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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE

Thursday, March 31, 2011.

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

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Rodrigues for the purpose of an introduction. Mr. Rodrigues then introduced, seated in the Gallery, the 5th grade class from the Green School in Fall River. They were accompanied by teacher Maureen Dorsey. The Senate welcomed them with applause and they withdrew from the Gallery.

There being no objection, the President handed the gavel to Mr. Joyce for the purpose of an introduction. Mr. Joyce then introduced, in the rear of the Chamber, Lloyd Hill of Milton. He was accompanied by his 15 year old daughter Kristina who is a stroke survivor. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, the President handed the gavel to Mr. Knapik for the purpose of an introduction. Mr. Knapik then introduced, in the rear of the Chamber, Matthew Kitson. Matthew is a political science/pre-law student at the University of Missouri in Kansas City and is spending his spring break working as an intern for Senator Knapik. He also serves in the United States Army National Guard and the United States Army ROTC. The Senate applauded his accomplishments and he withdrew from the Chamber.

There being no objection, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem and Mr. Donnelly then introduced, in the rear of the Chamber, Arthur Sharenow of Lexington. He was accompanied by his photography students from the Brandeis OSHER Living and Learning Institute, which is a senior education program. Mr. Sharenow is a consistent and perennial winner at monthly print competitions held by the Boston Camera Club. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, the President handed the gavel to Mr. Finegold for the purpose of an introduction. Mr. Finegold then introduced, on the rostrum, Raj Goyle, former member of the Kansas House of Representatives. He was the first Indian-American member to be elected to this position. Goyle was a Democratic candidate for US Congress in Kansas' 4th district in 2010. Goyle is a lecturer at Wichita State University and an attorney. A native Wichitan, Goyle graduated from Duke University and Harvard Law School. Goyle and his wife Monica reside in Wichita. The Senate welcomed him with applause and they withdrew from the Chamber.

There being no objection, the President introduced in the rear of the Chamber, the Macedonia Minister of Health Bujar Osmani. He was accompanied by Councilors Vulnet Gavazi, Bekim Ljamalari and Massachusetts host Cheryl Bartlett. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, the Chair handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman then introduced, seated in the gallery, a group of students in the Discovering Justice Program from the Edison School in Brighton. The Senate welcomed them with applause and they withdrew from the Chamber.

Communications.

The following communications were severally received and placed on file:

The Honorable Bruce E. Tarr, Senate Minority Leader, has announced the following appointments:

Senator Robert L. Hedlund to the Special Commission established (pursuant to Section 9 of Chapter 283 of the Acts of 2010) to make an investigation and study to determine a best practices model for the implementation of an official Massachusetts tamper proof prescription form;

Senator Robert L. Hedlund to the Special Commission established (pursuant to Chapter 240 of the Acts of 2010) to make an investigation and study to evaluate the continuing impacts on state laws and regulations of international trade policy and international trade agreements;

Senator Michael R. Knapik to the Special Commission established (pursuant to Section 13 of Chapter 283 of the Acts of 2010) to make an investigation and study of the feasibility of creating a jail diversion program specially for veterans convicted on non-violent substance abuse offenses;

Senator Michael R. Knapik to the Special Commission established (pursuant to Section 60 of Chapter 288 of the Acts of 2010) to make an investigation and study of the capital needs of the community hospital section with regard to the use of technology and adequacy of facilities, the ability to meet the health care needs of the general population in the next decade and potential sources of capital to meet those needs; and

Senator Richard J. Ross to the Special Commission established (pursuant to Chapter 313 of the Acts of 2010) to make an investigation and study of the issue of postpartum depression.

Report.

A report of the Barnstable County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (Copies having been forwarded as required to the Senate Committee on Ways and Means and Post Audit and Oversight) (received March 30, 2011),-- **was placed on file.**

Petition.

Mr. Baddour presented a petition (subject to Joint Rule 12) of Steven A. Baddour for legislation relative to economic crimes; **Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of a Committee.

By Mr. Pacheco, for the committee on Environment, Natural Resources and Agriculture, on Senate, Nos. 367 and 380 and House, No. 265, a Bill relative to the repair, removal and replacement (Senate, No. 367); **Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Committee Discharged.

Ms. Jehlen, for the committee on Elder Affairs, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 268) of Gale D. Candaras, Cheryl A. Coakley-Rivera, Sal N. DiDomenico and other members of the General Court for legislation to provide personal care attendant orientation; and

Of the petition (accompanied by bill, Senate, No. 292) of James T. Welch, Sal N. DiDomenico, John F. Keenan and other members of the General Court to clarify the definition of a personal care attendant;
And recommending that the same severally be referred to the committee on Children and Families;

Of the petition (accompanied by bill, Senate, No. 281) of Michael O. Moore relative to pediatric home care services,-- **and recommending that the same be referred to the committee on Health Care Financing;**

Of the petition (accompanied by bill, Senate, No. 280) of Mark C. Montigny to protect against unfair prescription drug practices; and

Of the petition (accompanied by bill, Senate, No. 291) of Steven A. Tolman making technical corrections to the lockbox provision of the Commonwealth's prescription monitoring program;
And recommending that the same severally be referred to the committee on Public Health.

**Under Senate Rule 36, the reports were severally considered forthwith and accepted.
Severally sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

Petitions (having been filed in the office of the Clerk of the House of Representatives prior to 5:00pm on Friday, January 21, 2011) were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3322) of James M. Murphy for legislation relative to the powers and privileges of the Massachusetts Credit Union Insurance Corporation;
To the committee on Financial Services.

Petition (accompanied by bill, House, No. 3323) of Garrett J. Bradley, Kay Kahn, Bradford Hill and other members of the General Court for legislation to allow the non-profit corporation Home of the Brave, Inc., to construct and operate public homes for veterans;
To the committee on Veterans and Federal Affairs.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3317) of Christopher N. Speranzo (with the approval and the mayor and city council) for legislation to permit the use of traffic control signal violation monitoring system devices as a means of promotion traffic safety in the city of Pittsfield; and

Petition (accompanied by bill, House, No. 3319) of Jennifer E. Benson and James B. Eldridge (by vote of the town) that the town of Shirley be authorized to grant a certain sewer betterment abatement;
Severally to the committee on Municipalities and Regional Government.

A Bill providing for the municipal road and bridge maintenance needs of the Commonwealth (House, No. 3324,-- on House, No. 3316), -- **was read and, under Senate Rule 26C, referred to the committee on Bonding, Capital Expenditures and State Assets.**

Bills

Establishing a sick leave bank for Jeffrey Botelho, an employee of the Department of Correction (House, No. 736,-- on petition);

Establishing a sick leave bank for Barbara Silva, an employee of the Department of Correction (House, No. 1589, amended,-- on petition); and

Establishing a sick leave bank for David Cummings, an employee of the executive office of Health and Human Services (House, No. 3220,-- on petition);

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

A Bill relative to amending the charter of the town of Westborough (House, No. 1456,-- on petition) [Local approval received];
Was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Reports

Of the committee on Health Care Financing, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1857) of Patricia D. Jehlen, Frederick E. Berry and Cory Atkins and other members of the General Court for legislation promoting equal choice and related cost savings,-- and recommending that the same be referred to the committee on Elder Affairs; and

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2004) of Jay R. Kaufman, Bradford Hill, Denise Andrews and other members of the General Court to further regulate the practice of psychotherapy,-- and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure;

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Notice was received from the House announcing the following appointments by the Minority Leader of the House of Representatives:

That Representative Poirier of North Attleborough had been appointed to the special commission established (under Chapter 313 of the Acts of 2010) to make an investigation and study relative to post partum depression;

That Representative Peterson of Grafton had been appointed to the special commission established (under Chapter 4 of the

Resolves of 2010) to make an investigation and study relative to the marketing of seafood caught in the Commonwealth;

That Representative Lyons of Andover had been appointed to the special commission established (under Section 160 of Chapter 131 of the Acts of 2010) to make an investigation and study relative to rehabilitative support services for persons with acquired traumatic brain injuries in the Commonwealth;

That Representative Ross of Attleboro had been appointed to the special commission established (under Section 13 of Chapter 283 of the Acts of 2010) to make an investigation and study of creating jail diversion programs specifically for veterans convicted of non-violent substance abuse offenses;

That Amy Lischer of the Tufts University School of Medicine had been appointed to the State Advisory Commission established (under Section 57 of Chapter 288 of the Acts of 2010) to investigate and study the value of a uniform claims administration system for health care services in the Commonwealth;

That Representative Ferguson of Holden had been appointed (under Section 1 of Chapter 277 of the Acts of 2010) to the Massachusetts Food Policy Council; and

That Representative Barrows of Mansfield had been appointed to the special commission established (under Section 60 of Chapter 288 of the Acts of 2010) to make an investigation and study of the capital needs of the community health system of the Commonwealth.

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

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

Resolutions.

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

Resolutions (filed by Mr. Hedlund) "honoring the Knights of Columbus on their one hundred and twenty-ninth anniversary";

Resolutions (filed by Ms. Murray) "commending Reverend Gary L. Marks for his admirable counsel and spiritual leadership to the Plymouth community";

Resolutions (filed by Ms. Murray, Messrs. Baddour, Berry and Brewer, Ms. Candaras, Ms. Chandler, Ms. Chang-Díaz, Ms. Clark, Ms. Creem, Messrs. DiDomenico and Donnelly, Ms. Donoghue, Messrs. Downing and Eldridge, Ms. Fargo, Mr. Finegold, Ms. Flanagan, Messrs. Hart and Hedlund, Ms. Jehlen, Messrs. Joyce, Keenan, Kennedy, Knapik, McGee, Montigny, Michael O. Moore, Richard T. Moore, Pacheco, Petruccelli, Rodrigues, Rosenberg, Ross and Rush, Ms. Spilka and Messrs. Tarr, Timilty, Tolman, Welch and Wolf) "congratulating the Edward M. Kennedy Institute for the United States Senate on its historic groundbreaking"; and

Resolutions (filed by Ms. Spilka) "honoring Thomas R. Click on the occasion of his retirement as Director of the Framingham Police Athletic League."

PAPER FROM THE HOUSE.

The House Bill making appropriations for fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3318, amended,-- on House, No. 37, in part),- **was read.**

There being no objection, the rules were suspended, on motion of Ms. Chang-Díaz and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Timilty moved that the bill be amended by adding at the end thereof the following new section:

"The Division of Marine Fisheries is hereby directed to hold a public hearing in May 2011 to discuss a management plan for reducing the harvest for both the recreational and commercial fisheries of the Striped Bass. The hearing shall include, but not be limited to, discussion of the estimated 66% decline in recreational catch from 2006 to 2009; 25% decline in estimated striped bass abundance from 2004 to 2008; and lowered recruitment in recent years."

The amendment was *rejected*.

Mr. Rodrigues moved that the bill be amended by inserting after line 121, the following:-

"1233-XXXX For reimbursements to certain cities and towns for additional educational costs pursuant to chapter 40s of the general laws, provided further that cities and towns eligible for reimbursements in fiscal year 2010 shall receive

funding.....\$363,399".
The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the bill be amended by inserting at the end thereof the following new sections:-

“Section X. The office of Medicaid shall, within six months of the passage of this act, take any and all necessary actions to ensure that social security numbers are required on all medical benefits request forms and that social security numbers are provided by all applicants who possess them.

If for any reason the office determines that it is or will be unable to accomplish the foregoing within six months of the passage of this Act, it shall submit a detailed report of the reasons for such inability to the clerks of the house of representatives and the senate within three months following the passage of this act.”

Section X. The division of health care finance and policy shall, within six months of the passage of this act, ensure ii) that the identity, age, residence and eligibility of all applicants are verified before payments are made by the Health Safety Net Trust Fund; and iii) that no payment is made for any expense which is otherwise covered by third party liability, private insurance, or other governmental coverage, including Medicare and MassHealth.

If for any reason the division determines that it is or will be unable to accomplish the foregoing within six months of the passage of this Act, it shall submit a detailed report of the reasons for such inability to the clerks of the house of representatives and the senate within three months following the passage of this act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes before three o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 6 — nays 32*) [**Yeas and Nays No. 8**]:

YEAS.

Hedlund, Robert L.	Ross, Richard J.
Knapik, Michael R.	Tarr, Bruce E.
Pacheco, Marc R.	Timilty, James E. — 6.

NAYS.

Baddour, Steven A.	Hart, John A., Jr.
Berry, Frederick E.	Jehlen, Patricia D.
Brewer, Stephen M.	Joyce, Brian A.
Candaras, Gale D.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Thomas P.
Chang-Diaz, Sonia	McGee, Thomas M.
Clark, Katherine M.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
DiDomenico, Sal N.	Moore, Richard T.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Spilka, Karen E.
Fargo, Susan C.	Tolman, Steven A.
Finegold, Barry R.	Welch, James T.
Flanagan, Jennifer L.	Wolf, Daniel A. — 32.

ABSENT OR NOT VOTING

Rush, Michael F. — **1.**

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

Messrs. Tarr, Montigny, Hedlund and Ross moved that the bill be amended by inserting at the end thereof the following new section:-

“The Massachusetts Fisherman’s Partnership shall file with the Joint Committee on Health Care Financing by June 1, 2011, detailing the progress of enrolling individuals formerly covered by the Massachusetts Fishing Partnership Health Plan in plans subsidized in part in or in whole by the Commonwealth, or in any other comprehensive health plan.”

After remarks, the amendment was adopted.

Messrs. Tarr, Hedlund, and Ross moved that the bill be amended by inserting at the end thereof the following new sections:-

“Section X. The division of health care finance and policy shall, within eight months of the passage of this act, develop regulations to ensure the following: i) that Medicare-like claims editing is fully and effectively implemented and used to determine reimbursements from the Health Safety Net Trust Fund; and ii) that claims editing is effectively used to reduce the occurrence of payments for medically unnecessary services, medically unlikely events, and duplicate services.

Section X. The office of Medicaid shall, within eight months of the passage of this act, develop regulations to ensure that incentives or regulations are implemented to increase competition among MassHealth managed care organizations, reduce the size of some provider networks offered by managed care organizations, and/or to reduce cost of managed care organizations.”

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), after debate the amendment was *rejected*.

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

“Section X. Notwithstanding any general or special law to the contrary, in hospital fiscal year 2012, the office of the inspector general may expend funds from the Health Safety Net Trust Fund, established by section 36 of chapter 118G of the General Laws, for the costs associated with conducting an audit of the Commonwealth’s Medicaid program. The inspector general may examine the practices utilized in all hospitals including, but not limited to, the care of the insured receiving health care services reimbursed pursuant to the Commonwealth’s Medicaid system. The inspector general shall submit a report to the house and senate committees on ways and means containing the findings of any audits so conducted and any other completed analyses not later than April 1, 2012. For the purposes of such audits, health care services shall be defined pursuant to said chapter 118G and any regulations adopted there under.”

The amendment was *rejected*.

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

“Section XX. The sale of fuel assessed to cities and towns during the months of July, August and September of calendar year 2011 shall be exempt from the excise tax assessed under chapters 64A and 64E of the General Laws.”

After debate, the amendment was *rejected*.

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

“Section XX. Notwithstanding any general or special law, rule or regulation to the contrary, before the governor, any state agency or quasi-state agency provides a discretionary tax credit or refund under chapters 58 to 65C, inclusive, of the General Laws, or any loan, grant or other financial assistance of at least \$500,000 to a person, as defined in section 1 of chapter 63 of the General Laws, and does not provide for the recuperation of the financial assistance in cases of failing to fulfill the conditions of said financial assistance, the governor, state agency or quasi-state agency shall submit a cost-benefit analysis detailing the prospective financial and employment impacts in the commonwealth, in writing, to the clerks of the house and senate; provided, however, that the cost-benefit analysis shall not disclose any trade secrets as defined in Clause 20-6 of Section 7 of Chapter 4 of the General Laws.”

After debate, the amendment was *rejected*.

Mr. Ross moved that the bill be amended by striking section 52 in its entirety.

After debate, the amendment was *rejected*.

Mr. Pacheco of Taunton moves to amend the bill by striking section 18 in its entirety.

After debate, the amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2, by striking out item 8200-0200;

In said section 2, by striking out item 8910-0446;

In said section 2, by striking out item 8910-8310;

In section 2A by striking out item 1201-;

By inserting after section 4 the following section:-

“SECTION 4A. Chapter 10 of the General Laws is hereby amended by inserting after section 35PP the following section:-

Section 35QQ. (a) There shall be established and set up on the books of the commonwealth a Financial Literacy Trust Fund to encourage financial literacy and education for residents, institutions, community organizations and entities that will promote financial literacy. The fund shall be administered by the state treasurer, in consultation with the board of trustees established under subsection (b). The fund shall accept private contributions, publicly or privately-funded grants and funds appropriated by the state or federal government. No expenditure from the fund shall cause the fund to be in deficiency at the close of the fiscal year. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year. The fund shall be an expendable trust fund and shall not be subject to appropriation or allotment.

(b) There shall be established a board of trustees to consist 20 members, 2 of whom shall be appointed by the senate president and 1 of whom shall be appointed by the minority leader of the senate; 2 of whom shall be appointed by speaker of the house and 1 of whom shall be appointed by the minority leader of the house; the state treasurer or a designee, who shall serve as chair; the attorney general or a designee; the undersecretary of consumer affairs and business regulation or a designee; the secretary of education or a designee; the commissioner of elementary and secondary education or a designee; the secretary of housing and economic development or a designee; and 8 persons to be appointed by the governor who shall have experience in fundraising, education or financial services. All non-elected members shall serve for terms of 3 years, but they may be reappointed. The board of trustees shall develop by-laws and may develop regulations for the implementation of the trust. The trust may expend funds for the purposes of administering the fund, which may include an annual independent audit of the financial activities of the fund. The trust may also enter into contracts with private corporations for the purposes of managing and implementing the programmatic fiduciary or administrative goals of the trust, subject to the approval of the board of trustees. The trust may also, to the extent necessary, create a 501(c)3 corporation to fulfill the purposes of the trust. The state treasurer shall annually report to the general court all programmatic and financial activities and balances of the fund on or before the last Wednesday in December.

(c) Notwithstanding any general or special law or rule or regulation to the contrary, the state treasurer, members of the board of trustees or their designees shall maximize the balance in the trust by soliciting private donations, gifts, grants and bequests of the trust, including direct and indirect fundraising.”;

In section 12, by inserting after the word “shall” in line 300, the following words:- “, whenever feasible.”;

In section 20, by adding the following words:- “to be appointed by the governor”;

By inserting after section 34 the following 2 sections:-

“SECTION 34A. Item 3000-4050 of said section 2 of said chapter 131 is hereby amended by striking out the words ‘provided further, that the commissioner of early education and care may transfer funds to this item from items 3000-1000 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; and provided further, that not more than 3 per cent of any item may be transferred in fiscal year 2011’ and inserting in place thereof the following words:- and provided further, that the commissioner of early education and care may transfer funds to this item from items 3000-1000, 3000-3050 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 15 days before the transfer.

SECTION 34B. Item 3000-4060 of said section 2 of said chapter 131 is hereby amended by striking out the words ‘and 3000-4050, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; provided further, that not more than 3 per cent of any item may be transferred in fiscal year 2011’ and inserting in place thereof the following words:- , 3000-3050 and 3000-4050, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 15 days before the transfer.”;

By inserting after section 38 the following section:-

“SECTION 38A. Item 8200-0222 of said section 2 of said chapter 131 is hereby amended by striking out the figure ‘\$450,000’, each time it appears, and inserting in place thereof the following figure:- \$900,000.”;

By inserting after section 39 the following 2 sections:-

“SECTION 39A. Item 8910-0446 of said section 2 of said chapter 131 is hereby amended by striking out the figure ‘\$400,000’, each time it appears, and inserting in place thereof, in each instance, the following figure:- \$450,000.

SECTION 39B. Item 8910-8310 of said section 2 of said chapter 131, as amended by section 25 of chapter 409 of the acts of 2010, is hereby further amended by striking out the figure ‘\$8,000,000’, each time it appears, and inserting in place thereof, in each instance, the following figure:- \$8,460,000.”;

In section 47, by striking out, in lines 667 and 671, the figure “\$46,279” and inserting in place thereof, in each instance, the following figure:- “\$46,487”;

In said section 47, by striking out, in lines 674 and 678, the figure “\$1,056,550” and inserting in place thereof, in each instance, the following figure:- “\$1,208,671”;

By inserting after section 54 the following section:-

“SECTION 54A. The special commission established in section 181 of chapter 240 of the acts of 2010 is hereby revived and continued. The commission shall complete a written report detailing any factors to be considered in the index and any financial measures that would be necessary for implementation to the governor, the clerks of the senate and house of representatives, the joint committee on tourism, arts and cultural development and the joint committee on education not later than September 30, 2011.”; and

By striking out sections 55 and 55A.

Pending the question on adoption of the amendment, Mr. Tarr moved to amend the amendment (Brewer) by striking the words “And in section 2A striking out item 1201 ;” and inserting in place thereof the following item:-:-

“1201-XXXX For distribution to cities and towns for snow and ice removal expenses on municipal ways during the fiscal year 2011; provided, that a city or town receiving funds under this item may reimburse school districts for snow and ice removal expenses; provided, further that 58.34 per cent of funds appropriated under this item shall be apportioned to each city or town proportionally based on the number of road miles as determined by the division of highways within the department of transportation; 20.83 per cent of funds appropriated under this item shall be apportioned to each city or town proportionally based on the population of the city or town as determined by the department of revenue; and 20.83 per cent of funds appropriated under this item shall be apportioned to each city or town proportionally based on the employment population in the city or town as determined by the executive office of labor and workforce development; provided, further that any funds received by a city or town in excess of its liability for snow and ice removal expenses shall be used for the construction and reconstruction of municipal ways as described in clause (b) of section 4 of chapter 6C of the General Laws
.....\$15,000,000”.

After remarks, the further amendment was *rejected*.

The pending amendment (Brewer) was then considered, and it was adopted.

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

Pending the question on passing the bill to be engrossed, Messrs. Tarr, Montigny, Hedlund and Ross moved that the bill be amended by striking out section 53A and inserting in place thereof the following section:-

“SECTION 53A. As a condition of participating in any health insurance program subsidized by state funds, the Massachusetts Fishermen’s Partnership shall file with the joint committee on health care financing not later than June 1, 2011, a report detailing the progress of enrolling individuals currently and formerly covered by the Massachusetts Fishing Partnership Health Plan as of January 1, 2011, in plans subsidized in whole or in part by the commonwealth, or in any other comprehensive health care plan.”

The amendment was adopted.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and the nays, at six minutes past four o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 9**]:

YEAS

Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
Candaras, Gale D.	Knapik, Michael R.
Chandler, Harriette L.	McGee, Thomas M.
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.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 38.

NAYS —0.

ABSENT OR NOT VOTING

Rush, Michael F.— **1.**

The yeas and nays having been completed at nine minutes past four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill authorizing the town of Sandwich to enter into leases for recreational fields and facilities (see Senate, No.1884, 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 ten minutes past four o'clock P.M., as follows, to wit (*yeas 39 - nays 0*) [**Yeas and Nays No. 10**]:

YEAS

Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
Candaras, Gale D.	Knapik, Michael R.
Chandler, Harriette L.	McGee, Thomas M.
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.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 38.

NAYS —0.
ABSENT OR NOT VOTING
Rush, Michael F.— 1.

The yeas and nays having been completed at thirteen minutes past four 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 President and laid before the Governor for his approbation.

Order.

Mr. Tarr presented an Order relative to fiscal year '12 local aid resolution (Senate, No. 1889).

The rules were suspended, on motion of Mr. Tolman, and the order was considered forthwith.

After debate and pending the question on adoption of the order, Mr. Knapik moved that the matter be laid upon the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

Report of a Committee.

By Mr. Welch, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the filling of vacancies in the office of mayor of the city of Revere (Senate, No. 1877) [Local approval received],-- **ought to pass.**

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

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill providing for the appointment of a treasurer-collector in the town of Barre (see Senate, No. 1873) (which originated in the Senate), 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. Hart) and laid before the Governor for his approbation.

Moment of Silence.

At the request of the Chair (Mr. Hart) the members, guests and employees stood in a moment of silence and reflection to the memory of Thomas J. Butler of South Boston.

Recess.

There being no objection, at twenty-six minutes before five o'clock P.M., the Chair (Mr. Hart) declared a recess subject to the call of the Chair; and, at a quarter past six 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).

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 Stanley C. Rosenberg, Cory Atkins and Richard T. Moore for legislation to provide for the election of registry of deeds by county.

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

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 Jennifer L. Flanagan for legislation relative to behavioral emergency services.

The rules were suspended, on motion of Mr. Tarr, and the report was considered forthwith; Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care Financing. Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 3326) of Linda Dorcena Forry for legislation to establish a sick leave bank for Yvonne B. Smith, an employee of the Trail Court; and

Petition (accompanied by bill, House, No. 3327) of Mark Cusack, John F. Keenan and Brian A. Joyce for legislation to establish a sick leave bank for David C. Napolitano, an employee of the Department of Probation;
Severally, under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3328) of James M. Cantwell for legislation to establish a sick leave bank for Brunilda Rivera, an employee of the Department of Environmental Protection;
Under suspension of Joint Rule 12, to the committee on the Public Service.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 3318, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 2 to 0.**

The bill was signed by the Acting President, (Mr. Petruccelli) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the Acting President (Mr. Petruccelli) on Thursday, March 31, 2011 and was laid before the Governor for his approbation on Friday, April 1, 2011.

Order Adopted.

On motion of Mr. Tarr,--

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.

Adjournment in Memory of Thomas J. Butler

The Senator from Plymouth and Barnstable, Ms. Murray, and the Senator from Suffolk, Mr. Hart, requested that when the Senate adjourns today, it adjourn in memory of Thomas J. Butler.

Thomas J. Butler of South Boston was a fixture in state government and more importantly of South Boston; Tommy was able to bridge government affairs and community concerns with his trademark smile and deeply rooted sense of compassion.

Tommy's positive outlook colored everything he did and everyone he knew... If someone came to him with a problem or concern it was never met with a no but a let's figure out how to help you out.

Tommy never looked back and never let circumstances get in the way of moving forward. Even as he was dealt medical challenges, he never lost the twinkle in his eye and that distinctive laugh you could hear from across the room.

His South Boston community remained a priority throughout his life and was only second to his dedication to his family – wife Helen, son Thomas, Jr., daughter Jillian, brother Edward and sister Donna.

The passing of Tommy Butler leaves each and every person whose life he touched with a great sense of loss, but his positive spirit will live on in each of our memories. The thoughts and prayers of a grateful community and Commonwealth are with the Butler family.

Accordingly, as a mark of respect to the memory of Thomas J. Butler, at twenty-three minutes past six o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.