

JOURNAL OF THE HOUSE.

Wednesday, December 28, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Ms. St. Fleur of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we place our hope and trust in You and in the way which You have made known to us for achieving happiness, purpose and success in our daily living. As elected representatives of the people, we are often called upon to make critical and sometimes sensitive legislative and policy decisions. Inspire us to select options which are reasonable, thoughtful, ethical and serve the present and future best interests of people. Help us to motivate and enable all people to recognize and utilize their personal talents and gifts for their own benefit and for the benefit of the common good of all. Guide our daily efforts to keep our ideals, goals and values in clear focus and to attain the purpose for which we have been created by You.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Ms. St. Fleur), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Resolutions.

Resolutions (filed with the Clerk by Messrs. Galvin of Canton and Kafka of Sharon) congratulating Brendan Ferrari on receiving the Eagle Scout Award, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

From the Norfolk County Registry of Deeds (under Section KKK of Chapter 29 of the General Laws) submitting an initial plan for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight); and

From the Fall River District Registry of Deeds (pursuant to Section KKK of Chapter 29 of the General Laws) submitting an initial plan for technological improvements at said registry (copies of said communication referred, as required under said law, to the committee on Ways and Means and the committee on Post Audit and Oversight);

Severally were placed on file.

*Reports of Committees.*Abandoned
vessels.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to abandoned vessels (House, No. 1380, changed in section 3, in line 199, by striking out the word “shall” and inserting in place thereof the word “may”, and, in line 203, by striking out the word “one”).

Environmental
appeals panel.

By the same member, for the same committee, on Senate, No. 501 and House, No. 1335, a Bill establishing an environmental appeals panel within the Division of Administrative Law Appeals (House, No. 4596).

Pesticides.

By the same member, for the same committee, on House, No. 1287, a Bill to prevent the use of the most dangerous pesticides (House, No. 4597).

Agriculture
and markets
law.

By the same member, for the same committee, on House, No. 1391, a Bill to amend the agriculture and markets law, in relations to genetically modified pharmaceutical crops (House, No. 4598).

Veterans,
license
applications.

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on a petition, a Bill relative to veterans’ work related experience in applying for certain licenses (printed as Senate, No. 1977, changed in line 1, by striking out the figures: “2000” and inserting in place thereof the figures: “2004”, in line 4, by striking out the figures: “25” and inserting in place thereof the figures: “12”, and, in line 8, by striking out the word “commissioner” and inserting in place thereof the words “Secretary of the Department of Veterans Services”).

West
Roxbury,
veterans
memorial.

By the same member, for the same committee, on a petition, a Bill directing the Department of Capital Asset Management to conduct a study for the placement of a veterans memorial in the West Roxbury section of the city of Boston (House, No. 1715).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

*Emergency Measure.*Automatic
amusement
devices.

The engrossed Bill relative to automatic amusement devices (see Senate, No. 1350, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At a quarter after eleven o’clock A.M., on motion of Mr. Peterson of Grafton (Mr. St. Fleur of Boston being in the Chair), the House recessed until the hour of twelve o’clock noon; and at twenty-one minutes before one o’clock P.M. the House was called to order with Ms. St. Fleur in the Chair.

*Paper from the Senate.*Horse and
greyhound
simulcasting.

The House Bill extending simulcasting for the horse and greyhound racing industry in the Commonwealth (House, No. 4585) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. The first paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended by inserting after the word ‘inclusive’, inserted by section 29 of chapter 139 of the acts of 2001, the following words:— , and until March 31, 2006.

SECTION 2. The last paragraph of said section 12A of said chapter 494 is hereby amended by striking out the words ‘December 31, 2005’, inserted by section 30 of said chapter 139, and inserting in place thereof the following words:— March 31, 2006.

SECTION 3. The introductory paragraph of section 13 of said chapter 494 is hereby amended by inserting after the word ‘inclusive’, inserted by section 31 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 4. Section 15 of said chapter 494 is hereby amended by inserting after the word ‘inclusive’, inserted by section 32 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 5. The first paragraph of section 9 of chapter 277 of the acts of 1986 is hereby amended by inserting after the word ‘inclusive’, inserted by section 33 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 6. The first sentence of the first paragraph of section 3 of chapter 114 of the acts of 1991 is hereby amended by inserting after the word ‘inclusive’, inserted by section 34 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 7. The last paragraph of said section 3 of said chapter 114 is hereby amended by striking out the words ‘December 31, 2005’, inserted by section 35 of said chapter 139, and inserting in place thereof the following words:— March 31, 2006.

SECTION 8. The first paragraph of section 4 of said chapter 114 is hereby amended by inserting after the word ‘inclusive’, inserted by section 36 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 9. The last paragraph of said section 4 of said chapter 114 is hereby amended by striking out the words ‘December 31, 2005’, inserted by section 36 of said chapter 139, and inserting in place thereof the following words:— March 31, 2006.

SECTION 10. The first paragraph of section 5 of said chapter 114 is hereby amended by inserting after the word ‘inclusive’, inserted by section 34 of said chapter 139, the following words:— , and until March 31, 2006.

SECTION 11. Section 13 of chapter 101 of the acts of 1992 is hereby amended by striking out the words ‘December 31, 2005’, inserted by section 39 of said chapter 139, and inserting in place thereof the following words:— March 31, 2006.

SECTION 12. Section 45 of chapter 139 of the acts of 2001 is hereby amended by striking out the words ‘December 31, 2005’ and inserting in place thereof the following words:— March 31, 2006.”.

Horse and
greyhound
simulcasting.

Under suspension of Rule 35, on motion of Mr. Pedone of Worcester, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

Representatives Pedone, Flynn of Bridgewater and Reinstein of Revere then moved that the House concur with the Senate in its amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4599.

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Recess.

Recess.

At five minutes before one o'clock P.M., on motion of Mr. Peterson of Grafton (Ms. St. Fleur of Boston being in the Chair), the House recessed until two o'clock; and at eight minutes after two o'clock the House was called to order with Ms. St. Fleur of Boston in the Chair.

Reports of Committees.

Barry
Conway,
sick leave
bank.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for a certain employee of the Hampden County Sheriff's Department (House, No. 4475). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

Senior
housing.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to senior housing (House, No. 3189) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

Emergency Measures.

Group
marketing
plans.

The engrossed Bill relative to group marketing plans (see House, No. 4577), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Horse and
greyhound
simulcasting.

The engrossed Bill extending simulcasting for the horse and greyhound racing industry in the Commonwealth (see House, No. 4585), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bill.

The engrossed Bill relative to the salary of the mayor of the city of Lawrence (see House, No. 4506) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Orders of the Day.

House bills

Relative to the charter of the town of Eastham (House, No. 4103);
Relative to the charter of the town of Southbridge (House, No. 4382) (its title having been changed by the committee on Bills in the Third Reading); and

Third
reading
bills.

Authorizing the town of Groton to lease or otherwise transfer a portion of the Groton town forest to the West Groton Water Supply District (House, No. 4523, changed); and

Establishing a department of public works in the town of East Bridgewater (House, No. 4547) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to town meetings in the town of North Reading (House, No. 4573);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recess.

At three minutes before three o'clock P.M., Mrs. Walrath of Stow took the Chair and, on motion of Mr. Peterson of Grafton, the House recessed until half past three o'clock; and at that time the House was called to order with Ms. St. Fleur of Boston in the Chair.

Recess.

Paper from the Senate.

The Senate Bill providing emergency prescription drug coverage for seniors and the disabled (Senate, No. 2310, amended) came from the Senate with the endorsement that said branch had concurred with the House in its amendments adding at the end thereof the following three sections:

Seniors,
drug
coverage.

Seniors,
drug
coverage.

“SECTION 6. Section 1 of chapter 176K of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the definition of ‘Medicare’ the following definition:—

‘Medicare Part D’, Medicare prescription drug coverage available to Medicare-eligible persons beginning January 1, 2006, as authorized under the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

SECTION 7. Subsection (c) of section 4 of said chapter 176K, as so appearing, is hereby amended by adding the following paragraph:—

Consistent with the implementation of Medicare Part D, no carrier that participates in the market shall offer any Medicare supplement insurance plans with prescription drug coverage. All Medicare supplement insurance plans with prescription drug coverage shall be closed to new enrollments, but shall be kept guaranteed renewable. A person enrolled in a Medicare supplement insurance plan with prescription drug coverage and who enrolls in Medicare Part D shall be transferred to that person’s carrier’s most comparable Medicare supplement insurance plan without prescription drug coverage, unless that person chooses coverage under any of that carrier’s other Medicare supplement insurance plans without prescription drug coverage. The coverage provided by such comparable plan shall become effective when the Medicare Part D coverage becomes effective. The rate for such comparable plan shall be the same rate that is in effect at the time of the transfer. The carrier shall notify all persons affected by this change and shall describe to those persons all the reasons for the respective coverage and rate changes.

SECTION 8. Section 7 shall take effect on January 1, 2006.” (as changed by the Senate committee on Bills in the Third Reading); and non-concurred with the House in its amendments in section 2, in line 5, and also in section 3, in line 5, striking out the following: “December 31, 2006” and inserting in place thereof, in each instance, the following: “March 31, 2006”.

On motion of Mr. DeLeo of Winthrop, the House then insisted on its amendments in sections 2 and 3. Sent to the Senate for its action.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o’clock A.M.

Next
sitting.

At twenty-three minutes before four o’clock P.M., on motion of Mr. Peterson of Grafton (Ms. St. Fleur of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o’clock A.M., in an Informal Session.