

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.

Wednesday, November 16, 2011

Met at eleven minutes past ten o'clock AM.

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

Distinguished Guests.

There being no objection, the Chair (Mr. Hart) handed the gavel to Mr. Richard T. Moore for the purpose of an introduction. Mr. Richard T. Moore then introduced, in the rear of the Chamber, Tyler Symes of Millville. Tyler played for the Milford High School Hockey team and was recognized for having been hit in the chest with a slap shot causing his heart to stop, and having made a full recovery. The Senate welcomed him with applause and he withdrew from the Chamber.

There being no objection, the President handed the gavel to Ms. Chang-Diaz for the purpose of an introduction. Ms. Chang-Diaz then introduced, in the rear of the Chamber, Ken and Marie Garber. They are the parents of a transgender son, whom they supported during his transition when he was in high school. Their son experienced bullying and harassment when looking for a job and turned to drugs to cope with the discrimination and passed away from an overdose at the age of 22. Ken and Marie have been advocating for the transgender equal rights bill since it was first filed in 2007. The Senate welcomed him with applause and he withdrew from the Chamber.

PAPERS FROM THE HOUSE

A petition (accompanied by bill, House, No. 3782) of Kathi-Anne Reinstein (with the approval of the mayor and city council) relative to voting precincts in the city of Revere,-- **was referred, in concurrence, to the committee on Election Laws.**

A Bill to establish the Massachusetts Uniform Trust Code (House, No. 3780,-- on House, No. 2261),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to videoconference hearings when one party is subject to a protective order or restraining order (House No. 3816,-- on House, No. 3143),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Grace A. Rugnetta, an employee of the Executive Office of Health and Human Services (see House, No. 3640) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

A Bill relative to gender identity (House, No. 3810,-- on Senate, No. 764 and House, No. 502),-- **was read. There being no objection, the rules were suspended, on motion of Mr. Downing, and the bill was read a second time, ordered to a third reading, and, after remarks, was read a third time and passed to be engrossed, in concurrence.**

Orders of the Day.

The Orders of the Day were considered as follows:

The Senate Bill relative to identification cards (Senate, No. 1718),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The House Bill establishing Congressional districts (House, No. 3798, amended),-- **was considered, the main question being on ordering the bill to a third reading.**

Pending the question on adoption of the amendment, previously moved by Messrs. Tarr, Knapik, Hedlund and Ross, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2701 and pending the main question on ordering the bill to a third reading, at twenty-four minutes past ten o'clock A.M., Mr. Tarr doubted the presence of a quorum. The President, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at twenty-five minutes past ten o'clock P.M., a quorum was declared present.

The pending amendment, previously moved by Messrs. Tarr, Knapik, Hedlund and Ross, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2701,-- **was again considered.**

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen past eleven o'clock A.M., on motion of Mr. Tarr, as follows, to wit (*yeas 8 – nays 26*) [**Yeas and Nays No. 121**]:

YEAS

Finegold, Barry R. Pacheco, Marc R.
Hedlund, Robert L. Rodrigues, Michael J.
Joyce, Brian A. Ross, Richard J.
Knapik, Michael R. Tarr, Bruce E. — 8.

NAYS

Baddour, Steven A. Flanagan, Jennifer L.
Brewer, Stephen M. Hart, John A., Jr.
Candaras, Gale D. Jehlen, Patricia D.
Chandler, Harriette L. Keenan, John F.
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. Petruccelli, Anthony
Donoghue, Eileen M. Spilka, Karen E.
Downing, Benjamin B. Timilty, James E
Eldridge, James B. Welch, James T.
Fargo, Susan C. Wolf, Daniel A. — 26.

ABSENT OR NOT VOTING

Berry, Frederick E. Rosenberg, Stanley C.
Kennedy, Thomas P. Rush, Michael F. — 4.

The yeas and nays having been completed at twenty minutes past eleven o'clock A.M., the amendment was rejected.

Mr. Knapik moved that the Senate reconsider the vote by which the Senate had rejected the amendment.

After debate, the question on reconsideration was determined by a call of the yeas and nays, at a half past eleven o'clock A.M., on motion of Mr. Tarr, as follows, to wit (*yeas 7 – nays 27*) [**Yeas and Nays No. 122**]:

YEAS

Finegold, Barry R. Pacheco, Marc R.
Hedlund, Robert L. Ross, Richard J.
Joyce, Brian A. Tarr, Bruce E. — 7.
Knapik, Michael R.

NAYS

Baddour, Steven A. Hart, John A., Jr.
Brewer, Stephen M. Jehlen, Patricia D.
Candaras, Gale D. Keenan, John F.
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. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Spilka, Karen E.
Downing, Benjamin B. Timilty, James E
Eldridge, James B. Welch, James T.

Fargo, Susan C. Wolf, Daniel A. — 27.
Flanagan, Jennifer L.
ABSENT OR NOT VOTING
Berry, Frederick E. Rosenberg, Stanley C.
Kennedy, Thomas P. Rush, Michael F.— 4.

The yeas and nays having been completed at twenty-seven minutes before twelve o'clock noon, the motion to reconsider was negatived.

Mr. Hart in the Chair, Mr. Joyce moved that the bill be amended by striking out section 1, Seventh Congressional District and inserting in place thereof the following section:-

“Seventh Congressional District - Consisting of wards 1, 2, 3, precinct 1 of ward 4, ward 5, precinct 3 of ward 10, and ward 11 of the city of Cambridge, and the cities of Everett and Somerville, all in the county of Middlesex; wards 1, 2, 3, 4, 5, precinct 10 of ward 7, wards 8, 9, 10, 11, 12, precincts 1, 2, 4, 5, 6, 8 and 9 of ward 13, wards 14, precincts 1, 2, 3, 4, 5, 7, 8, and 9 of ward 15, precincts 1, 3, 4, 6, 8 and 11 of ward 16, wards 17, 18, 19, 20, 21, and 22 of the city of Boston and the city of Chelsea, both in the county of Suffolk.”; a by striking out section 1, Eighth Congressional District and inserting in place thereof the following section:-

“Eighth Congressional District - Consisting of the town of Easton and precincts 1 and 2 of the town of Raynham, all in the county of Bristol; the towns of, Avon, Braintree, Canton, Cohasset, Dedham, Holbrook, Milton, Norwood, Randolph, Stoughton, Westwood, and Weymouth, and the city of Quincy, all in the county of Norfolk; the towns of Abington, Bridgewater, East Bridgewater, Hingham, Hull, Scituate, West Bridgewater, and Whitman and the city of Brockton, all in the county of Plymouth; and ward 6, precincts 1, 2, 3, 4, 5, 6, 7, 8, and 9 of ward 7, precincts 3, 7, 8, 9, and 10 of ward 13, precinct 6 of ward 15, precincts 2, 5, 7, 9, 10 and 12 of ward 16 of the city of Boston, in the county of Suffolk.”

After debate, the amendment was rejected.

Mr. Joyce moved that the bill be amended by striking out section 1, Seventh Congressional District and inserting in place thereof the following section:-

“Seventh Congressional District - Consisting of wards 1, 2, 3, precinct 1 of ward 4, ward 5, precinct 3 of ward 10, and ward 11 of the city of Cambridge, and the cities of Everett and Somerville, all in the county of Middlesex; wards 1 and 2, precincts 7 and 8 of ward 3, ward 4, precincts 1, 2, 6, 7, 8, 9 and 10 of ward 5, precinct 10 of ward 7, wards 8, 9, 10, 11, and 12, precincts 1, 2, 4, 5, 6, 8 and 9 of ward 13, wards 14 and 15, precincts 1, 3, 4, 6, 8 and 11 of ward 16, wards 17 and 18, precincts 1, 2, 3, 4, 5, 6, 8, and 9, of ward 19, precincts 1, 2, 3, 4, 7, and 9 of ward 20, and wards 21 and 22 of the city of Boston and the city of Chelsea, both in the county of Suffolk; and precinct 5 in the town of Milton, and precincts 2, 7, 8, 9, and 10 of the town of Randolph, both in the county of Norfolk.”; and by striking out section 1, Eighth Congressional District and inserting in place thereof the following section:-

“Eighth Congressional District - Consisting of the town of Easton and precincts 1 and 2 of the town of Raynham, all in the county of Bristol; the towns of, Avon, Braintree, Canton, Cohasset, Dedham, Holbrook, precincts 1, 2, 3, 4, 6, 7, 8, 9, and 10 of the town of Milton, the towns of Norwood, Stoughton, Westwood, and Weymouth, and the city of Quincy, and precincts 1, 3, 4, 5, 6, 11, and 12 of the town of Randolph, all in the county of Norfolk; the towns of Abington, Bridgewater, East Bridgewater, Hingham, Hull, Scituate, West Bridgewater, and Whitman and the city of Brockton, all in the county of Plymouth; and precincts 1, 2, 3, 4, 5 and 6 of ward 3, precincts 3, 4, 5 and 11 of ward 5, ward 6, precincts 1, 2, 3, 4, 5, 6, 7, 8, and 9 of ward 7, precincts 3, 7 and 10 of ward 13, precincts 2, 5, 7, 9, 10 and 12 of ward 16, and precincts 7, 10, 11, and 12 of ward 19, and precincts 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of ward 20 of the city of Boston, in the county of Suffolk.”

After remarks, the amendment was rejected.

Mr. Joyce moved that the bill be amended by striking out section 1, Seventh Congressional District and inserting in place thereof the following section:-

“Seventh Congressional District - Consisting of wards 1, 2, 3, precinct 1 of ward 4, ward 5, precinct 3 of ward 10, and ward 11 of the city of Cambridge, and the cities of Everett and Somerville, all in the county of Middlesex; wards 1 and 2, precincts 7 and 8 of ward 3, ward 4, precincts 1, 2, 6, 7, 8, 9 and 10 of ward 5, precinct 10 of ward 7, wards 8, 9, 10, 11, and 12, precincts 1, 2, 4, 5, 6, 8 and 9 of ward 13, wards 14 and 15, precincts 1, 3, 4, 6, 8 and 11 of ward 16, wards 17 and 18, precincts 1, 2, 3, 4, 5, 6, 8, and 9, of ward 19, precincts 1, 2, 3, 4, 7, and 9 of ward 20, and wards 21 and 22 of the city of Boston and the city of Chelsea, both in the county of Suffolk; and precinct 5 in the town of Milton, and the town of Randolph, both in the county of Norfolk.”; and by striking out section 1, Eighth Congressional District and inserting in place thereof the following section:-

“Eighth Congressional District - Consisting of the town of Easton and precincts 1 and 2 of the town of Raynham, all in the county of Bristol; the towns of, Avon, Braintree, Canton, Cohasset, Dedham, Holbrook, precincts 1, 2, 3, 4, 6, 7, 8, 9, and 10 of the town of Milton, the towns of Norwood, Stoughton, Westwood, and Weymouth, and the city of Quincy, all in the county of Norfolk; the towns of Abington, Bridgewater, East Bridgewater, Hingham, Hull, Scituate, West Bridgewater, and Whitman and the city of Brockton, all in the county of Plymouth; and precincts 1, 2, 3, 4, 5 and 6 of ward 3, precincts 3, 4, 5 and 11 of ward 5, ward 6, precincts 1, 2, 3, 4, 5, 6, 7, 8, and 9 of ward 7, precincts 3, 7 and 10 of ward 13, precincts 2, 5, 7, 9, 10 and 12 of ward 16, and precincts 7, 10, 11, and 12 of ward 19, and precincts 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of ward 20 of the city of Boston, in the county of Suffolk.”

The amendment was rejected.

Ms. Chang-Díaz moved that the bill be amended in section 1, in the proposed Seventh Congressional District, by striking out, in

line 63, the words “wards 1 and 2” and inserting in place thereof the words “ward 1”;

In the proposed Seventh Congressional District, by striking out, in lines 64 and 65, the words “precincts 1, 2, 3, 4, 5, 6, 7 and 8 of ward 11, ward 12” and inserting in place thereof the words “wards 11 and 12”;

In the proposed Seventh Congressional District, by striking out, in lines 65 and 66, the words “precincts 7, 10, 11, 12 and 13 of”;

In the proposed Eighth Congressional District, by inserting, in line 75, after the words “all in the county of Plymouth; and” the words “ward 2,”;

In the proposed Eighth Congressional District, by striking out, in lines 77, the words “precincts 9 and 10 of ward 11,”;

In the proposed Eighth Congressional District, by striking out, in lines 78, the words “and precincts 1, 2, 3, 4, 5, 6, 8, and 9 of ward 19,”; and

By inserting, after section 9, the following new section:-

“SECTION X. Notwithstanding any general or special law to the contrary, for the purpose of electing representatives in the Congress of the United States and delegates and alternate delegates to the national conventions of political parties as provided in section 1, the state secretary shall direct the board of selectmen of the town of Milton to include census blocks 250214161011004, 250214161011008, 250214161011009, 250214161011010, 250214161011011, 250214161011012, 250214161011014, 250214161011015, 250214161011018, 250214161014014, 250214161014015 and 250214161021026 in precinct 5 of the town of Milton.”

After debate, the amendment was rejected.

Ms. Jehlen and Messrs. Petrucci and DiDomenico moved that the bill be amended in section 1, in line 47, by striking out the following: “precincts 2 and 3 of ward 4, wards 6, 7, 8, and 9, and precincts 1 and 2 of ward 10 of the city of Cambridge,” and inserting in place thereof the following: “precincts 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of ward 21 and precincts 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13 of ward 22 of the city of Boston”; in line 61 by striking out the following: “wards 1, 2, 3, precinct 1 of ward 4, ward 5, precinct 3 of ward 10, and ward 11 of”; in line 67 by striking out the following: “wards 21 and 22 of the city of Boston” and inserting in place thereof the following: “precincts 1, 2, 3, 4 and 5 of ward 21 and precincts 1, 2, 5, of ward 22 of the city of Boston”; and by striking lines 106-112 and including in the place thereof, “Section 4. Notwithstanding the provisions of any general or special law to the contrary, for the purpose of electing representatives in the Congress of the United States and delegates and alternate delegates to the national conventions of political parties as provided in section 1, the state secretary shall direct the Elections Division of the city of Boston to include census blocks 20259815011013, 20259815011022, 20259815011023, 20259815011024, 20259815011030, 20259815011034, 20259815011035, 20259815011037, 20259815011038, 20259815011042, 20259815011043, 20259815011044, 20259815011045, 20259815011048, 20259815011049, 20259815011050, 20259815014001, 20259815014002, 20259815014003, 20259815014004, 20259815014005, 20259815014006, 20259815014007, 20259815014008 and 20259815014009 in precinct 12 of ward 22 of the city of Boston.”

After remarks, the amendment was rejected.

Mr. Joyce moved that the bill be amended by striking out section 1, Seventh Congressional District and inserting in place thereof the following section:-

“Seventh Congressional District - Consisting of wards 1, 2, 3, precinct 1 of ward 4, ward 5, precinct 3 of ward 10, and ward 11 of the city of Cambridge, and the cities of Everett and Somerville, all in the county of Middlesex; wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, precincts 1, 2, 4, 5, 6, 8 and 9 of ward 13, ward 14, precincts 1, 2, 3, 4, 5, 7, 8, and 9 of ward 15, precincts 1, 3, 4, 6, 8 and 11 of ward 16, wards 17, 18, 19, 20, 21, and 22 of the city of Boston and the city of Chelsea, both in the county of Suffolk.”; and by striking out section 1, Eighth Congressional District and inserting in place thereof the following section:-

“Eighth Congressional District - Consisting of the town of Easton and precincts 1 and 2 of the town of Raynham, all in the county of Bristol; the towns of, Avon, Braintree, Canton, Cohasset, Dedham, Holbrook, Milton, Norwood, Randolph, Stoughton, Westwood, and Weymouth, and the city of Quincy, all in the county of Norfolk; the towns of Abington, Bridgewater, East Bridgewater, Hingham, Hull, Scituate, West Bridgewater, and Whitman and the city of Brockton, all in the county of Plymouth; precincts 3, 7, 8, 9, and 10 of ward 13, precinct 6 of ward 15, precincts 2, 5, 7, 9, 10 and 12 of ward 16 of the city of Boston, in the county of Suffolk.”

The amendment was rejected.

Mr. Finegold moved that the bill be amended by inserting, after section 9, the following new section:-

SECTION 9A. Notwithstanding section 6 of chapter 54 of the General Laws or any other general or special law to the contrary, the town of Andover may establish voting precincts which contain more than four thousand inhabitants.

After debate, the amendment was rejected.

The President in the Chair, Mr. Pacheco moved that the bill be amended in section 1, in the fourth paragraph by striking out after the word “Norton” the following words: “precincts 3 and 4 of the town of Raynham, and the towns of” and inserting in place thereof the word: “Raynham,”; and in the eighth paragraph of Section 1, by striking out after the words “town of Easton” the words “ and precincts 1 and 2 of the town of Raynham, all”

After remarks, the amendment was rejected by a vote of 2 to 5.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

A Bill authorizing the town of Sherborn to lease certain land in Sherborn town forest for the purpose of constructing, operating and maintaining a wireless communications facility (House, No. 1841,-- on petition) [Local approval received],-- was read.

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

A Bill authorizing the release of certain land in the town of Dartmouth from the operation of an agricultural preservation restriction (House, No. 3797,-- on House, No. 3671),-- was read.

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

A Bill relative to the land acquisition for Hamilton Crossing (House, No. 3379, changed and amended,-- on petition),-- was read. 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.

A Bill authorizing the conveyance of certain parcels of land in the city of Revere (House, No. 3783,-- on petition) [Local approval received],-- was read.

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

A Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Amherst (House, No. 3792, amended,-- on petition),-- was read.

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

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 House Bill authorizing the Nantucket Islands Land Bank to dispose of certain land situated in the town of Nantucket (House, No. 569, amended) (its title having been changed by the committee on Bills in the Third Reading),-- was read a third time and passed to be engrossed, in concurrence.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The House Bill establishing Congressional districts (House, No. 3798, amended),-- was considered, the main question being on ordering the bill to a third reading.

Ms. Spilka moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2703.

After remarks, the amendment was adopted.

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

Recess.

Pending the question on passing the bill to be engrossed, at the request of Mr. Tarr, at twelve minutes before one o'clock P.M., for the purposes of a Republican Caucus, the President declared a recess; and at three minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The House Bill establishing Congressional districts (House, No. 3798, amended),-- was again considered, the question being on passing the bill to be engrossed.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at two minutes before two o'clock P.M., on motion of Ms. Spilka, as follows, to wit (yeas 31 – nays 6) [Yeas and Nays No. 123]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.

Berry, Frederick E. Keenan, John F.

Brewer, Stephen M. Kennedy, Thomas P.

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 Murray, Therese

DiDomenico, Sal N. Pacheco, Marc R.

Donnelly, Kenneth J. Petruccelli, Anthony

Donoghue, Eileen M. Rodrigues, Michael J.

Downing, Benjamin B. Spilka, Karen E.

Eldridge, James B. Timilty, James E.

Fargo, Susan C. Welch, James T.

Flanagan, Jennifer L. Wolf, Daniel A. — 31.

Hart, John A., Jr.

NAYS

Finegold, Barry R. Knapik, Michael R.
Hedlund, Robert L. Ross, Richard J.
Joyce, Brian A. Tarr, Bruce E. — 6.

ABSENT OR NOT VOTING

Rosenberg, Stanley C. Rush, Michael F.— 2.

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

Sent to the House for concurrence in the amendment.

There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows:
PAPER FROM THE HOUSE.

The engrossed Bill establishing expanded gaming in the Commonwealth (see House, No. 3807),-- came from the House with an amendment in line 755 (as published), by striking out the words "and, in consultation with the commission, shall execute" and inserting in place thereof the words "The commission, in consultation with the colonel of the state police, shall facilitate the execution of"; in line 2505 (as published), by striking out the figure "2" and inserting in place thereof the figures "4.5"; and, in line 2536 (as published), by striking out the figure "5" and inserting in place thereof the figures "2.5".

The rules were suspended, on motion of Mr. Tarr, and, after debate, the House amendment was considered forthwith and adopted, in concurrence.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Bill adopting the Revised Uniform Anatomical Gift Act (Senate, No. 2067),-- was read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at eighteen minutes past two o'clock P.M., on motion of Mr. Brewer, as follows, to wit (yeas 36 – nays 0) [Yeas and Nays No. 124]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petrucelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING

Rosenberg, Stanley C. Rush, Michael F.— 2.

The yeas and nays having been completed at twenty-one minutes past two o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

Recess.

There being no objection, at twenty-nine minutes past two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-eight minutes before five o'clock P.M., the Senate reassembled, the President in the Chair.

Report 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 Mark C. Montigny for legislation to establish a sick leave bank for Kevin W. Rose, an employee of the Bristol County Sheriff's office.

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 Public Service.

Sent to the House for concurrence.
PPAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing expanded gaming in the Commonwealth (see House, 3807, 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 7 to 0.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill relative to gender identity (see House, No. 3810) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

A Bill prohibiting the use of credit in underwriting and rating private passenger motor vehicle insurance (House, No. 3795,-- on Senate, No. 461),-- was read.

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, in concurrence.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill improving safety in the Commonwealth (Senate, No. 2036),-- ought to pass, with an amendment substituting a new draft entitled "An Act improving water safety for children in the Commonwealth" (Senate, No. 2075).

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read second time and was amended, as recommended by the committee on Ways and Means.

The bill (Senate, No. 2075) was then ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty minutes before five o'clock P.M., on motion of Mr. Brewer, as follows, to wit (yeas 36 – nays 0) [Yeas and Nays No. 125]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING

Rosenberg, Stanley C. Rush, Michael F.— 2.

The yeas and nays having been completed at sixteen minutes before five o'clock P.M., the bill was passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill further regulating certain licenses for the sale of alcoholic beverages (see Senate, No. 2033, 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 8 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to the land acquisition for Hamilton Crossing (see House, No. 3379 changed and 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 13 to 0.
The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the conveyance of certain parcels of land in the city of Revere (see House, No. 3783), 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 16 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:

Exempting the position of police chief in the town of Marblehead from the civil service law (see Senate, No. 1929); and
Establishing expanded gaming in the Commonwealth (see House, No. 3807, amended).

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, on Senate, No. 2032, in part, a "Bill relative to renewable energy generation on closed landfills" (Senate, No. 2074).

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays, at eight minutes before five o'clock P.M., on motion of Mr. Downing, as follows, to wit (yeas 36 – nays 0) [Yeas and Nays No. 126]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petrucelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING

Rosenberg, Stanley C. Rush, Michael F.— 2.

The yeas and nays having been completed at five minutes before five o'clock P.M., the bill (Senate, No. 2074) was passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing the Nantucket Islands Land Bank to dispose of certain land situated in the town of Nantucket (see House, No. 569, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at four minutes before five o'clock P.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 127]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.

Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.
NAYS — 0.
ABSENT OR NOT VOTING
Rosenberg, Stanley C. Rush, Michael F.— 2.

Mr. Baddour in the Chair. the yeas and nays having been completed at one minute before five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Sherborn to lease certain land in Sherborn Town Forest for the purpose of constructing, operating and maintaining a wireless telecommunications facility (see House, No. 1841) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at one minute past five o'clock P.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 128]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.
NAYS — 0.
ABSENT OR NOT VOTING
Rosenberg, Stanley C. Rush, Michael F.— 2.

The yeas and nays having been completed at four minutes past five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

The President in the Chair, the Senate Bill relative to the improvement of Route 2, Crosby's Corner Interchange, in the towns of Lincoln and Concord (Senate, No. 2022, amended),-- came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3779.

The rules were suspended, on motion of Mr. Baddour, and the House amendment was considered forthwith and adopted, in concurrence.

Report of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill to provide retirement options for nonprofit

organizations (House, No. 3754),-- ought to pass, with an amendment by inserting, in section 1, after the word "Code," in line 4, the following words:- "that are established, organized or chartered under the laws of the commonwealth and doing business in the commonwealth"; in said section 1, by striking out, in line 40, the word "provision" and inserting in place thereof the following words:- "general or special law"; and by adding the following 3 sections:-

"SECTION 2. This act shall not apply to not-for-profit employers that sponsor, administer or offer a defined contribution plan, defined benefit plan, deferred compensation plan or other tax-deferred retirement savings plan to their employees as of November 1, 2011.

SECTION 3. Section 2 is hereby repealed.

SECTION 4. Section 3 shall take effect on January 1, 2014."

There being no objection, the rules were suspended, on motion of Ms. Candaras, and the bill was read second time and was amended, as recommended by the committee on Ways and Means.

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

"SECTION___. Prior to the implementation of this act, the treasurer shall conduct a study to determine whether or not the same or similar retirement benefit package can be offered by one or more privately-operated plans."

After remarks, the amendment was rejected.

Mr. Tarr Mr. Tarr moved that the bill be amended by inserting at the end thereof the following new section:

"SECTION___. Notwithstanding any general or special law, rule or regulation to the contrary, small non-profits doing business in the Commonwealth shall be allowed to aggregate for the purposes of offering a pension."

After remarks, the amendment was adopted.

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

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

The Senate Bill to restore collective bargaining rights for employees of the Massachusetts Bay Transportation Authority (Senate, No. 2066, amended),-- came from the House passed to be engrossed, in concurrence with an amendment inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith restore collective bargaining rights for employees of the Massachusetts Bay Transportation Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The rules were suspended, on motion of Mr. Baddour, and, after remarks, the House amendment was considered forthwith and adopted, in concurrence.

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Jacqueline Enno, an employee of the Department of Developmental Services (see Senate, No. 2068), 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 14 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to the terms of collective bargaining agreements (see House, No. 3789, 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 9 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Amherst (see House, No. 3792, 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 15 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill authorizing the release of certain land in the town of Dartmouth from the operation of an agricultural preservation restriction (see House, No. 3797), 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 15 to 0.

The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (both 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:

Relative to the Sandwich Economic Initiative Corporation (see Senate, No. 1928); and

Further regulating certain licenses for the sale of alcoholic beverages (see Senate, No. 2033, amended).

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing the conveyance of certain parcels of land in the city of Revere (see House, No. 3783) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-one minutes before six o'clock P.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 129]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING

Rosenberg, Stanley C. Rush, Michael F.— 2.

The yeas and nays having been completed at nineteen minutes before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill relative to the land acquisition for Hamilton Crossing (see House, No. 3379, changed and amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eighteen minutes before six o'clock P.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 130]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING

Rosenberg, Stanley C. Rush, Michael F.— 2.

The yeas and nays having been completed at a quarter before six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Message from the Governor — Disapproval
General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 3535), which on Friday, July 1, 2011, had been laid before the Governor for his approbation,— came from the House, in part, a section having been passed by the House notwithstanding the disapproval of the Governor.

The message (House, No. 3581) was read; and the Senate proceeded to reconsider several sections, which had been disapproved in accordance with the provisions of the Constitution.

Section 81 (Prescription Drug Waste) was considered as follows:

SECTION 81. Chapter 111 of the General Laws is hereby amended by striking out section 25I, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 25I. The department, in conjunction with the board of registration in pharmacy and the division of medical assistance, shall establish and implement guidelines to reduce medication waste in facilities licensed by the department, the department of mental health and the department of corrections. The department shall establish such guidelines, based on its review, that are determined to be effective in reducing waste without imposing unreasonable costs on the health care delivery system. In establishing such guidelines the department may consider the following: (i) current technology, standards and reimbursement mechanisms for dispensing and distributing medications to facilities; (ii) requirements implemented in other states for limiting prescription drug waste and any cost-savings realized; (iii) the commonwealth's standards for the return and re-dispensing of patient-specific schedule VI prescription drugs; and (iv) possible incentive mechanisms to prevent prescription drug waste. The department shall promulgate regulations to implement this section.”.

[The Governor disapproved this section.]

After remarks, the question on passing Section 81, in concurrence, 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 seven minutes before six o'clock P.M., as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 131]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petruccielli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.

NAYS — 0.

ABSENT OR NOT VOTING

Rosenberg, Stanley C. Rush, Michael F.— 2.

The yeas and nays having been completed at four minutes before six o'clock P.M., Section 81 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Emergency Preamble Adopted.

An engrossed Bill establishing Congressional districts (see House Bill, printed in, House, No. 3798 Appendix A, 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 10 to 0.

The bill was signed by the President and sent to the House for enactment.

Message from the Governor — Disapprovals

General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements. (see House, No. 3535), which on Friday, July 1, 2011, had been laid before the Governor for his approbation,— came from the House, in part, several sections having been passed by the House notwithstanding the disapproval of the Governor.

The message (House, No. 3581) was read; and the Senate proceeded to reconsider several sections, which had been disapproved in accordance with the provisions of the Constitution.

Section 178 (Prescription Drug Waste) was considered as follows:

SECTION 178. The department of public health, in consultation with the board of registration in pharmacy, shall provide to the joint committee on health care financing and the joint committee on public health, on or before April 1, 2012, a report with any legislative recommendations relative to issues of implementing the programs established under subsection (p) of section 70E of chapter 111 of the General Laws and section 25I of said chapter 111, including, but not limited to, savings and costs related to the implementation of the programs established and recommendations related to penalties for violations of subsection (p) of section 70E of said chapter 111 and section 25I of said chapter 111.”

[The Governor disapproved this section.]

The question on passing Section 178, in concurrence, 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 two minutes before six o'clock P.M., as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 132]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petrucelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.
NAYS — 0.

ABSENT OR NOT VOTING

Rosenberg, Stanley C. Rush, Michael F.— 2.

The yeas and nays having been completed at six o'clock P.M., Section 178 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 216 (Prescription Drug Waste – Effective Date) was considered as follows:

SECTION 216. Section 81 shall take effect April 1, 2012.”

[The Governor disapproved this section.]

The question on passing Section 216, in concurrence, 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 one minute past six o'clock P.M., as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 133]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petrucelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.
NAYS — 0.
ABSENT OR NOT VOTING
Rosenberg, Stanley C. Rush, Michael F.— 2.

The yeas and nays having been completed at three minutes past six o'clock P.M., Section 216 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Section 156 (Medicaid) was considered as follows:

SECTION 156. The inspector general shall expend funds from the Health Safety Net Trust Fund, established in section 36 of chapter 118G of the General Laws, to conduct a study and review of the Massachusetts Medicaid program. The study shall include, but not be limited to, a review of the program's eligibility requirements, utilization, claims administration and compliance with federal mandates. The inspector general shall report any preliminary findings to the secretary of health and human services and the house and senate committees on ways and means on or before October 3, 2011, and issue a final report on or before March 1, 2012."

[The Governor disapproved this section.]

The question on passing Section 156, in concurrence, 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 four minutes past six o'clock P.M., as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 134]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petrucelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.
NAYS — 0.

ABSENT OR NOT VOTING

Rosenberg, Stanley C. Rush, Michael F.— 2.

The yeas and nays having been completed at six minutes past six o'clock P.M., Section 156 stands, in concurrence, notwithstanding the disapproval of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bills — Land Takings for Conservation Etc.

An engrossed Bill authorizing the release of certain land in the town of Dartmouth from the operation of an agricultural preservation restriction (see House, No. 3797) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at seven minutes past six o'clock P.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 135]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petrucelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.
NAYS — 0.
ABSENT OR NOT VOTING
Rosenberg, Stanley C. Rush, Michael F.— 2.

The yeas and nays having been completed at eleven minutes past six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Amherst (see House, No. 3792, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twelve minutes past six o'clock P.M., as follows, to wit (yeas 36 - nays 0) [Yeas and Nays No. 136]:

YEAS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
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. Pacheco, Marc R.
Donoghue, Eileen M. Petrucelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
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. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 36.
NAYS — 0.
ABSENT OR NOT VOTING
Rosenberg, Stanley C. Rush, Michael F.— 2.

The yeas and nays having been completed at fourteen minutes past six o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Jacqueline Enno, an employee of the Department of Developmental Services (see Senate, No. 2068) (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 President and laid before the Governor for his approbation.

Suspension of Senate Rule 38A.

Mr. Pacheco moved that Senate Rule 38A be suspended to allow the Senate to meet beyond the hour of 8:00 P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Recess.

There being no objection, at twenty-two minutes before seven o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-eight minutes before eight o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE

Engrossed Bill.

An engrossed Bill establishing Congressional districts (see House Bill, printed in House, No. 3798 Appendix. A, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

Emergency Preambles Adopted.

An engrossed Bill relating to the improvement of Route 2, Crosby's Corner Interchange, in the towns of Lincoln and Concord (see Senate, No. 2022, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 3 to 0.

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill relative to collective bargaining rights for employees of the Massachusetts Bay Transportation Authority (see Senate, No. 2066, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 3 to 0.

The bill was signed by the 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:

Amending contract procedures in the city of Boston (see Senate, No. 1054);

Relative to collective bargaining rights for employees of the Massachusetts Bay Transportation Authority (see Senate, No. 2066, amended); and

Prohibiting the use of credit in underwriting and rating private passenger motor vehicle insurance (see House, No. 3795).

Engrossed Bill—Land Taking for Conservation Etc.

An engrossed Bill relating to the improvement of Route 2, Crosby's Corner Interchange, in the towns of Lincoln and Concord (see Senate, No. 2022, 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 before eight o'clock P.M., as follows, to wit (yeas 34 - nays 0) [Yeas and Nays No. 137]:

YEAS

Baddour, Steven A. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. Knapik, Michael R.
Chang-Diaz, Sonia McGee, Thomas M.
Clark, Katherine M. Montigny, Mark C.
DiDomenico, Sal N. Moore, Michael O.
Donnelly, Kenneth J. Moore, Richard T.
Donoghue, Eileen M. Pacheco, Marc R.
Downing, Benjamin B. Petrucci, Anthony
Eldridge, James B. Rodrigues, Michael J.
Fargo, Susan C. Ross, Richard J.
Finegold, Barry R. Spilka, Karen E.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 34.

NAYS — 0.

ABSENT OR NOT VOTING

Berry, Frederick E. Rosenberg, Stanley C.
Creem, Cynthia Stone Rush, Michael F.— 4.

The yeas and nays having been completed at two minutes before eight 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.

Report of a Committee.

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

The House Bill regulating secondary metals dealings (House, No. 3723, amended) (the committee on Ethics and Rules recommending that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2076).

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

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

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Brewer,--

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

On motion of the Ms. Chandler, at twenty-four minutes past eight o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.