section 2QQQ of chapter 29 of the General Laws, notwithstanding the requirement that transfers be completed no later than June 30, 2011 in the introductory paragraph of this section; provided, that these funds shall be expended only for services provided during state or federal fiscal year 2011, and no amounts previously or subsequently transferred into the Medical Assistance Trust Fund shall be expended on payments described in the section 1115 demonstration waiver for services provided during state fiscal year 2011, or payments described in the state plan for services provided during federal fiscal year 2011; provided further, that all payments from the Medical Assistance Trust Fund shall be subject to the availability of federal financial participation, shall be made only in accordance with federally-approved payment methods, shall be consistent with federal funding requirements and all federal payment limits as determined by the secretary of health and human services and shall be subject to the terms and conditions of an agreement with the executive office of health and human services; provided further, that any increase in payment made from the trust fund totaling an amount greater than \$251,000,000 in fiscal year 2011 shall be made only after the secretary of health and human services certifies that any increase in payments from the trust fund shall not exceed the negotiated limit for section 1115 waiver spending; provided further, that the secretary of health and human services shall notify, in writing, the house and senate committees on ways and means and the joint committee on health care financing of any increases in payments within 15 days; provided further, that the secretary of health and human services shall make a payment of up to \$247,605,130 from the Medical Assistance Trust Fund to the Cambridge Public Health Commission for dates of service in state and federal fiscal year 2011, only after the Cambridge Public Health Commission transfers up to \$95,105,130 of its funds to the Medical Assistance Trust Fund using a federally-permissible source of funds which shall fully satisfy the nonfederal share of such payment; and provided further, that the secretary of health and human services shall make payments from the Medical Assistance Trust Fund totaling an amount not to exceed \$135,000,000 to privately owned acute hospitals in the commonwealth for purposes of transitional relief. Such transitional relief payments shall be in addition to payments from the Medical Assistance Trust Fund made pursuant to supplemental payment agreements entered into between the executive office of health and human services and hospitals designated by the commonwealth as Essential MassHealth Hospitals and Public Service Hospitals. Transitional relief payments shall be subject to approval by the Centers for Medicare and Medicaid Services of the amendment to the MassHealth Section 1115 Demonstration as submitted by the commonwealth on March 1, 2010, and in accordance with the methodology approved therein. Such payments may be made only pursuant to written certification to the comptroller and the house and senate committees on ways and means by the secretary of administration and finance that sufficient state revenue is available to fund the non-federal share for such payments, consistent with the requirement for a balanced budget. Payments and transfers from this appropriation in fiscal year 2011 may also be used for fiscal year 2010 hospital payments .....\$686,737,746”;

By striking out section 94 and inserting in place thereof the following section:-

“SECTION 94. Said chapter 131 is hereby further amended by striking out section 136 and inserting in place thereof the following section:-

“Section 136. (a) Notwithstanding any general or special law to the contrary and except as provided in subsection (b), for fiscal year 2011, the definition of “eligible individual” in section 3 of chapter 118H of the General Laws shall not include a person who is not eligible to receive federally-funded benefits under sections 401, 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as amended,.

(b) Notwithstanding any general or special law to the contrary, the secretary of administration and finance, the secretary of health and human services and the executive director of the health insurance connector authority may, in their discretion and subject only to the terms and conditions in this subsection, establish or designate a health insurance plan in which a person who is not eligible to receive federally-funded benefits under said sections 401, 402 or 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended, but who is an eligible individual pursuant to said section 3 of said chapter 118H may enroll for the period including July 1, 2010 to June 30, 2011, inclusive. The plan may be contracted for selectively from the health plans that contracted in fiscal year 2010 to provide insurance coverage to commonwealth care or MassHealth enrollees. Notwithstanding any general or special law to the contrary, the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority may, in their discretion and subject only to the terms and conditions in this subsection, make

payments from the Commonwealth Care Trust Fund established in section 2000 of chapter 29 of the General Laws to operate the plan using resources in the trust fund. Total state expenditures for providing coverage to all such persons, net of enrollee contributions and any federal financial participation, shall not exceed resources available in the trust fund not required to fund coverage of commonwealth care; provided that this shall not result in a reduction of services to commonwealth care enrollees. To the extent that additional federal financial participation becomes available for paying the costs of such coverage, the secretary of administration and finance may direct the comptroller to make such amounts available from the General Fund for the purpose of paying for the costs of such coverage. If the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority determine that the projected costs of enrolling eligible individuals in such coverage in fiscal year 2011 will exceed funds in the trust fund that are available for this program, they may limit enrollment in such coverage. If the secretary of administration and finance, the secretary of health and human services and the executive director of the commonwealth health insurance connector authority are unable to establish, reauthorize or designate a health insurance plan under this section, the secretary of administration and finance may direct the comptroller to transfer up to \$20,000,000 from the Commonwealth Care Trust Fund to the General Fund for the cost of health care services.”;

By striking out section 96;

In section 102, by striking out the words “Information related to rate adjustment factors and rates of reimbursement for review by the division shall be deemed confidential and exempt from the definition of public records in clause Twenty-sixth of section 7 of chapter 4, unless the commissioner disapproves a rate filing based upon a proposed rate adjustment factor and the affected carrier requests a hearing, in which case the rate adjustment factor material shall no longer be exempt” and inserting in place thereof the following words:- “Any rates of reimbursement included in the rate filing materials submitted for review by the division shall be deemed confidential and exempt from the definition of public records in clause Twenty sixth of section 7 of chapter 4. The commissioner shall adopt regulations to carry out this section”;

By inserting after section 102 the following 2 sections:-

“SECTION 102A. Chapter 288 of the acts of 2010 is hereby amended by inserting after section 32 the following section:-  
Section 32A. Said chapter 176J is hereby further amended by striking out section 11, inserted by section 32, and inserting in place thereof the following section:-

Section 11. (a) A carrier that offers a health benefit plan that: (i) provides or arranges for the delivery of health care services through a closed network of health care providers; and (ii) as of the close of any preceding calendar year, has a combined total of 5,000 or more eligible individuals, eligible employees and eligible dependents, who are enrolled in health benefit plans sold, issued, delivered, made effective or renewed to qualified small businesses or eligible individuals, shall offer to all eligible individuals and small businesses in at least 1 geographic area at least 1 plan with either a reduced or selective network of providers or a plan in which providers are tiered and member cost sharing is based on the tier placement of the provider.

The base premium for the reduced or selective or tiered network plan shall be at least 12 per cent lower than the base premium of the carrier’s most actuarially similar plan with the carrier’s non-selective or non-tiered network of providers. The savings may be achieved by means including, but not limited to: (i) the exclusion of providers with similar or lower quality based on the standard quality measure set with higher health status adjusted total medical expenses or relative prices, as determined under section 6 of chapter 118G; or (ii) increased member cost-sharing for members who utilize providers for non-emergency services with similar or lower quality based on the standard quality measure set and with higher health status adjusted total medical expenses or relative prices, as determined under section 6 of chapter 118G.

(b) A tiered network plan shall only include variations in member cost-sharing between provider tiers which are reasonable in relation to the premium charged and ensure adequate access to covered services. Carriers shall tier providers based on quality performance as measured by the standard quality measure set and by cost performance as measured by health status adjusted total medical expenses and relative prices. Where applicable quality measures are not available, tiering may be based solely on health status adjusted total medical expenses or relative prices or both.

The commissioner shall promulgate regulations requiring the uniform reporting of tiering information, including, but not limited to requiring, at least 90 days before the proposed effective date of any tiered network plan or any modification in the tiering methodology for any existing tiered network plan, the reporting of a detailed description of the methodology used for tiering providers, including: the statistical basis for tiering; a list of providers to be tiered at each member cost-sharing level; a description of how the methodology and resulting tiers will be communicated to each network provider, eligible individuals and small groups; and a description of the appeals process a provider may pursue to challenge the assigned tier level.

(c) The commissioner shall determine network adequacy for a tiered network plan based on the availability of sufficient network providers in the carrier’s overall network of providers.

(d) The commissioner shall determine network adequacy for a selective network plan based on the availability of sufficient network providers in the carrier’s selective network.

(e) In determining network adequacy under this section the commissioner of insurance may take into consideration factors such as the location of providers participating in the plan and employers or members that enroll in the plan, the range of services provided by providers in the plan and plan benefits that recognize and provide for extraordinary medical needs of members that may not be adequately dealt with by the providers within the plan network.

(f) Carriers may: (i) reclassify provider tiers; and (ii) determine provider participation in selective and tiered plans no more than once per calendar year except that carriers may reclassify providers from a higher cost tier to a lower cost tier or add providers to

a selective network at any time. If the carrier reclassifies provider tiers or providers participating in a selective plan during the course of an account year, the carrier shall provide affected members of the account with information regarding the plan changes at least 30 days before the changes take effect. Carriers shall provide information on their websites about any tiered or selective plan, including but not limited to, the providers participating in the plan, the selection criteria for those providers and where applicable, the tier in which each provider is classified.

(g) The division of insurance shall report annually on utilization trends of eligible employers and eligible individuals enrolled in plans offered under this section. The report shall include the number of members enrolled by plan type, aggregate demographic, geographic information on all members and the average direct premium claims incurred, as defined in section 6, for selective and tiered network products compared to non-selective and non-tiered products.”

SECTION 102B. Section 33 of said chapter 288 is hereby repealed.”; and

In section 122, by striking out the words “Section 27” and inserting in place thereof the following words:- “Sections 27 and 32A”;

In section 123, by striking out the words “ year ending June 30, 2010” and inserting in place thereof the following words:-“ years ending June 30, 2010 and June 30, 2011.”;

In section 127, by striking out the words “to assist homeowners in the town of Stow who are customers of the Assabet Water Company and”;

In said section 127 by striking out the words “funds for the water wells, treatment and storage facilities, and distribution pipes shall be available only to residents of the town of Stow who are customers of the Assabet Water Company; provided further”;

By striking out section 128;

By inserting after section 131 the following 6 sections:-

“SECTION 131A. Item 0699-0015 of section 2 of chapter 27 of the acts of 2009 is hereby amended by adding the following words:- ; provided further, that notwithstanding any general or special law to the contrary or other provisions of this item, the comptroller may charge the payments authorized in this item to the appropriate budgetary or other fund subject to a plan which the comptroller shall file 10 days in advance with the house and senate committees on ways and means; and provided further, that the comptroller shall transfer from this item to the Government Land Bank Fund an amount equal to the amount by which debt service charged to the fund exceeds revenue deposited to the fund.

SECTION 131B. Item 1775-0100 of said section 2 of said chapter 131 is hereby amended by inserting after the words “808 CMR 1.06(4); provided further, that” the following words:- “upon the receipt of said written certification by the secretary of administration and finance”

SECTION 131C. Item 4000-0600 of said section 2 of said chapter 131 is hereby amended by striking out the words:- “section 159” and inserting in place thereof the following words:- “the last clause of item 4000-0640.”

SECTION 131D. Item 4590-0250 of said section 2 of said chapter 131 is hereby amended by adding the following words:- “; and provided further, that funds shall be expended for a program to address the needs of children under the age of 18 with Type 1 or Type 2 diabetes in underserved areas.”

SECTION 131E. Item 8900-0001 of said section 2 of said chapter 131 is hereby amended by inserting at the end thereof the following language:- “and provided further, that the department shall expend not less than \$1,000,000 for jail diversion programs in conjunction with the Department of Public Health.

SECTION 131F: Section 149 of chapter 131 of the acts 2010 is hereby repealed.”;

In section 134, by striking out the figure “133” and inserting in place thereof the following figure:- “132”;

By striking out section 135 and inserting in place thereof the following section:-

“SECTION 135. Section 35 shall take effect as of August 5, 2010.”; and

In section 136, by striking out the figure “132” and inserting in place thereof the following figure:-“131”.

**Pending the question on adoption of the amendment and pending the main question on ordering the bill to a third reading, on motion of Mr. Ross, the further consideration thereof was postponed until the next session.**

*Matter Out of the Orders of the Day.*

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The House Bill relative to converting four (4) seasonal licenses for the sale of all alcoholic beverages to be consumed on the premises to four (4) annual licenses for the sale of all alcoholic beverages to be drunk on the premises and three (3) seasonal wine and malt beverage licenses to be consumed on the premises to three (3) annual wine and malt beverage licensed to be drunk on the premises (House, No. 4518),-- **was read a second time.**

**Pending the question on ordering the bill to a third reading, Mr. Timilty presented an amendment in section 3, in subsection (a), by adding the following sentence:-** “Upon conversion of the license under this section, Tito’s Cantina, Inc. shall surrender any licenses for the sale of wines and malt beverages or alcoholic beverages it holds for these premises.”;

By striking out section 4;

In section 5, in subsection (a), by adding the following sentence:- “Upon conversion of the license under this section, Chardonnay’s, Inc. shall surrender any licenses for the sale of wines and malt beverages or alcoholic beverages it holds for these premises.”;

In section 6, in subsection (a), by adding the following sentence:- “Upon conversion of the license under this section, Toti’s Pizza Palace, Inc. shall surrender any licenses for the sale of wines and malt beverages or alcoholic beverages it holds for these premises.”; and

In section 7, in subsection (a), by adding the following sentence:- “Upon conversion of the license under this section, Eric Medeiros and Steven Medeiros d/b/a Brothers Seafood Restaurant shall surrender any licenses for the sale of wines and malt beverages or alcoholic beverages they hold for these premises.”

**The amendment was adopted.**

**The bill, as amended, was then ordered to a third reading, read a third time and was passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Seekonk to convert certain seasonal licenses for the sale of all alcoholic beverages or for the sale of wines or malt beverages to be drunk on the premises to annual licenses for such sale.”**

#### **PAPERS FROM THE HOUSE**

##### *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. Petrucci) and laid before the Governor for his approbation, to wit:**

Establishing a sick leave bank for Matthew Normandeau an employee of the Bristol County Sherriff’s Office (House, No. 4926); and

Establishing a sick leave bank for Imani Smith an employee of the Department of Youth Services

##### *Emergency Preamble Adopted.*

An engrossed Bill establishing a sick leave bank for Nanette Maltais, an employee of the department of revenue (see House, No. 5018, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 3 to 0. The bill was signed by the Acting President and sent to the House for enactment.**

##### *Order Adopted.*

On motion of Mr. Ross,--

*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 Joseph L. “Joe” Robichaud.*

The Senator from Hampshire and Franklin, Mr. Rosenberg, requested that when the Senate adjourns today, it adjourn in memory of UMass Minuteman Marching Band Director and music professor George N. Parks.

The Senator from Bristol and Norfolk, Mr. Timilty presents an order that when the Senate adjourns today, it do so in memory of Joseph L. “Joe” Robichaud.

Born in Pawtucket, Rhode Island to the late Ernest P. and Artemise Robichaud, Joseph L. Robichaud was a former Attleboro City Councilor-At-Large, member of the Attleboro Zoning Board, and Attleboro Housing Authority. He passed away Tuesday September 28th 2010.

Councilor Robichaud was the beloved husband of the late Doris E. (Papineau) Robichaud and the father of the late Ronald M. Robichaud. He was a resident of South Attleboro since 1951 and was known to many as “Mr. South Attleboro.”

Joe was a World War II U.S. Army Air Corps veteran. He was a supervisor at the L. G. Balfour Co., Inc., Attleboro for forty years before retiring in 1985, and served as a Deputy Sheriff in Bristol County from 1981 until 2000.

Joe was a communicant of St. Theresa of the Child Jesus Church, a member of American Legion Post No. 312, South Attleboro, and a member of the South Attleboro Lions. A longtime activist in Attleboro, he was involved in local, state and national politics since 1955. He was instrumental in helping to coordinate the Lee’s Pond Beautification Project, and was a recipient of the Melvin Jones Award.

He leaves two sons, Leo F. Robichaud of Sebago, Maine and Richard A. Robichaud of Winthrop, Maine; seven grandchildren, and fifteen great-grandchildren.

Accordingly, as a mark of respect to the memory of George N. Parks, at seven minutes before twelve o'clock noon, on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.