

Monday, November 5, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford 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:

Prayer.

At the beginning of the new workweek we look to You, God Our Creator, for guidance and direction as we struggle to make the right, just and honorable legislative and personal decisions and choices. In our role as community leaders, teach us to be good, patient but critical listeners to the concerns of constituents in our desire to serve the best interests of people and society in these changing times. Teach us to evaluate correctly all legislative proposals which come before us. Help us to build trust and confidence in our basic institutions, traditional principles and values and in each other.

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

Pledge of allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

Perry P. Davis.

Resolutions (filed with the Clerk by Representatives Linsky of Natick and Harkins of Needham) congratulating Doctor Perry P. Davis on his retirement as Superintendent of the Dover, Sherborn and Dover-Sherborn Regional Schools, 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 Mrs. Walrath of Stow, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Museum property.

A Bill relative to the disposition of museum property (Senate, No. 2000) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Community hospital capital reserve fund.

A report of the Senate committee on Ways and Means, asking to be discharged from further consideration of the Senate Bill to create a community hospital capital reserve fund (Senate, No. 2368), and recommending that the same be referred to the committee on Bonding, Capital Expenditures and State Assets, accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the reference.

A communication from the Board of Trustees of the Health Care Security Trust (pursuant to Section 4(h) of Chapter 29D of the General Laws) submitting its proposed operating budget for fiscal year 2008 (Senate, No. 2391), was referred, in concurrence, to the committee on Health Care Financing.

Health
Care
Security
Trust.

A report of the Department of Public Health (under the provisions of sections 5 and 20 of Chapter 111 of the General Laws) relative to an inspection of the Suffolk County Jail (Nashua Street), in the city of Boston, was spread upon the records of the House; and returned to the Senate.

Suffolk
County
Jail,—
inspection.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2393) of Anthony W. Petrucci for legislation to name a portion of the Bremen Street Park in East Boston. To the committee on Bonding, Capital Expenditures and State Assets.

East
Boston,—
Bremen St.
Park.

Petition (accompanied by bill, Senate, No. 2394) of Robert A. Havern for legislation to provide coverage for hearing aids for children. To the committee on Financial Services.

Children,—
hearing
aids.

Petition (accompanied by bill, Senate, No. 2395) of Mark C. Montigny and James H. Fagan for legislation to establish a sick leave bank for John Sullivan, an employee of the Trial Court. To the committee on the Judiciary.

John
Sullivan,—
sick leave
bank.

Petition (accompanied by bill, Senate, No. 2396) of Brian A. Joyce, Bruce J. Ayers, Joseph R. Driscoll and Walter F. Timilty for legislation relative to the Randolph Public Library. To the committee on Tourism, Arts and Cultural Development.

Randolph
Public
Library.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of John P. Fresolo and Harold P. Naughton, Jr., that the sheriff of Worcester County be authorized to adjust the pay scale for correctional officers employed by said county. Under suspension of the rules, on motion of Mrs. Walrath of Stow, 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 Senate for concurrence.

Worcester
County,—
correctional
officers.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill to protect the Right Whale (House, No. 785). Read; and referred, under Joint Rule 1F, to the committee on Bonding, Capital Expenditures and State Assets.

Right
whales.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill to study vegetation management in electric wire security zones (House, No. 764).

Electric
wire
security
zones.

Archaeological
and fossil
resources.

By the same member, for the same committee, on a petition, a Resolve relative to protecting the archaeological and fossil resources of western Massachusetts (House, No. 787).

Cranberries,—
water
protection.

By the same member, for the same committee, on a petition, a Bill relative to create cranberry nutrient management study commission (House, No. 876).

Harbor
islands,—
study.

By the same member, for the same committee, on House, No. 719, a Resolve to establish a special commission to perform an investigation and providing for a study relative to the long term management and maintenance of certain harbor islands (House, No. 4334).

Severally read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Abraham
Lincoln,—
bicentennial.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, that the Resolve establishing an Abraham Lincoln bicentennial commission (House, No. 3405) ought to pass. Referred, under Rule 33, to the committees on Ways and Means.

Oceans.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to oceans (Senate, No. 2346, amended) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Forest
reserves.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill authorizing the establishment of old growth forest reserves (House, No. 797).

Wild blueberry
project.

By the same member, for the same committee, on House, No. 763, a Bill establishing the wild blueberry pilot project (House, No. 4335).

Marine
vessels,—
waste
discharges.

By the same member, for the same committee, on House, No. 880, a Bill relative to discharging sewage from marine vessels into waters of the Commonwealth designated as no discharge areas (House, No. 4336).

Teachers,—
overseas
service.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill regarding teacher retirement (House, No. 2555).

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

Band
instruments.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a task force within the Department of Education to examine hygienic procedures pertaining to band instruments (House, No. 413) ought to pass. 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; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

West
Tisbury,—
insurance.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill relative to town employees of West Tisbury (House, No. 4102) [Local Approval Received] be scheduled

for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, ought NOT to pass, on the petition (accompanied by bill, House, No. 1511) of Bradley H. Jones, Jr., and others reinstating capital punishment in the Commonwealth [Senator Tarr, and Representative Evangelidis of Holden, dissenting]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Capital
punishment,—
reinstatement.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question, being on acceptance.

Orders of the Day.

The Senate Bill designating a certain bridge in the town of Southamptton as the Southamptton Veterans Memorial Bridge (Senate, No. 2066), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

The House Bill exempting Kevin Farragher from the maximum age requirement for appointment as a firefighter in the town of North Andover (House, No. 4143), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Id.

The House Bill establishing a sick leave bank for Sharon Easter, an employee of the Department of Correction (House, No. 4209), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Sharon
Easter,—
sick leave.

Pending the question on passing the bill to be engrossed, Mr. Fagan of Taunton moved to amend it by 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 establish forthwith a sick leave bank for a certain employee of the department of correction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 4209, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At thirteen minutes after eleven o'clock A.M., on motion of Mr. Sciortino of Medford (Mr. Donato of Medford being in the Chair), the House recessed until the hour of two o'clock P.M.; and at eight minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Paper from the Senate.

Health care
access.

The House Bill relative to health care access (House, No. 4310) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

In section 1, in lines 21 to 53, inclusive, striking out subsection (b) contained in those lines and inserting in place thereof the following:

“(b) The council shall consist of 39 members and shall be comprised of: (i) 3 members of the house of representatives, 1 of whom shall be designated as co-chair by the speaker, and 3 members of the senate, 1 of whom shall be designated as co-chair by the president; (ii) the secretary of health and human services, who shall serve ex-officio, the commissioner of public health, who shall serve ex-officio, the director of multicultural health in the department of public health, who shall serve ex-officio, the director of Medicaid, who shall serve ex-officio, or their designees; (iii) 8 persons from communities disproportionately affected by health disparities, 4 of whom shall be appointed by the speaker of the house and 4 of whom shall be appointed by the senate president; and (iv) 21 persons to be appointed by the co-chairs, 2 of whom shall be experts in health disparities from foundations or academic institutions and 1 from each list of nominees to be submitted by each of the following organizations: the American Cancer Society, Massachusetts Division, Inc.; the American Heart Association, Massachusetts Affiliate, Inc.; Massachusetts General Hospital; Brigham and Women’s/Faulkner Hospitals, Inc.; Dana Farber Cancer Institute, Inc.; the Massachusetts League of Community Health Centers, Inc.; the Massachusetts Medical Society; the Massachusetts Hospital Association; the office of the Attorney General; the Boston public health commission, established is chapter 147 of the acts of 1995; the health department of the city of Springfield; the health department of the city of Worcester; the Massachusetts School Nurse Organization, Inc.; the Massachusetts Association of Public Health Nurses, Inc.; the Massachusetts Association of Health Plans, Inc.; Blue Cross Blue Shield of Massachusetts, Inc.; the Program to Eliminate Health Disparities at the Harvard School of Public Health; the Boston Medical Center Corporation; and the Massachusetts Public Health Association.”;

In section 3A, in line 6, in section 26A, in line 6, and also in section 26B, in lines 5 and 6, striking out the words “would fail to qualify” and inserting in place thereof, in each instance, the words “last qualified”;

Inserting after section 4 the following section:

“SECTION 4A. Subsection (b) of section 21 of said chapter 62C, as so appearing, is hereby amended by adding the following clause:—

(23) the disclosure of information contained in a return filed pursuant to this chapter to the commonwealth health insurance connector authority solely to process appeals and conduct outreach to uninsured taxpayers or to the division of health care finance and policy solely to determine if a taxpayer who claimed a religious exemption used the Health Safety Net Trust Fund or to the executive office of health and human services solely to verify MassHealth coverage.”;

Inserting after section 6 the following section:

“SECTION 6A. Section 12 of chapter 62E of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:—

Notwithstanding any general or special law to the contrary, the commissioner may disclose any information in this chapter to the commonwealth health insurance connector authority solely to processing appeals and conduct outreach to uninsured taxpayers or to the division of health care finance and policy solely to determine if a taxpayer who claimed a religious exemption used the Health Safety Net Trust Fund or to the executive office of health and human services solely to verify MassHealth coverage.”;

Inserting after section 15 the following section:

“SECTION 15A. Said eighth paragraph of said section 23 of said chapter 118E, as so appearing, is hereby further amended by inserting after the first sentence the following sentence; Upon request from the department of revenue, the division shall make information received from holders of health insurance information available to said department to determine whether a person is covered by insurance as required by chapter 111M.”;

Striking out sections 26C to 26E, inclusive, and inserting in place thereof the following six sections:

“SECTION 26C. Chapter 176A of the General Laws is hereby amended striking out section 8Z, inserted by section 53 of chapter 58 of the acts of 2006.

SECTION 26D. Said chapter 176A is hereby further amended inserting after section 8AA the following section:—

Section 8BB. Any subscription certificate under a group non-profit hospital service agreement, except certificates which provide stand-alone dental services, supplemental coverage to Medicare or other governmental programs, that is delivered, issued or renewed in the commonwealth, shall provide, as benefits to all group members having a principal place of employment within the commonwealth, coverage to persons under 26 years of age or for 2 years after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106, whichever occurs first.

SECTION 26E. Chapter 176B of the General Laws is hereby amended striking out section 4Z, inserted by section 56 of chapter 58 of the acts of 2000.

SECTION 26F. Said chapter 176 is hereby further amended inserting after section 4AA the following section:—

Section 4BB. Any subscription certificate under an individual or group medical service agreement, except certificates that provide stand-alone dental services, that is delivered or issued or renewed in this commonwealth, shall provide, as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage to persons under 26 years of age or for 2 years after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106, whichever occurs first.

SECTION 26G. Chapter 176G of the General Laws is hereby amended striking out section 4R, inserted by section 58 of chapter 58 of the acts of 2006.

Health care
access.

SECTION 26H. Said chapter 176G is hereby further amended inserting after section 4S the following section:—

Section 4T. A health maintenance contract, excluding contracts for stand-alone dental services, shall provide coverage to persons under 26 years of age or for 2 years after the end of the calendar year in which such persons last qualified as dependents under 26 U.S.C. 106, whichever occurs first.”;

By striking out sections 28A and 29, and inserting in place thereof the following section:

“SECTION 29. Chapter 58 of acts of 2006 is hereby amended by striking out section 136 and inserting in place thereof the following section:—

Section 136. The website established under Section 16L of Chapter 6A of the General Laws shall be operational and shall include links to other websites that display comparative cost and quality information no later than September 1, 2007. The website shall include comparative cost information by facility, clinician or physician group practice, such as cost information for obstetrical services, physician office visits, high-volume elective surgical procedures, high-volume diagnostic tests, and high-volume therapeutic procedures, no later than March 1, 2008. Cost information shall include data such as the average payment made on behalf of insured patients for each service or category of service received by each facility, clinician or physician practice. Payment data as collected from the individual insurers shall not be deemed public record except as displayed on the website and/or as otherwise dictated by regulations duly promulgated by the Council.”.

Under suspension of the rules, on motion of Mrs. Walrath of Stow, the amendments were considered forthwith.

The House then non-concurred with the Senate in its amendments; and the bill was returned to said branch endorsed accordingly.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Next
sitting.

At ten minutes after two o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M.