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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, March 1, 2012.

Met according to adjournment at one o'clock P.M. (Ms. Spilka in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Ms. Chandler for the purpose of an introduction. Ms. Chandler then introduced, in the rear of the Chamber, the Webelo II Cub Scout Den from Boylston, Massachusetts. The troop consists of 5th graders from Boylston Elementary School. As Webelos, they prepare to 'crossover' to Boy Scouts, so many of their activities are geared towards bigger and more detailed badge and pin projects. The troop was welcomed with applause and withdrew from the Chamber.

Report of a Committee.

By Ms. Fargo, for the committee on Public Health, on petition, a Bill relating to training for certified nurses' aides and direct care workers (Senate, No. 1121);

By the same Senator, for the same committee, on petition, a Bill relative to home health aides (Senate, No. 1138); and

By the same Senator, for the same committee, on petition, a Bill relative to technical changes pertaining to the Board of Registration in Medicine (Senate, No. 1144);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill to maintain public water systems (Senate, No. 85);

By Mr. Pacheco, for the committee on Environment, Natural Resources and Agriculture, on petition, a Bill authorizing the Massachusetts Water Resources Authority to provide additional sewer services through the city known as the town of Weymouth to the town of Hingham (Senate, No. 2154);

By Mr. Wolf, for the committee on Labor and Workforce Development, on petition, a Bill relative to workers' compensation insurance (Senate, No. 915);

By the same Senator, for the same committee, on petition, a Bill relative to the penalty for failure to provide workers' compensation insurance (Senate, No. 938);

By the same Senator, for the same committee, on petition, a Bill to clarify employer sanctions for improper expenditures of withholdings or deductions from wages (Senate, No. 947);

By the same Senator, for the same committee, on petition, a Bill to provide a safe workplace for employees of the Commonwealth (Senate, No. 948);

By the same Senator, for the same committee, on petition, a Bill expediting appeals of wage violations (Senate, No. 967); and

By the same Senator, for the same committee, on petition, a Bill to protect social workers from work related injuries (Senate, No. 974);

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

By Mr. Kennedy, for the committee on Consumer Protection and Professional Licensure, on petition, a Bill protecting victims of unlicensed debt collections (Senate, No. 99);

By the same Senator, for the same committee, on petition, a Bill relative to check cashing fees (Senate, No. 126);
By Mr. Wolf, for the committee on Labor and Workforce Development, on petition, a Bill relative to the definition of fraud I (Senate, No. 945); and
By Ms. Fargo, for the committee on Public Health, on petition, a Bill relative to cleanliness in restaurants and bars (Senate, No. 1171);
Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Committee Discharged

Ms. Fargo, for the committee on Public Health, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1164) of Michael F. Rush for legislation relative to foods containing artificial trans fats,-- and recommending that the same be referred to the committee on Health Care Financing.

**Under Senate Rule 36, the report was considered forthwith and accepted.
Sent to the House for concurrence.**

PAPER FROM THE HOUSE

Notice was received from the House that the House had insisted on its amendments, and had concurred in the appointment of a committee of conference on the disagreeing votes of the two branches on the House amendments to the Senate Bill to improve the administration of state government and finance (Senate, No. 1940); and that Representatives Kocot of Northampton, Kulik of Worthington and Hunt of Sandwich had been appointed as the committee on the part of the House.

There being no objection, at one minute past one o'clock P.M., the Chair (Ms. Spilka) declared a recess subject to the call of the Chair; and, at twenty-seven minutes before two o'clock P.M., the Senate assembled, the President in the Chair.

The Webelo II Cub Scout Den from Boylston, Massachusetts, led the President, members, guests and staff in the recitation of the pledge of allegiance to the flag.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-
Resolutions (filed by Mr. Hedlund) "congratulating Captain Gordon O'Brien, United States Army, Retired, on being nominated to receive the Insignia of Chevalier of the Legion of Honor";
Resolutions (filed by Mr. Montigny) "congratulating Elaine Lima on the occasion of her retirement"; and
Resolutions (filed by Ms. Spilka) "congratulating Christopher John Dowding on his elevation to the rank of Eagle Scout."

PAPERS FORM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Michael Foti, an employee of the Department of Correction (see Senate, No. 2088), 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.

Engrossed Bills.

The following engrossed bills (the first two 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:

Validating certain elections in the town of Dudley (see Senate, No. 2048);
Relative to certain affordable housing in the city of Taunton (see Senate, No. 2062);
Relative to the regulation of salaries of employees of the town of Weston serving in the armed forces of the United States (see House, No. 3463, amended);
Relative to outstanding excise tax and the towing of motor vehicles and trailers in the city of Springfield (see House, No. 3490);
and
Relative to students with disabilities in post-secondary education, employment and independent living (see House, No. 3720, amended).

A Bill relative to the Division of Transportation in the town of Brookline (House, No. 3920,-- on House, No. 3432) [Local approval received on House, No. 3432],-- **was read.**

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

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

Petition (accompanied by bill, House, No. 3965) (by vote of the town) of Patricia A. Haddad and Marc R. Pacheco relative to the Dighton Water District in the town of Dighton; and

Petition (accompanied by bill, House, No. 3968) of Sarah K. Peake and others authorizing alternate members on local historical commissions;

Severally, under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3967) of Stephen Stat Smith establishing a sick leave bank for Cheryl A. Cole, an employee of the office of Medicaid;

Petition (accompanied by bill, House, No. 3969) of Peter V. Kocot and Stanley C. Rosenberg establishing a sick leave bank for a certain employee of the Department of Developmental Services; and

Petition (accompanied by bill, House, No. 3972) of Rhonda Nyman and John F. Keenan establishing a sick leave bank for Mary M. Stanton;

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

Petition (accompanied by bill, House, No. 3971) of Stephen S. Howitt, Patricia A. Haddad and Michael J. Rodrigues (by vote of the town) relative to the town of Swansea Volunteer Fire Department;

Under suspension of Joint Rule 12, to the committee on Revenue.

Petition (accompanied by bill, House, No. 3966) of Demetrius J. Atsalis designating a certain bridge as the United States Marine Corporal Nicholas G. Xiarhos Bridge; and

Petition (accompanied by bill, House, No. 3970) of Antonio F. D. Cabral, Mark Montigny and others relative to the designation of a portion of Route 6 in New Bedford in honor of Roland J. Hebert;

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

Reports of Committees.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard T. Moore, Paul K. Frost and Ryan C. Fattman for legislation to convey land in the town of Sutton;

The rules were suspended, on motion of Mr. Hart, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Mrs. Donna Whalen and the fifth grade class at the Brickett Elementary School for legislation relative to vehicle idling;

The rules were suspended, on motion of Mr. Hart, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard T. Moore for legislation to designate the birthplace of Michael Bartlett in the town of Oxford;

The rules were suspended, on motion of Mr. Hart, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Richard T. Moore, Kevin J. Kuros and Peter J. Durant for legislation to designate a certain portion of Route 197 in the town of Dudley as the Anthony B. DiDonato, Sr. Memorial Highway;

The rules were suspended, on motion of Mr. Hart, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.

Severally sent to the House for concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Catherine Blais, an employee of the Trial Court (House, No. 3894),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Wolf, 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. Brewer, for the committee on Ways and Means, that the Senate Bill relative to tiered and selective network health plans (see Senate, No. 2148)

being the text of Section 17 contained in the engrossed Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (see Senate, No. 2112), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Senate, No. 2147)], reported, that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:-

“SECTION 1. Chapter 176J of the General Laws is hereby amended by inserting after section 11 the following section:-

Section 11A. (a) For an insured member who (1) is receiving an active course of medical treatment from a health care provider

for a serious disease, including but not limited to, cancer or cystic fibrosis, that if disrupted in the course of medical treatment would pose an undue hardship to the patient and (2)(i) began this active course of treatment before being enrolled in a reduced or selective network plan where the provider is not part of the reduced or selective network or (ii) began this active course of treatment before being enrolled in a tiered network plan where the provider is in the highest cost-sharing tier, the carrier shall provide coverage for those medically necessary and covered services that are part of that active course of treatment provided by that health care provider, to the extent required by subsection (b).

(b) A carrier to which subsection (a) applies shall cover the health care provider's services for the duration of the active course of treatment during the plan year, if (1) the insured's employer offers the insured only a choice of reduced or selective network plans in which the health care provider is not part of any of the offered reduced or selective networks, or a choice of tiered network plans in which the health care provider is in the highest cost-sharing tier; (2) that health care provider is a comprehensive cancer center, pediatric hospital or pediatric specialty unit as defined in section 1 of chapter 118G; and (3) that health care provider is providing the insured with an active course of medical treatment that is not available from another provider in the network of the insured's plan.

(c) For services provided under this section from a provider that is not in the network of the insured's plan, patient cost-sharing shall be at the lowest cost-sharing level applicable to those services in the plan, and reimbursement shall be based on median in-network rates of the specific health care provider in that carrier's private plans in a manner consistent with data filed by that carrier with the division of health care finance and policy; provided, however, that if the specific health care provider does not participate in any other plan of the carrier, then based on negotiated rates. For services provided under this section by a provider in the highest cost-sharing tier of a tiered network plan, patient cost-sharing shall be based on the second-highest cost-sharing tier in that plan.

(d) The commissioner shall adopt regulations to carry out this section.

SECTION 2. Said chapter 176J is hereby further amended by adding the following 2 sections:-

Section 14. If a medically necessary and covered service is not available to a member within the carrier's provider network, the carrier shall cover the services out-of-network, for as long as the service is unavailable in-network.

Section 15. An insurer offering a tiered network plan shall clearly and conspicuously indicate, in all promotional and agreement materials, the cost-sharing differences for enrollees in the various tiers. The commissioner shall adopt regulations to carry out this section.

SECTION 3. Notwithstanding any general or special law, rule or regulation to the contrary, the division of insurance shall conduct a review of the network adequacy and cost and quality effectiveness of insurance products under section 11 of chapter 176J of the General Laws for the health care needs of children and the health care needs of cancer patients, and shall submit a written report to the house and senate committees on ways and means and the joint committee on health care financing not later than December 31, 2012. The division shall also adopt regulations to address health plan network adequacy, including access to pediatric and cancer services.

SECTION 4. Notwithstanding subsection (b) of section 11A of chapter 176J of the General Laws, an insured member who, before the effective date of this act, began an active course of medical treatment from a health care provider that is a comprehensive cancer center, pediatric hospital or pediatric specialty unit as defined in section 1 of chapter 118G of the General Laws for a serious disease, including but not limited to, cancer or cystic fibrosis, that if disrupted in the course of medical treatment would pose an undue hardship to the patient and (2)(i) began this active course of treatment before being enrolled in a reduced or selective network plan where the provider is not part of the reduced or selective network or (ii) began this active course of treatment before being enrolled in a tiered network plan where the provider is in the highest cost-sharing tier, the carrier shall provide coverage for those medically necessary and covered services that are part of that active course of treatment provided by that health care provider until April 30, 2013 at the patient cost-sharing levels and reimbursement rates under subsection (c) of said section 11A of the General Laws.

SECTION 5. This act shall take effect 45 days after its passage or upon adoption of regulations by the division of insurance, whichever occurs first."

After debate, and pending the question on adoption of the Ways and Means amendment, the amendment recommended by Governor was considered; and it was rejected.

The pending Ways and Means amendment was then considered; and, after remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays, at eight minutes before two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 153**]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Brownsberger, William N. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, Anthony

Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Finegold, Barry R. Timilty, James E.
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 35.
Hedlund, Robert L.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Rosenberg, Stanley C.
McGee, Thomas M. Rush, Michael F.—4.

**The yeas and nays having been completed at four minutes before two o'clock P.M., the amendment was adopted.
Sent to House for its action.**

By Mr. Brewer, for the committee on Ways and Means, on the message from His Excellency the Governor (for message, see Senate, No. 2146), returning with his disapproval or reduction certain items and sections contained in the engrossed Bill making appropriations for the fiscal year 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (see Senate, No. 2112), reported, in part, that several items and sections stand (as passed by the General Court), as follows:

Item 8910-0105 (contained in Section 2) (Hampden Sheriff's Office)
8910-0105..... \$693,920

[The Governor having reduced this item by \$200,000]

After remarks, the question on passing item 8910-0105, contained in section 2, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nine minutes past two o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) **[Yeas and Nays No. 154]:**

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Brownsberger, William N. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Finegold, Barry R. Timilty, James E.
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 35.
Hedlund, Robert L.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Rosenberg, Stanley C.
McGee, Thomas M. Rush, Michael F.—4.

**The yeas and nays having been completed at twelve minutes past two o'clock P.M., item 8910-0105, contained in section 2, stands, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.
Sent to the House for its action.**

Item 8910-8300 (contained in Section 2) (Bristol Sheriff's Office)
8910-8300..... \$1,904,189

[The Governor having reduced this item by \$952,095]

After remarks, the question on passing item 8910-8300, contained in section 2, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the

Constitution, at thirteen minutes past two o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 155**]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Brownsberger, William N. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Finegold, Barry R. Timilty, James E.
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 35.
Hedlund, Robert L.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Rosenberg, Stanley C.
McGee, Thomas M. Rush, Michael F.—4.

The yeas and nays having been completed at a quarter past two o'clock P.M., item 8910-8300, contained in section 2, stands, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Sent to the House for its action.

Item 8910-8200 (contained in Section 2) (Barnstable Sheriff's Office)

8910-8200..... \$1,000,109

[The Governor having reduced this item by \$1,000,109]

After remarks, the question on passing item 8910-8200, contained in section 2, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes past two o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 156**]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Brownsberger, William N. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Finegold, Barry R. Timilty, James E.
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 35.
Hedlund, Robert L.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Rosenberg, Stanley C.
McGee, Thomas M. Rush, Michael F.—4.

**The yeas and nays having been completed at nineteen minutes past two o'clock P.M., item 8910-8200, contained in section 2, stands, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.
Sent to the House for its action.**

Item 8910-8700 (contained in Section 2) (Plymouth Sheriff's Office)
8910-8700..... \$1,743,757

[The Governor having reduced this item by \$871,879]

After remarks, the question on passing item 8910-8700, contained in section 2, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty minutes past two o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 157**]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Brownsberger. William N. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petrucci, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Finegold, Barry R. Timilty, James E.
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 35.
Hedlund, Robert L.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Rosenberg, Stanley C.
McGee, Thomas M. Rush, Michael F.—4.

**The yeas and nays having been completed at twenty-two minutes past two o'clock P.M., item 8910-8700, contained in section 2, stands, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.
Sent to the House for its action.**

Section 36 (Bristol County Sheriff's Office)

SECTION 36. Item 8910-8310 of said section 2 of said chapter 68 is hereby amended by striking out the words "For the Bristol sheriff's office, which may expend for the operation of the office an amount not to exceed \$8,460,000 from revenues received from federal inmate reimbursements" and inserting in place thereof the following words:- For the operation of the Bristol sheriff's office; provided, that the office may expend an amount not to exceed \$7,710,000 from revenues received from federal reimbursements.

[The Governor having disapproved this section]

After remarks, the question on passing Section 36, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-three minutes past two o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 158**]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Brownsberger. William N. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petrucci, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.

Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Finegold, Barry R. Timilty, James E
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 35.
Hedlund, Robert L.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Rosenberg, Stanley C.
McGee, Thomas M. Rush, Michael F.—4.

The yeas and nays having been completed at twenty-six minutes past two o'clock P.M., Section 36 stands, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same. Sent to the House for its action.

Section 37 (Plymouth Sheriff's Office)

SECTION 37. Item 8910-8710 of said section 2 of said chapter 68 is hereby amended by striking out the words "For the Plymouth sheriff's office, which may expend for the operation of the office an amount not to exceed \$16,000,000 from revenues received from federal inmate reimbursements" and inserting in place thereof the following words:- For the operation of the Plymouth sheriff's office; provided that the office may expend an amount not to exceed \$13,500,000 from revenues received from federal reimbursements.

[The Governor having disapproved this section]

After remarks, the question on passing Section 37, the disapproval of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-seven minutes past two o'clock P.M., as follows, to wit (*yeas 35 — nays 0*) **[Yeas and Nays No. 159]:**

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Brownsberger. William N. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Finegold, Barry R. Timilty, James E
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 35.
Hedlund, Robert L.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Rosenberg, Stanley C.
McGee, Thomas M. Rush, Michael F.—4.

The yeas and nays having been completed at twenty-nine minutes past two o'clock P.M., Section 37 stands, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same. Sent to the House for its action.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection the following matter was taken out of the Notice Section of the Calendar and considered, as follows:
The Senate Bill authorizing the town of Erving to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2093),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Rosenberg presented an amendment in section 1, by striking out, in lines 2 and 3, the words “a license for the sale of all alcoholic beverages not to be drunk on the premises to Weatherheads” and inserting in place thereof the following words:- “to Ralph Semb a license for the sale of all alcoholic beverages not to be drunk on the premises”.

The amendment was adopted.

The bill (Senate, No. 2093, amended) was then passed to be engrossed.

Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate Bill authorizing the town of Hawley to grant 1 license for the sale of wine to be drunk on the premises (Senate, No. 97),-- **was read second time and ordered to a third reading.**

The Senate Bill to increase routine screening for HIV (Senate, No. 1997),-- **was read a second time.**

The pending amendment, previously recommended by the committee on Ethics and Rules, substituting a new draft with the same title (Senate, No. 2158),- **was considered.**

Pending the question on adoption of the amendment, Ms. Jehlen moved that the bill by striking out, in lines 4, 11, 16 and 17, the word “HTVL-III” and inserting in place thereof, in each instance, the following word:- “HIV”; and by adding the following paragraph:- “This section shall not apply to premortem and postmortem serological testing for purposes of donation under chapter 113A.”.

After remarks, the amendment was adopted.

The Ethics and Rules amendment was then adopted, as amended.

The bill (Senate, No. 2158, amended) was then ordered to a third reading.

The rules were suspended, on motion of Mr. Montigny, and the bill was read a third time and passed to be engrossed.

Sent to the House for concurrence.

The House Bill relative to oversight of private occupational schools (House, No. 3625, amended),-- was read a second time.

The pending amendment, previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2159,- **was considered.**

After remarks, Mr. Rodrigues moved that the bill be amended in section 5, by inserting after the word “staff”, in line 35, the following words:- “; as defined by the division,”.

After remarks, the amendment was **adopted.**

Mr. Tarr moved that the bill be amended by inserting in section 5 after the word “any”, in line 235, the following words:-adverse written decision or.

After debate, the amendment was *rejected*.

Messrs. Michael O. Moore and Tarr moved that the bill be amended in section 5 of the bill, in proposed clause (iii) of subsection (b) of Section 263 of Chapter 112 of the General Laws, by striking out the following: “provided, that the division shall adopt a procedure for managing decisions relative to curriculum, instructors, and staff;”; in said section 5 of the bill, in proposed clause (iv) of subsection (b) of Section 263 of Chapter 112 of the General Laws, by inserting at the end thereof the following: “provided, that the division shall adopt and publish reconsideration procedures for decisions relative to curriculum, instructors, and staff; and in said section 5 of the bill, after the proposed second sentence in the second paragraph of subsection (e) of Section 263 of Chapter 112 of the General Laws, by inserting the following: “Any such denial shall be considered an initial decision and not final until after the applicant has been provided at least 10 business days to supply, to the director, a reconsideration petition with additional information or documentation in further support of the application. The division shall adopt and publish procedures for timely reconsideration.”

After remarks, the amendment was **adopted.**

Mr. Tarr moved that the bill be amended in section 5, in subsection (j), in line 224, by inserting, after the word “operations”, the following words:- “or a determination of its status under subsection (c)”;

and by inserting after the word “actions”, in line 224, the following words:- “and state its reasons for such action in writing”.

The amendment was **adopted.**

Mr. Brewer moved that the bill be amended in section 5, by inserting after the words “safety of citizens”, in line 32, the following words:- “and residents”.

The amendment was adopted.

The Ways and Means amendment was then adopted, as amended.

The bill, as amended, was then ordered to a third reading.

The rules were suspended, on motion of Ms. Clark, and the bill was read a third time and passed to be engrossed, in

concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The Senate Bill to establish the Massachusetts Uniform Trust Code (Senate, No. 2034),-- **was considered.**

Pending the question on adoption of the pending amendment, previously recommended by the committee on Ways and Means, and pending the main question on ordering the bill to a third reading, on motion of Mr. Brewer, the further consideration of the matter was postponed until the next session.

Order Adopted.

On motion of Mr. Chang-Díaz,--

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

Moment of Silence.

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of Janice Voss.

Adjournment in Memory of Janice Voss

The Senator from Hampden and Hampshire, Ms. Candaras, moved that when the Senate adjourns today, it adjourn in memory of NASA employee and woman astronaut Janice Voss.

Mission Specialist Voss died Tuesday, February 7, 2012, at the age of 55 after a courageous battle with breast cancer. She was a leading woman astronaut. She was one of only six women in history to fly in space five or more times, and one of just a few astronauts, male or female, to log more than 1000 hours in space.

A year after graduating from Minnechaug Regional High School in Wilbraham in 1972, Ms. Voss went to work for NASA while simultaneously attending Purdue University. After earning a bachelor's degree in engineering science in 1975 from Purdue University, Ms. Voss went on to the Massachusetts Institute of Technology where she earned a master's degree in science and a doctorate in aeronautics and astronautics. After completing her doctorate in 1987, she took a job with Orbital Sciences Corp. and was selected by NASA to become an astronaut candidate in 1990.

Ms. Voss flew five missions in seven years, starting in 1993 aboard the shuttle Endeavour. Four of these missions were in the 1990s. Ms. Voss's final mission was a flight to the International Space Station in 2000 where as part of a radar topography mission, she helped map out more than 47 million square miles of the Earth's surface. Ms. Voss's final mission was the most comprehensive space-based, earth mapping effort to that time, producing maps in three dimensions.

Ms. Voss was generous with her time and talent, speaking frequently to schoolchildren in Massachusetts and elsewhere, encouraging them to consider careers in the sciences and at NASA.

Ms. Voss was born in South Bend, Indiana in 1957, but called Wilbraham home. One of four daughters of James R. Voss and former Wilbraham Board of Selectwoman G. Louise Voss, Ms. Voss moved with her family to Wilbraham in 1968. Her parents have since moved back to their native Indiana. Astronaut Voss was an inspiration to young people everywhere but especially to the young women of Massachusetts and Western Massachusetts.

Accordingly, as a mark of respect to the memory of Janice Voss, at twenty-five minutes past three o'clock P.M., on motion of Ms. Candaras, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.