

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, October 13, 2011.

Met at a one minute past one o'clock P.M. (Mr. Rosenberg in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, members of the Corps of Cadets from the United States Military Academy, West Point, and the Domestic Affairs Forum. The forum's goal is to increase Cadet understanding of local, state and national government in order to foster an appreciation for the greater American political landscape. The goal of their trip to Boston is gaining an understanding of state level politics, beginning with a program at the Harvard Kennedy School of Government this morning which runs until Friday, involving a meeting with Mayor Thomas Menino and members of the Commonwealth's education leadership. They are being led by Major Robinson and Cadet James Long, who will be meeting with Speaker DeLeo later today. The Senate welcomed them with applause and they withdrew from the Chamber.

Communications.

Several communications were received and placed on file:

Communication from the Martin J. Benison, Comptroller, submitting notification the annual financial plan for the Liability Management and Reduction Fund (pursuant to Section 2TT of Chapter 29 of the General Laws) (received in the Office of the Clerk of the Senate on Wednesday, October 12, 2011, at five minutes before one o'clock P.M.); and

Communication from the Martin J. Benison, Comptroller, submitting the Fiscal Year 2012 transfer schedule for the Executive Office for Health and Human Services under account number 1595-5819, Commonwealth Care Trust Fund (received in the Office of the Clerk of the Senate on Thursday, October 13, 2011, at twenty-five minutes before twelve o'clock noon);

Report.

Report of the Nantucket Registry of Deeds (under the provisions 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 Committees on Ways and Means and Post Audit and Oversight) (received Thursday, September 8, 2011),-- **was placed on file.**

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco and Patricia A. Haddad for legislation relative to affordable housing in the city of Taunton; and

By the same Senator, a petition (subject to Joint Rule 12) of Marc R. Pacheco, Patricia A. Haddad and Shaunna O'Connell for legislation to establish a sick leave bank for Michael Foti, an employee of the Department of Correction.

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

Report of a Committee.

By Mr. Finegold, for the committee on Election Laws, on petition, a Bill validating the actions taken at the annual town election in the town of Hampden (Senate, No. 2026) [Local approval received];

Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE

A Bill establishing a sick leave bank for Luis Rodriguez, an employee of the Department of Children and Families (House, No. 3731,-- on petition), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Authorizing the Nantucket Islands Land Bank to convey certain land situated in the town of Nantucket (House, No. 569, amended-- on petition) [Local approval received]; and

Authorizing the town of Danvers to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3699,-- on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

There being no objection, at two minutes past one o'clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty 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. Knapik) "congratulating Deborah A. Buckley on being named the recipient of the 2012 William G. Dwight Distinguished Service to Holyoke award"; and

Resolutions (filed by Mr. McGee) "recognizing the Jewish Community Center of the North Shore on the occasion of the one hundredth anniversary of its founding."

Order Adopted.

On motion of Mr. Berry,--

Ordered, That by the authority of article IV of section II of chapter I of the Constitution, the Senate declares that, by reason of the resignation of Steven A. Tolman as senator from the Second Suffolk and Middlesex district, the office of senator from the Second Suffolk and Middlesex district is vacant as of the close of business on October 13, 2011. By the authority of article XXIV of the Amendments to the Constitution, the Senate directs the president of the Senate to issue a precept setting forth January 10, 2012, as the day for holding an election to fill the vacancy in the Second Suffolk and Middlesex district, comprising of ward 4, precincts 7 and 10, ward 5, precincts 2, 9 and 10, ward 21, precincts 1 to 3, inclusive, and 5, and 8 to 16, inclusive, ward 22, precincts 3 and 4, and 6 to 13, inclusive, in the city of Boston, in the county of Suffolk; ward 9, precincts 2 and 3, ward 10, precincts 1 and 3, and ward 11 in the city of Cambridge, and the towns of Belmont and Watertown, in the county of Middlesex.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill authorizing certain structures to be exempted from certain harbor lines in Chelsea Creek (see House, No. 3690), 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 of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Establishing a sick leave bank for Louceta Hodge, an employee of the Department of Revenue (see Senate, No. 2023);
Establishing a sick leave bank for Terri A. Demars, an employee of the Department of State Police (see House, No. 3646); and
Establishing the position of treasurer-collector in the town of Plympton (see House, No. 3676).

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

Petition (accompanied by bill, House, No. 3748) of Stephen Kulik and others for legislation to authorize the board of commissioners of the Franklin County Regional Housing and Redevelopment Authority to offer a limited early retirement incentive program for employees of said authority;

Petition (accompanied by bill, House, No. 3749) of Ronald Mariano and others for legislation to establish a sick leave bank for Dinamarie McCarthy, an employee of the Department of Children and Families;

Severally to the committee on Public Service.

Orders of the Day

The Orders of the Day were considered, as follows:

The House Bill authorizing the town of Hanover to grant an additional license for the sale of wine and malt beverages to be drunk on the premises (House, No. 3721),-- **was read a second time and ordered to a third reading.**

The House Bill establishing expanded gaming in the Commonwealth (House, No. 3711),-- **was considered, the main question being on ordering it to a third reading.**

The pending Ways and Means amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2015,-- was considered.

Ms. Jehlen moved to amend the bill in section 15 by striking out, in lines 1068 and 1069, the words “not less than 35 days but not more than 90 days “ and inserting in place thereof the following words:--“on the next scheduled local, or state election not less than 45 days after the date that the request was received;”.

The amendment was *rejected*.

Messrs. Timilty, Tarr, Knapik, Ross and Rosenberg moved to amend the bill in section 16, in section 55 (c) of proposed Chapter 23K of the General Laws, by striking the figure “9” in line 2334 and inserting in place thereof the following figure:- “15”.

The amendment was **adopted**.

Ms. Jehlen and Mr. Keenan moved to amend the bill by striking out section 17 (c) and inserting in place thereof the following section:-

“Section 17. (c) The commission shall conduct public hearings on the application pursuant to section 11A1/2 of Chapter 30A. There shall be at least one public hearing in the host community and at least one public hearing in each municipality that has residential property within 5 miles of the proposed gaming facility. An applicant for a gaming license and the municipality hosting the hearing shall be given at least 30 days notice of the public hearing.”

The amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the bill in Section 16, in Chapter 23K of the General Laws, by striking section 59(2) in its entirety and inserting in place thereof the following:-

“(2) 100 per cent of the revenue received from a category 1 licensee shall be transferred as follows:

The commission shall transfer 10 per cent of collected revenues to the Community Mitigation Fund established in section 61, 5 per cent to the Public Health Trust Fund and remit the remaining 85 per cent of collected revenues to the comptroller. The comptroller may make all necessary transfers among funds to ensure that the monies in the fund are transferred to the General Fund of the Commonwealth.”;

In said section 16, in Chapter 23K of the General Laws, by striking section 59(1) in its entirety and inserting in place thereof the following:-

“(1) 100 per cent of the revenue received from a category 2 licensee, shall be transferred to the General Fund of the commonwealth.”; and

In section 91, by striking subsections (2) through (8), inclusive, and replacing it with the following subsections:-

“(2) 90 per cent to the general fund.”

Pending the question on adoption of the amendment, Mr. Knapik moved to further amend the amendment in section 16, in Chapter 23K of the General Laws, by striking section 59 (1) in its entirety and inserting in place thereof the following:-

“(1) 100 per cent of the revenue received from a category 2 licensee, shall be transferred to the General Fund of the commonwealth.”;

In said section 16, in Chapter 23K of the General Laws, by striking section 59(2) in its entirety and inserting in place thereof the following:-

“(2) 100 per cent of the revenue received from a category 1 licensee shall be transferred as follows:

The commission shall transfer 10 per cent of collected revenues to the Community Mitigation Fund established in section 61, 5 per cent to the Public Health Trust Fund and remit the remaining 85 per cent of collected revenues to the comptroller. The

comptroller may make all necessary transfers among funds to ensure that the monies in the fund are transferred to the General Fund of the Commonwealth.”;

In said section 16, in proposed Chapter 23K of the General Laws, by striking sections 62, 63, and 64 in their entirety;

By striking Section 18 in its entirety;

In section 91, by striking subsections (2) through (8), inclusive, and replacing it with the following subsections:-

“(2) 90 per cent to the general fund.”;

By striking sections 96, 97, and 98 in their entirety; and

By inserting, after section __, the following new Section:-

“SECTION __. For the first five years following the implementation of expanded gaming in the commonwealth, on or before July 31st, the commissioner of the department of revenue shall file an annual report with the chairs of the house and senate ways and means committees and the clerks of the house and senate detailing the revenues generated by expanded gaming during the preceding year as well as the revenues projected to be generated in the upcoming year.”

After debate, the further amendment (Knapik) was *rejected*.

The pending amendment (Tarr) was then considered; and, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes past two o'clock P.M., on motion of Mr. Knapik, as follows, to wit (*yeas 7 – nays 31*) [**Yeas and Nays No. 98**]:

YEAS

Eldridge, James B. Knapik, Michael R.
Fargo, Susan C. Ross, Richard J.
Hedlund, Robert L. Tarr, Bruce E. —7.
Jehlen, Patricia D.

NAYS

Baddour, Steven A. Keenan, John F.
Berry, Frederick E. Kennedy, Thomas P.
Brewer, Stephen M. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette Moore, Michael O.
L.
Chang-Diaz, Sonia Moore, Richard T.
Clark, Katherine M. Pacheco, Marc R.
Creem, Cynthia Petruccelli, Anthony
Stone
DiDomenico, Sal N. Rodrigues, Michael J.
Donnelly, Kenneth Rosenberg, Stanley C.
J.
Donoghue, Eileen Spilka, Karen E.
M.
Downing, Benjamin Timilty, James E
B.
Finegold, Barry R. Tolman, Steven A.
Flanagan, Jennifer Welch, James T.
L.
Hart, John A., Jr. Wolf, Daniel A. — 31.
Joyce, Brian A.

ABSENT OR NOT VOTING

Rush, Michael F.—

1.

The yeas and nays having been completed at twenty-seven minutes past two o'clock P.M., the amendment was rejected. Messrs. Kennedy and Pacheco moved to amend the bill in section 85, by striking out, in line 3155, the words "the fiscal year shall not" and inserting in place thereof the following words:- "fiscal year 2012 shall"; and

In said section 85:

By inserting after the word "that", in line 3160, the following words:- "in no event shall such sum exceed the amount dedicated to the Racing Stabilization Fund during calendar years 2010 and 2011; provided further, that";

By inserting after the word "that", in line 3167, the following words:- "in no event shall such sum exceed the amount dedicated to the Racing Stabilization Fund during calendar years 2010 and 2011; provided further, that"; and

By inserting after the figure "2012", in line 3170, the following words:- "; provided, however, that no such payments shall be made after June 29, 2012".

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

Mr. Ross moved to amend the bill by striking out lines 351 through 354, inclusive, and inserting, in place thereof, the following:- "Surrounding communities", municipalities in proximity to a host community which the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment, including municipalities from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment; provided, however, that all communities that abut a host community and have a public way that crosses a municipal border into the host community or have dwelling units within ½ mile radius of the gaming establishment shall be deemed surrounding communities." The amendment was *rejected*.

Mr. Eldridge moved that the bill be amended in line 1066 by inserting after the word "host community" the following:- "and in any community abutting the host community and in any community within five miles of the proposed gaming establishment"; in line 1068 by striking the words "not less than 35 days but not more than 90 days" and inserting in place thereof the following:- "not less than 90 days"; and in line 1070 by striking the words "60 days" and inserting in place thereof the following:- "90 days". After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes before three o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 11 – nays 27) [Yeas and Nays No. 99]:

YEAS

Chang-Diaz, Sonia Hedlund, Robert L.
Creem, Cynthia Stone Jehlen, Patricia D.
Donnelly, Kenneth J. Spilka, Karen E.
Downing, Benjamin B Timilty, James E
Eldridge, James B. Wolf, Daniel A. – 11.
Fargo, Susan C.

NAYS

Baddour, Steven A. Knapik, Michael R.
Berry, Frederick E. McGee, Thomas M.
Brewer, Stephen M. Montigny, Mark C.
Candaras, Gale D. Moore, Michael O.
Chandler, Harriette L. Moore, Richard T.
Clark, Katherine M. Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Finegold, Barry R. Rosenberg, Stanley C.
Flanagan, Jennifer L. Ross, Richard J.
Hart, John A., Jr. Tarr, Bruce E.
Joyce, Brian A. Tolman, Steven A.
Keenan, John F. Welch, James T. — 27.
Kennedy, Thomas P.

ABSENT OR NOT VOTING

Rush, Michael F. — 1.

The yeas and nays having been completed at nine minutes before three o'clock P.M., the amendment was rejected. Messrs. Hedlund, Ross and Tarr moved to amend the bill by inserting, after section XX, the following new section: "SECTION XX. Notwithstanding any general or special law to the contrary, the commission shall establish regulations to ensure that prior to disbursement of cash or a prize in excess of \$600, an authorized employee of the gaming enforcement unit, established in section 70 of chapter 22C, gaming enforcement unit, shall review information made available by the United States Department of Homeland Security Immigration and Customs Enforcement to ascertain whether the winner of the cash or prize is lawfully residing in or visiting the United States under a current student visa, under a current employment permit or visa, or

under the employment authorization of the attorney general or other federal official. If the winner of the cash or prize is found to be unlawfully residing in or visiting the United States, the gaming licensee shall not disburse to the holder any portion of the cash or prize.”

The amendment was rejected.

Mr. Hedlund moved that the bill be amended in paragraph (9) of section 15 of the proposed chapter 23K, by adding at the end thereof the following:- “provided further, that in the event an applicant cannot reach agreement with a surrounding community, the applicant shall submit to the commission a report detailing the course of negotiations with the surrounding community, including the last offer proposed by the applicant and rejected by the surrounding community and the commission, as a condition of licensure, may require that an applicant fulfill the terms set forth in the last proposal or impose additional or alternative terms upon the applicant as the commission deems reasonable”.

The amendment was rejected.

Ms. Fargo moved to amend the bill by striking item (34) of Section 4 line 638 of Chapter 23K of the General Laws, as inserted by section 16 in its entirety.

The amendment was rejected.

Mr. Richard T. Moore moved to amend the bill by inserting in subsection 9 of Section 15, after the word “establishment;” the following:- “provided further, that in the event an applicant cannot reach an agreement with a surrounding community, the applicant shall submit to the commission a report detailing the course of negotiations with the surrounding community, including the last offer proposed by the applicant and rejected by the surrounding community and the commission, as a condition of licensure, may require that an applicant fulfill the terms set forth in the last proposal or impose additional or alternative terms upon the applicant as the commission deems reasonable.”; and in section 17, lines 1130 to 1131 by striking the words “included a signed agreement with that community in its application” and inserting in place thereof the following:- “finalized negotiations with that community in its application pursuant to section 15;”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes past three o’clock P.M., on motion of Mr. Richard T. Moore, as follows, to wit (yeas 11 – nays 27) [Yeas and Nays No. 100]:

YEAS

Berry, Frederick E. Moore, Richard T.
Donoghue, Eileen M. Pacheco, Marc R.
Finegold, Barry R. Petrucci, Anthony
Hart, John A., Jr. Rosenberg, Stanley C.
Keenan, John F. Tolman, Steven A. — 11.
Kennedy, Thomas P.

NAYS

Baddour, Steven A. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
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 Rodrigues, Michael J.
DiDomenico, Sal N. Ross, Richard J.
Donnelly, Kenneth J. Spilka, Karen E.
Downing, Benjamin B Tarr, Bruce E.
Eldridge, James B. Timilty, James E
Fargo, Susan C. Welch, James T.
Flanagan, Jennifer L. Wolf, Daniel A. – 27.
Hedlund, Robert L.

ABSENT OR NOT VOTING

Rush, Michael F. — 1.

The yes and nays having been completed at twenty-one minutes past three o’clock P.M., the amendment was rejected.

Ms. Fargo moved to amend the bill in section 16, in section 18 of proposed chapter 23K, by striking out clause (13) and inserting in place thereof the following clause:-

“(13) have received a certified and binding favorable vote on a ballot question at an election in the host community, in favor of such license; provided, however that the vote shall take place after the effective date of this chapter; provided further, that a request for an election shall take place after the signing of an agreement between the host community and the applicant; provided further, that the signed agreement shall be made available to the public upon request; provided further, that the governing body of the municipality shall call for the election not less than 35 days from the date that the request was received and not less than 15 days prior to the date of the election; provided further, that a binding vote shall be conducted not less than 60 days from the date that the request was received; provided further that the host community shall hold a public hearing on the applicant’s request prior to any such election pursuant to section 11½ of chapter 30A; provided further, that an applicant for a gaming license shall be given at least 30 days notice of the public hearing; provided further, that the municipality that holds an election shall be

reimbursed for its expenses related to the election by the applicant; provided further, that the applicant shall reimburse election expenses within 30 days after the election; provided further, that commission shall deny an application for a gaming license if the applicant has not fully reimbursed the host community, provided further, that, for purposes of this clause, if the gaming establishment is proposed to be located in a city with a population of at least 125,000 residents according to the most recent enumerated federal census, 'host community' shall mean the ward in which the gaming establishment is to be located for the purpose of receiving a certified and binding vote on a ballot question at an election; provided further, that upon the signing of an agreement between the host community and the applicant, and upon the request of the applicant, the city or town clerk shall set a date certain for an election on the ballot question in the host community; provided further, that at such election, the question submitted to the voters shall be worded as follows: 'Shall the (city/town) of _____ permit (name of applicant) to operate a gaming establishment licensed by the Massachusetts Gaming Commission to be located at ____ [description of site] ____? YES _____ NO _____'; provided further, that if a majority of the votes cast in a host community in answer to the question is in the affirmative, the host community shall be taken to have voted in favor of the applicant's license; provided further, that the applicant shall not submit a request to the governing body of the municipality without first obtaining a new signed agreement with the host municipality; provided further, that if a proposed gaming establishment is situated in 2 or more cities or towns, the applicant shall execute an agreement with each host community, or a joint agreement with both communities, and receive a certified and binding vote on a ballot question at an election held in each host community, in favor of such a license;” Pending the question on adoption of the pending amendment (Fargo), Ms. Candaras moved to further amend the amendment by inserting after the word "clause," the following words:- "unless a city opts out of this provision by a vote of the local legislative body,"; and by striking out the figure "125,000" and inserting in place thereof the following figure:- "175,000". After remarks, the further amendment (Candaras) was adopted. After further remarks, the question on adoption of the pending amendment (Fargo), as amended (Candaras), was determined by a call of the yeas and nays, at a quarter before four o'clock P.M., on motion of Ms. Fargo, as follows, to wit (yeas 37 – nays 0) [Yeas and Nays No. 101]:

YEAS

Baddour, Steven A. Keenan, John F.
Berry, Frederick E. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone Pacheco, Marc R.
DiDomenico, Sal N. Petrucci, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
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. Tolman, Steven A.
Hart, John A., Jr. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Hedlund, Robert L. Rush, Michael F.—2.

The yeas and nays having been completed at ten minutes before four o'clock P.M., the amendment (Fargo-Candaras) was adopted.

Mr. Brewer moved to amend the bill in section 16, in line 750, by inserting after the word “law”, the following words:-“, rule or regulation”;

In said Section 16:

In clause (13) of section 15 of proposed chapter 23K, by adding the following words:-“; provided further, that the ballot question shall be accompanied by a fair and concise summary, as determined by the city solicitor or town counsel”;

By striking out, in line 1341, the word “change” and inserting in place thereof the following words:- “not change”;

By striking out, in line 1343, the word “operate” and inserting in place thereof the following words:- “not operate”;

By striking out, in line 1433, the words “commercial financial institution licensed by the division of banks” and inserting in place thereof the following words:- “banking institution, as defined in section 1 of chapter 167A,”;

By striking out, in line 1493, the word “licensee” and inserting in place thereof the following word:- “license”;

In section 46 of proposed chapter 23K, as inserted by amendment 104, by striking out the words “or holder of”;

In said section 46 of proposed chapter 23K, as inserted by amendment 104, by striking out the word “holder,”;

By striking out, in line 2449, the words “state secretary” and inserting in place thereof the following words:- “secretary of administration and finance”;

By striking out, in line 2564, the words “and board”;

In subsection (b) of section 68 of said proposed chapter 23K by striking out, in line 2566, the figure "9", inserted by amendment 54, and inserting in place thereof the following figure:- "12";

By striking out, in line 2567, the words “region 1” and inserting in place thereof the following words:- “region A”;

By striking out, in line 2567, the words “region 2” and inserting in place thereof the following words:- “region B”;

By striking out, in line 2568, the words “region 3” and inserting in place thereof the following words:- “region C”;

In Section 17, by inserting, in line 2705, after the word “law”, the following words:- “, rule or regulation”;

By inserting after Section 37 the following section:-

“SECTION 37A. Section 2 of chapter 128A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words ‘state racing commission’ and inserting in place thereof the following words:- Massachusetts gaming commission established in chapter 23K.”;

In Section 47, in proposed chapter 267A, by striking out section 3 and inserting in place thereof the following section:-

“Section 3. (a) As needed on a case-by-case basis, a financial institution, upon the request of the attorney general, shall file with the attorney general reports required by the Currency and Foreign Transactions Act, set forth in 31 U.S.C., § 5311 to 5315, 31 C.F.R. 103.

(b) A financial institution, or an officer, employee or agent of a financial institution that provides any reports, records or information under this section shall not be liable to its customer, to a state or local agency or to any person for any loss or damage caused in whole or in part by the making, filing or governmental use of the report or any information contained in the report. Nothing in this chapter shall give rise to a private cause of action for relief or damages. Nothing in this subsection shall preclude a financial institution, in its discretion, from instituting contact with, and then communicating with and disclosing customer financial records to, appropriate federal, state or local law enforcement agencies if the financial institution has reason to suspect that the records or information demonstrate that the customer has violated this chapter.

(c) Any report, record or information obtained by the attorney general under this section shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66 and shall not be subject to disclosure, except to other state and federal law enforcement agencies.

(d) A violation of this section, which is not a violation of section 2, shall be punished by a fine of \$100 for each report requested by the attorney general and subsequently not filed.”; and

In section 89, in subsection (c), by striking out the second sentence, as appearing in amendment 21, and inserting in place thereof the following sentence:- “The tribe shall work with the local legislative body in the host community to schedule a vote for approval of the proposed gaming development.”;

In said section 89, in said subsection (c), in the third sentence, as so appearing, by inserting after the word “The” the following words:- “legislative body of the”;

In section 90, by striking out, in line 3256, the figure “2011” and inserting in place thereof the following figure:- “2009”.

The amendment was adopted.

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

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

The question on passing the bill to be engrossed, in concurrence, with the amendment, was determined by a call of the yeas and nays, at four minutes before four o’clock P.M., on motion of Ms. Flanagan, as follows, to wit (yeas 24 – nays 14) [Yeas and Nays No. 102]:

YEAS

Baddour, Steven A. Knapik, Michael R.
 Berry, Frederick E. McGee, Thomas M.
 Brewer, Stephen M. Moore, Michael O.
 Candaras, Gale D. Murray, Therese
 Chandler, Harriette L. Pacheco, Marc R.
 Clark, Katherine M. Petrucci, Anthony
 DiDomenico, Sal N. Rosenberg, Stanley C.
 Donoghue, Eileen M. Ross, Richard J.
 Flanagan, Jennifer L. Tarr, Bruce E.
 Hart, John A., Jr. Timilty, James E.
 Joyce, Brian A. Tolman, Steven A.
 Kennedy, Thomas P. Welch, James T. — 24.

NAYS

Chang-Diaz, Sonia Jehlen, Patricia D.
 Creem, Cynthia Stone Keenan, John F.
 Donnelly, Kenneth J. Montigny, Mark C.
 Downing, Benjamin B. Moore, Richard T.
 Eldridge, James B. Rodrigues, Michael J.
 Fargo, Susan C. Spilka, Karen E.

Finegold, Barry R. Wolf, Daniel A. — 14.
ABSENT OR NOT VOTING
Hedlund, Robert L. Rush, Michael F.—2.

The yeas and nays having been completed at four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, see Senate document numbered 2035].
Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Berry,--
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.

On motion of Mr. Hart, at fourteen minutes before five o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.