

# JOURNAL OF THE HOUSE.

Tuesday, June 18, 2013.

Met at a quarter after eleven o'clock A.M., with Mr. Kafka of Stoughton in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of allegiance.

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

### *Message from the Governor.*

Bonding terms.

A message from His Excellency the Governor (under the provisions of section 3 of Article LXII of the Amendments to the Constitution) recommending legislation relative to providing the terms of certain bonds to supplement certain existing capital spending authorizations (House, No. 3520), was filed in the office of the Clerk on Monday, June 17.

The message was read; and it was referred, under Rule 17G, with the accompanying draft of a bill, to the committee on Bonding, Capital Expenditures and State Assets.

### *Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

South Boston Pop Warner Cheerleading.

Resolutions (filed by Mr. Collins of Boston) congratulating and honoring the South Boston "Fighting Irish" Pop Warner Cheerleading program on their success; and

Dental hygiene.

Resolutions (filed by Mr. Pignatelli of Lenox) congratulating professional dental hygienists on the occasion of their one hundredth anniversary;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Frost of Auburn, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

### *Order.*

The following order (filed by Mr. Linsky of Natick) was referred, under Rule 85, to the committee on Rules:

Post Audit and Oversight committee, etc.,—voting.

*Ordered,* That notwithstanding any rule to the contrary, a court officer shall be assigned to cast roll call votes, except quorum roll calls, for the House members of the House committee on Post Audit and Oversight during the hearing of said committee being held this day in the Gardner Auditorium; and for Representative Ehrlich of Marblehead while she is making a presentation to the legislative interns.

Mr. Binienda of Worcester, for the committee on Rules, reported that the order be adopted. Under suspension of the rules, on motion of the same member, the order was considered forthwith; and it was adopted.

*Petitions.*

Mr. Mannal of Barnstable presented a petition (accompanied by bill, House, No. 3521) of Brian R. Mannal (by vote of the town) that the town of Barnstable be authorized to lease a certain parcel of land in said town; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence. Barnstable,—land.

Petitions severally were presented and referred as follows:

By Mr. Coppinger of Boston, a petition (subject to Joint Rule 12) of Edward F. Coppinger and others for legislation to establish a sales tax holiday in August 2013. Sales tax,—holiday.

By Mr. Fennell of Lynn (by request), a petition (subject to Joint Rule 12) of James Arcand for legislation to require nonprofits to disclose compensation information. Nonprofits,—compensation.

Severally, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

A Bill providing for the establishment and administration of rent regulations and the control of evictions in mobile home accommodations in the town of West Stockbridge (Senate, No. 1755) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. West Stockbridge,—mobile homes.

A petition (accompanied by bill, Senate, No. 1798) of John F. Keenan and Rhonda Nyman (by vote of the town) for legislation relative to the charter of the town of Rockland, was referred, in concurrence, to the committee on Municipalities and Regional Government. Rockland,—charter.

*Recess.*

At eighteen minutes after eleven o'clock A.M., on motion of Mr. Jones of North Reading (Mr. Kafka of Stoughton being in the Chair), the House recessed until a quarter before twelve o'clock noon; and at one minute before noon, the House was called to order with the Mr. Kafka in the Chair. Recess.

*Emergency Measure.*

Mr. Mariano of Quincy being in the Chair,—

The engrossed Bill establishing a sick leave bank for Kristen Giunta, an employee of the Department of Correction (see House, No. 3441), 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. Kristen Giunta,—sick leave.

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 93 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.

*Orders of the Day.*

Third reading bill.

The House Bill establishing a sick leave bank for Linda Barlow, an employee of the Department of Mental Health (House, No. 3468), 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.

Second reading bills.

The Senate Bill authorizing the town of Freetown to designate a check-off on its tax bills (Senate, No. 1404);

House bills

Designating a certain bridge in the city of Fitchburg the George J. Bourque memorial bridge (House, No. 3042);

Relative to a conservation restriction in the town of Stow (House, No. 3474); and

Authorizing the city of Leominster to pay a certain unpaid bill (House, No. 3477);

Severally were read a second time; and they were ordered to a third reading.

Capital spending.

The House Bill supplementing certain existing capital spending authorizations (printed in House, No. 3331), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Dempsey of Haverhill moved to amend it by inserting after section 5 the following section:

“SECTION 5A. Notwithstanding any general or special law to the contrary, the bonds that the state treasurer may issue pursuant to this act shall be issued for a term not to exceed 30 years. All such bonds shall be payable not later than June 30, 2048, as recommended by the governor in a message to the general court dated June 17, 2013 under section 3 of Article LXII of the Amendments to the Constitution.”.

The amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Yeas and Nays No. 129 in Supplement.]**

Therefore the bill (House, No. 3331, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to be engrossed,—yea and nay No. 129.

Supplemental appropriations.

The House Bill making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3514), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

After debate on the question on passing the bill to be engrossed, Ms. Reinstein of Revere moved to amend it by adding the following section:

“SECTION 72. The seventh paragraph of section 2 of chapter 62B of the General Laws, as amended by section 28 of chapter 194 of the acts of 2011, is hereby amended by striking out the first 2 sentences and insert-

ing in place thereof the following 2 sentences:— Every person, including the United States, the commonwealth or any other state, or any political subdivision or instrumentality of the foregoing, making any payment of lottery or wagering winnings, which are subject to tax under chapter 62 and which are subject to withholding under section 3402(q) of the Internal Revenue Code shall deduct and withhold from such payment an amount equal to 5 per cent of such payment. For the purposes of this chapter and chapter 62C, such payment of winnings shall be treated as if it were wages paid by an employer to an employee.”.

The amendment was adopted.

Mr. Cantwell of Marshfield then moved to amend the bill by adding the following section:

“SECTION 73. Chapter 176D of the General Laws is hereby amended by inserting after section 3B the following section:—

Section 3C. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

‘Ambulance service provider’, a person or entity licensed by the department of public health under section 6 of chapter 111C to establish or maintain an ambulance service.

‘Emergency ambulance services’, emergency services that an ambulance service provider is authorized to render under its ambulance service license when a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by the individual, a bystander or an emergency medical services provider.

‘Insurance policy’ and ‘insurance contract’, a contract of insurance, motor vehicle insurance, indemnity, medical or hospital service, dental or optometric, suretyship or annuity issued, proposed for issuance or intended for issuance by any insurer.

‘Insured’, an individual entitled to ambulance services benefits under an insurance policy or insurance contract.

‘Insurer’, a person as defined in section 1 of chapter 176D; any health maintenance organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation organized under chapter 176A; any organization as defined in section 1 of chapter 176I that participates in a preferred provider arrangement also as defined in said section 1 of said chapter 176I; any carrier offering a small group health insurance plan under chapter 176J; any company as defined in section 1 chapter 175; any employee benefit trust; any self-insurance plan, and any company certified under section 34A of chapter 90 and authorized to issue a policy of motor vehicle liability insurance under section 113A of chapter 175 that provides insurance for the expense of medical coverage.

(b) Notwithstanding any general or special provision of law to the contrary, in any instance in which an ambulance service provider provides an emergency ambulance service to an insured but is not an ambulance service provider under contract to the insurer maintaining or providing the insured’s insurance policy or insurance contract, the insurer maintaining or providing such insurance policy or insurance contract shall pay the ambulance service provider directly and promptly for the emergency ambulance service rendered to the insured.

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Such payment shall be made to the ambulance service provider notwithstanding that the insured's insurance policy or insurance contract contains a prohibition against the insured assigning benefits thereunder so long as the insured executes an assignment of benefits to the ambulance service provider and such payment shall be made to the ambulance service provider in the event an insured is either incapable or unable as a practical matter to execute an assignment of benefits under an insurance policy or insurance contract pursuant to which an assignment of benefits is not prohibited, or in connection with an insurance policy or insurance contract that contains a prohibition against any such assignment of benefits. An ambulance service provider shall not be considered to have been paid for an emergency ambulance service rendered to an insured if the insurer makes payment for the emergency ambulance service to the insured. An ambulance service provider shall have a right of action against an insurer that fails to make a payment to it pursuant to this subsection.

(c) Payment to an ambulance service provider under subsection (b) shall be at a rate equal to the rate established by the municipality where the patient was transported from.

(d) An ambulance service provider receiving payment for an ambulance service in accordance with subsections (b) and (c) shall be deemed to have been paid in full for the ambulance service provided to the insured, and shall have no further right or recourse to further bill the insured for said ambulance service with the exception of coinsurance, co-payments or deductibles for which the insured is responsible under the insured's insurance policy or insurance contract.

(e) No term or provision of this section 3C shall be construed as limiting or adversely affecting an insured's right to receive benefits under any insurance policy or insurance contract providing insurance coverage for ambulance services. No term or provision of this section 3C shall create an entitlement on behalf of an insured to coverage for ambulance services if the insured's insurance policy or insurance contract provides no coverage for ambulance services".

The amendment was adopted.

Miss Gregoire of Marlborough then moved to amend the bill in section 2A, in line 49, by inserting after the word "item" the following:

"1232-0105	For the financial reimbursement to the owners of the surrounding property on Bolton Street in Marlborough who have sustained damage due to the negligent release of petroleum from an underground storage tank leak during April of 2012. Said funds shall be paid from the fund enumerated in Chapter 21J of the General Laws and shall be used for remediation, personal expenses, loss of property value, and pain and suffering .....	\$750,000".
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The amendment was rejected.

Mr. Beaton of Shrewsbury then moved to amend the bill by adding the following section:

"SECTION 74. Paragraph 2 of subsection (c) of section 41 of chapter 209 of the acts of 2012 is hereby amended by striking out 'July 1, 2013', as it appears, and inserting in place thereof the following:— October 31, 2013".

The amendment was adopted.

Ms. Cronin of Easton then moved to amend the bill by adding the following section:

“SECTION 75. Subsection (c) of Section 100A of Chapter 32 is hereby amended in line 19 after the word ‘officer’, by inserting the following:— , any municipal or public emergency medical technician.”.

The amendment was adopted.

Ms. Dykema of Holliston then moved to amend the bill in section 4, in line 129, by striking out the word “and” (the second time it appears), and, in line 130, by inserting after the word “cases” the following: “; and (viii) monitor compliance with workforce requirements”; and the amendments were adopted.

Mr. Cutler of Duxbury then moved to amend the bill by adding the following section:

“SECTION 76. Chapter 25 of the General Laws is hereby amended by inserting at the end thereof the following new sections:—

Section 23. Vegetation Management Plans. The Department of Public Utilities shall promulgate rules and regulations that require public utility companies to file, and the Department to approve, a vegetation management plan prior to any vegetation removal in transmission rights of way. A public utility company shall not remove any vegetation, unless in preparation or response to an imminent emergency event, unless the removal is described an approved in a valid vegetation management plan.

Prior to approval by the Department, the Department shall hold a public meeting in each municipality in which the utility company proposes to remove vegetation.

If the vegetation management plan is approved by the Department, the utility company shall file a copy of the plan in each municipality in which the company will be removing vegetation. The company shall have 30 days from the date the Department approves the plan to file a copy with all applicable municipalities. Failure to file with a municipality within 30 days shall invalidate the portion of the vegetation management plan detailing vegetation removal in that municipality.

A vegetation management plan that is approved by the department will be valid for a maximum of four years from the date the Department approves the plan.

Section 24. Content of Vegetation Management Plan. A vegetation management plan will include, in addition requirements specified by the Department, an evaluation of the impact the proposed vegetation removal will have on the each of the following in each municipality in which vegetation will be removed: endangered species, local water supplies, storm water runoff and septic treatment areas. It will also include the company’s plans to restore removed vegetation with compatible species of plants. The company shall bear the cost of restoration efforts.

Section 25. Requirements Before Vegetation Removal Begins. After Department approval of a vegetation management plan, no vegetation shall be removed, unless in response to an imminent emergency event, until the public utility company.

(a) completes an official land survey detailing the actual physical boundaries of the right of way through each parcel of land on which vegetation removal will occur. The company shall bear the costs of the surveys; and

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(b) provides written notice to each homeowner abutting the right of way at least 30 days prior to the start of vegetation removal. This notice must include the date on which the vegetation removal will begin, describe the process by which the homeowner may request a meeting with company representatives, and any vegetation restoration the company is planning.

Section 26. Requirements During Vegetation Removal. During vegetation removal, the public utility company shall complete stump grindings whenever it cuts trees to the stump. The company shall also re-plant compliant species of plants to partially restore the vegetation it removed.

Section 27. Penalties. The penalty for removing any tree, if the trunk of the tree is outside of the surveyed right of way, shall be a fine of \$1,000 per tree removed.”

The amendment was rejected.

Messrs. Cutler of Duxbury and Cantwell of Marshfield then moved to amend the bill in section 2, by inserting after item 8800-0001 the following item:

“8800-0002 For the Plymouth County Nemo Relief Fund established in section 76, to be used to alleviate the costs incurred by Plymouth County during the blizzard of 2013, also known as Nemo”;

and by adding the following section:

“SECTION 76. There shall be established a fund, held and managed by the government of Plymouth County, to be used to alleviate the costs incurred by Plymouth County during the blizzard of 2013, also known as Nemo. The Plymouth County government shall distribute to each respective town the costs the town incurred for snow removal and emergency relief during Nemo. The fund shall be called the “Plymouth County Nemo Relief Fund.”

The amendments were rejected.

Mr. Mark of Peru then moved to amend the bill in section 2A by inserting after item 1599-1974 the following item:

“1599-3000 For a reserve for the state share of costs to the Charlemont sewer district relating to Tropical Storm Irene in August 2011; provided, that the comptroller shall transfer funds made available in this item to the district for this purpose upon the written request of the secretary of administration and finance ..... \$250,000”.

The amendment was rejected.

Mrs. Orrall of Lakeville and other members of the House then moved to amend the bill by striking out Section 11 and inserting in place thereof the following section:

“SECTION 11. Paragraph (D) of said section 2 of said chapter 18, as so appearing, is hereby amended by inserting after clause (f) the following clauses:—

(g) the termination of benefits to any recipient, who has failed to notify the department of a change of address, and who the department has attempted to contact by certified mail, but whose mail communication has been returned to the department as undeliverable;



(h) the termination of benefits to any recipient who has failed to provide the department with a social security number within 3 months of application for assistance, pursuant to section 16 of chapter 6A; and

(i) the analysis and review of electronic payment processing information control reports such as those provided by the department's electronic benefit transfer card vendor including, but not limited to: reports on even dollar transactions, out of state card activity, manual card entry, full supplemental nutritional assistance program balance withdrawal, and multiple transactions within one hour. Such reports shall be used to assist the department in program management, operations, performance, and in identifying and investigating likely cases of fraud.”;

And by striking out Section 65 and inserting in place thereof the following section:

“SECTION 65. Notwithstanding any general or special law to the contrary, the director of the bureau for program integrity shall review the management and operations of the department of transitional assistance, including any reports conducted by external consultants, and recommend whether the current organizational structure is effective for ensuring that only those persons who are eligible receive public benefits. In examining the organizational structure, the director shall study and report on whether the department would benefit from additional investigators to work with caseworkers to identify cases of waste or abuse. In particular, the director shall make recommendations regarding whether or not more investigators or a third party contractor is required to analyze and review electronic payment processing information control reports provided by the department's electronic benefit transfer card vendor including, but not limited to: reports on even dollar transactions, out of state manual card activity, manual card entry, full SNAP balance withdrawal, and multiple transactions within one hour. The director shall also make recommendations on a standardized filing system for case file organization to be implemented throughout all of the department's offices. The director shall make a report to the general court on the director's recommendations by filing the same with the clerks of the senate and house of representatives on or before March 1, 2014.”.

The amendments were adopted.

Mr. Timilty of Milton then moved to amend the bill by adding the following section:

“SECTION 76. All senior housing, in The Town of Milton, shall be considered low or moderate income housing for the purposes of Section 20 of Chapter 40B of the General Laws.”.

The amendment was rejected.

The same member then moved to amend the bill by adding the following section:

“SECTION 76. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws, the division of capital asset management and maintenance, using those competitive proposal processes as the division considers necessary or appropriate, in consultation with the department of conservation and recreation, shall lease and enter into other agreements with 1 or more persons or entities, for terms not to exceed 25 years, for the continued



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appropriations.

use, operation, maintenance, repair and improvement of the Max Ulin Memorial Rink, together with the land and appurtenances associated therewith.

(b) The failure of a city or town to apply for prequalification under subsection (c) shall not prohibit that city or town from bidding under this section.

(c) Before the division, in consultation with the department, sends out a request for proposals under this section, the division shall hold open a prequalification period of 30 days for the town of Milton and any nonprofit organization located within the town of Milton that desires to bid on the rink, or for a partnership of municipalities which share geographic boundaries as long as the subject rink is located within the geographic area of the municipalities comprising the partnership. The town, a nonprofit organization or a partnership of municipalities that desires to lease the rink under this section may submit materials for prequalification. The prequalification determination may consider, but need not be limited to, the town's, nonprofit organization's or partnership's ability to finance the capital improvements determined to be necessary at the rink by the division and to manage, operate and maintain the property. The division, in consultation with the department, shall determine whether the town, a nonprofit or a partnership is prequalified within 15 days of the expiration of the prequalification period. If the town or nonprofit organization is determined to be prequalified, then the town or non-profit organization shall be awarded the lease for the Max Ulin Skating Rink under the terms and conditions set forth in this act; provided, however, that only 1 lease shall be awarded based on preference as described in subsection (d).

(d) (1) Preference shall be given to the town of Milton.

(2) If the town and a nonprofit organization are determined to be prequalified, the town shall be awarded the lease.

(3) If more than 1 nonprofit organization is determined to be prequalified, the department may choose to which nonprofit the lease for the rink shall be awarded.

(4) The town or a nonprofit organization awarded the lease under this act shall pay the sum of \$1.00 as consideration for the lease, subject to the required capital improvements, performance specifications and other prequalification requirements and terms of the division and submitted proposal. The length of the lease shall be determined between the division and the town or nonprofit organization.

(e) The lease and other agreements shall be on terms acceptable to the commissioner of capital asset management and maintenance, after consultation with the commissioner of conservation and recreation and, notwithstanding any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair and maintain the property and to undertake initial capital improvements that commissioner determines are necessary due to the structural condition of the property. Leases or other arrangements requiring improvements to be made on the property may include a description of the initially required improvements and performance specifications.

(f) Ice time at the rink shall be allocated to user groups in the following order of priority: general public skating; non-profit youth groups; high school hockey, not for profit schools or colleges; for-profit youth

groups and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator, but general public skating shall be booked, in 2-hour contiguous blocks at a minimum of 12 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly-formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender.

(g) The leases and other agreements authorized in this section shall provide that any benefits to the community and the costs of improvements and repairs made to the property provided by the lessees or the recipients of the property shall be taken into account as part of the consideration for such leases or other agreements. Consideration received from the leases or other agreements for the rink shall be payable to the department of conservation and recreation for deposit into the General Fund. The lessees or the recipients of the property shall bear the costs considered necessary or appropriate by the commissioner of conservation and recreation for the transactions including, without limitation, costs for legal work, survey, title and the preparation of plans and specifications.

(h) The name of the Max Ulin Memorial rink shall not be altered or changed under any lease or agreement entered into under this section.”.

The amendment was rejected.

Mr. Timilty then moved to amend the bill by adding the following section:

“SECTION 76. Notwithstanding any general or special law, rule or regulation to the contrary, no 40B development shall be permitted within 1000 feet of the portion of the Town of Milton called Fowl Meadow, or any land abutting Fowl Meadow which development shall negatively impact this unique area encompassing upland open meadows, pristine wetlands and mature woods. Negative impact shall be determined to be a change of grade, re-routing or changing water flow, draining wetlands or altering the topography such that rare and/or endangered species shall not have the ability to inhabit two or more of the portions of the unique areas named herein.”.

The amendment was rejected.

Mr. D’Emilia of Bridgewater and other members of the House then moved to amend the bill by adding the following section:

“SECTION 76. Notwithstanding any general or special law to the contrary, the funds appropriated in item 7002-0012 in section 2 shall not be made available for expenditure until such time as the \$300,000,000 appropriation, pursuant to item 6122-1223 in section 2 of chapter 18 of the Acts of 2013, has been released to cities and towns.”.

After remarks the amendment was rejected.

Representatives Diehl of Whitman and O’Connell of Taunton then moved to amend the bill by adding the following section:

“SECTION 76. Notwithstanding any general or special law to the contrary, the allotments reduced by the governor on December 4, 2012 pursuant to section 9C of chapter 29 of the General Laws and not restored by the governor on May 17, 2013 are hereby restored.”.

After debate the amendment was rejected.

Quorum.

Mr. Diehl then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Mariano of Quincy), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum; and inasmuch as a quorum was not in attendance when the previous vote was taken, the vote must be declared void.

Quorum,—  
yea and nay  
No. 130.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 147 members were recorded as being in attendance.

**[See Yea and Nay No. 130 in Supplement.]**

Therefore a quorum was present.

Amendment  
rejected,—  
yea and nay  
No. 131.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Diehl of Whitman; and on the roll call 13 members voted in the affirmative and 139 in the negative.

**[See Yea and Nay No. 131 in Supplement.]**

Therefore the amendment was rejected.

Mr. Winslow of Norfolk then moved to amend the bill by adding the following two sections:

“SECTION 76. Section 56A of Chapter 215 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting in line 12, after the word ‘treasurer’ the following:— ; provided, however, that no person shall be responsible for paying any guardian adlitem or reimbursing the Commonwealth for such compensation at an hourly rate in excess of the hourly rate paid to counsel for non-homicide children and family law cases pursuant to section 11 of chapter 211D of the General Laws.

SECTION 77. Section 16 of Chapter 208 of the General Laws, as so appearing, is hereby amended by inserting in line 9, after the word ‘treasurer’ the following:— ; provided, however, that no person shall be responsible for paying any guardian ad litem or reimbursing the Commonwealth for such compensation at an hourly rate in excess of the hourly rate paid to counsel for non-homicide children and family law cases pursuant to section 11 of chapter 211D of the General Laws.”.

The same member then moved to amend the amendment by adding the following section:

“SECTION 78. Notwithstanding any special or general law to the contrary, the provisions the sections 76 and 77 shall not take effect until such time as (i) the joint committee on the Judiciary conducts an investigation and study of the subject-matter contained therein; and (ii) legislation necessary to carry out the recommendations in the report has been filed and enacted pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

The further amendment was adopted.

The amendment, as amended, then also was adopted.

Mr. Straus of Mattapoisett then moved to amend the bill by adding the following section:

“SECTION 79. Notwithstanding any general or special law or regulation to the contrary, the department of environmental protection shall not adopt or implement any regulations not in existence as of January 1, 2013 that relate to or authorize any dam removal project, including without limitation the regulations proposed by the department to be

codified at 310 CMR 10.13(2), unless and until such regulations provide for due consideration of land in agricultural or aquacultural use that may be affected by such dam removal.”.

The amendment was adopted.

Ms. Harrington of Groton and other members of the House then moved to amend the bill in section 4, in lines 200 to 217, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(e) The office shall work with the departments, offices, or divisions, under the authority of the office, that assist in the administration of public benefit programs, as well as the bureau of program integrity, established pursuant to this chapter, to develop uniform rules and regulations regarding intake procedures and procedures for handling discrepancies that may result between an applicant or recipient’s social security number and one or more of the databases or information tools outlined in this section; provided that an applicant or recipient shall be notified of any discrepancy that arises between their social security number and information retrieved by the integrated eligibility system and the applicant or recipient shall be provided an opportunity to explain any discrepancy; provided that self-declarations by an applicant or recipient shall not be accepted as the sole verification of categorical and financial eligibility during eligibility evaluations and reviews; provided that all self-declarations made on or pursuant to an application for public assistance shall be signed under the pains and penalties of perjury; and, provided further that numerical identifiers, other than valid social security numbers, shall not be used as alternatives to social security numbers unless the applicant or recipient is an expecting mother in the third trimester of her pregnancy, a child under 1 years of age, or an asylee. If a recipient is unable to provide an accurate social security number to replace a numerical identifier within a time period of 3 months, the recipient’s public assistance benefits shall be terminated unless the individual is a victim of domestic violence who has a pending petition for legal status under the federal Violence Against Women Act.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 48 members voted in the affirmative and 102 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 132.

**[See Yea and Nay No. 132 in Supplement.]**

Therefore the amendment was rejected.

Mrs. O’Connell of Taunton then moved to amend the bill in section 4, in lines 200 to 217, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(e) The office shall work with the departments, offices, or divisions, under the authority of the office, that assist in the administration of public benefit programs, as well as the bureau of program integrity, established pursuant to this chapter, to develop uniform rules and regulations regarding intake procedures and procedures for handling discrepancies that may result between an applicant or recipient’s social security number and one or more of the databases or information tools outlined in this section; provided that an applicant or recipient shall be notified of any discrepancy that arises between their social security number and information retrieved by the integrated eligibility system and the appli-

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cant or recipient shall be provided an opportunity to explain any discrepancy; provided that self-declarations by an applicant or recipient shall not be accepted as verification of categorical and financial eligibility during eligibility evaluations and reviews; and, provided further that numerical identifiers, other than valid social security numbers, shall not be used as alternatives to social security numbers.”.

Amendment rejected,—  
yea and nay  
No. 133.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lyons of Andover; and on the roll call 10 members voted in the affirmative and 141 in the negative.

**[See Yea and Nay No. 133 in Supplement.]**

Therefore the amendment was rejected.

Mrs. O’Connell of Taunton then moved to amend the bill in section 61, in lines 994 to 997, inclusive, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: “In addition, self-declarations shall not be accepted pursuant to an application for public assistance.”.

Amendment rejected,—  
yea and nay  
No. 134.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 44 members voted in the affirmative and 104 in the negative.

**[See Yea and Nay No. 134 in Supplement.]**

Therefore the amendment was rejected.

Mrs. O’Connell then moved to amend the bill in section 4, in line 130, by inserting after the word “cases” the following: “; (viii) maintain and monitor the fraud hotline; (ix) establish a fraud hotline dedicated to law enforcement; provided, however that the bureau shall respond to law enforcement complaints directly; (x) investigate program violations, conduct hearings, determine penalties and ensure penalties are enforced; (xi) perform all data match checks”.

Amendment rejected,—  
yea and nay  
No. 135.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lombardo of Billerica; and on the roll call 40 members voted in the affirmative and 112 in the negative.

**[See Yea and Nay No. 135 in Supplement.]**

Therefore the amendment was rejected.

Subsequently a statement of Mr. Sánchez of Boston was spread upon the records of the House as follows:

Statement of  
Mr. Sánchez  
of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call, it was my intention to vote in the negative. However, I now find that, for some inexplicable reason, I was recorded in the affirmative.

Mrs. O’Connell of Taunton then moved to amend the bill in section 4, in line 152, by inserting after the following: “(c)” the words: “Prior to awarding public assistance benefits,”.

Amendment rejected,—  
yea and nay  
No. 136.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 44 members voted in the affirmative and 108 in the negative.

**[See Yea and Nay No. 136 in Supplement.]**

Therefore the amendment was rejected.

Representatives O'Connell of Taunton and Diehl of Whitman then moved to amend the bill by adding the following section:

“SECTION 80. The office of the state auditor shall perform an audit within the department of transitional assistance beginning May 1, 2014, to ensure DTA compliance with procedures, rules, and regulations. The audit shall consist of, but not be limited to the following information: verify social numbers are required prior to benefits being awarded; verify self-declarations are not being accepted as proof of eligibility; number of replacement cards issued; out of state usage of EBT cards.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mrs. O'Connell of Taunton; and on the roll call 46 members voted in the affirmative and 107 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 137.

**[See Ye and Nay No. 137 in Supplement.]**

Therefore the amendment was rejected.

Messrs. Lyons of Andover and Lombardo of Billerica then moved to amend the bill by adding the following section:

“SECTION 80. Chapter 70 of the General Laws is hereby amended by inserting, after section 2, the following section:—

Section 3: The commonwealth shall appropriate and expend whatever funds necessary to establish a minimum funding contribution of not less than 17.5 per cent of the gross education foundation budget for each municipal, regional or other school district governed under this chapter.”.

The amendment was rejected.

Representatives Hecht of Watertown and Farley-Bouvier of Pittsfield then moved to amend the bill by striking out sections 14 and 16.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Lyons of Andover; and on the roll call (Mr. Donato of Medford being in the Chair) 14 members voted in the affirmative and 139 in the negative.

Amendments  
rejected,—  
yea and nay  
No. 138.

**[See Ye and Nay No. 138 in Supplement.]**

Therefore the amendments were rejected.

Representatives Diehl of Whitman and O'Connell of Taunton then moved to amend the bill by adding the following section:

“SECTION 80. Notwithstanding any general or special law to the contrary, the allotments to all Local Aid, including the following line items: 1231-1000, 1232-0100, 1410-0400, 7035-0005, 7035-0006, 7061-0011, 7061-0012, 7061-9010, 1233-2350, reduced by the governor on December 4, 2012 pursuant to section 9C of chapter 29 of the General Laws and not restored by the governor on May 17, 2013 are hereby restored.”.

Pending the question on adoption of the amendment, Mr. Diehl moved to amend it by striking out proposed section 80 and inserting in place thereof the following section:

“SECTION 80. Notwithstanding any general or special law to the contrary, the allotments to all Local Aid, including the following line items: 1231-1000, 1232-0100, 1410-0400, 7035-0005, 7035-0006, 7061-0011, 7061-0012, 7061-9010, 1233-2350, be funded by the following amounts:—

1231-1000, \$500,000; 1232-0100, \$6,500,000; 1410-0400, \$1,300,000; 7035-0005, \$5,250,000, 7035-0006, \$1,000,000; 7061-0011, \$2,500,000; 7061-9010, \$1,000,000; 1233-2350, \$8,989,803.”.



Amendment  
rejected,—  
yea and nay  
No. 139.

After remarks on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 37 members voted in the affirmative and 116 in the negative.

**[See Yea and Nay No. 139 in Supplement.]**

Therefore the further amendment was rejected.

The amendment offered by Mr. Diehl, et al, then also was rejected.

Ms. Provost of Somerville then moved to amend the bill in section 10, in line 409, by inserting after the figures “18” the words “and who is a recipient suspected of trafficking of electronic benefits cards or other suspected criminal activity involving fraud and misuse of public benefits”; and in section 63, in line 1017, by inserting after the word “cardholder” the words “in instances of recipients suspected of trafficking of electronic benefits cards or other suspected criminal activity involving fraud and misuse of public benefits.”. After remarks the amendments were rejected.

Representatives Cole of Peabody and O’Connell of Taunton then moved to amend the bill by adding the following section:

“SECTION 80 The Secretary of Administration and Finance and the Secretary of Health and Human Services are hereby authorized and directed establish a commission to evaluate the feasibility of contracting for recycling durable medical equipment purchased and issued by the Commonwealth through any and all of its medical assistance programs.

Said evaluation shall include but not be limited to a request for qualifications and/or proposals for entities capable of developing, implementing and operating a system of recycling whereby an inventory of such equipment is developed and managed so as to maximize the quality of service delivery to equipment recipients and to minimize costs and losses attributable to waste, fraud and/or abuse.

The Commission will consist of the Secretaries of Administration & Finance and Health & Human Services or their designee, a representative of the medical manufacturing industry, a representative from a Massachusetts hospital, a patient advocate, a representative from the insurance industry, a Senator appointed by the Senate President, a Senator appointed by the Senate Minority leader, a House member appointed by the Speaker, and a House member appointed by the House Minority Leader.

The Commission shall report the findings of said evaluation, together with cost estimates for the operation of a recycling program, estimates of the savings it would generate, estimates for recycling and legislative recommendations, no later than February 1, 2014.”

Quorum.

Pending the question on adoption of the amendment, Mr. Peterson of Grafton asked for a count to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—  
yea and nay  
No. 140.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 151 members were recorded as being in attendance.

**[See Yea and Nay No. 140 in Supplement.]**

Therefore a quorum was present.



After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Cole of Peabody; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 141.

**[See Yea and Nay No. 141 in Supplement.]**

Therefore the amendment was adopted.

After debate on the question on passing the bill, as amended, to be engrossed, Mr. Dempsey of Haverhill moved to amend it in section 2 by striking out item 0521-0000 and inserting in place thereof the following item:

"0511-0000	.....	\$19,547";
and by inserting after item 8900-0001 the following items:		
	<i>"Franklin Sheriff's Office.</i>	
8910-0108	.....	\$350,000;
	<i>Essex Sheriff's Office.</i>	
8910-0619	.....	\$315,000;
	<i>Hampden Sheriff's Office.</i>	
8910-1000	.....	\$100,000;
	<i>Massachusetts Sheriffs' Association.</i>	
8910-7100	.....	\$28,000;
	<i>Barnstable Sheriff's Office.</i>	
8910-8200	.....	\$1,825,000;
	<i>Bristol Sheriff's Office.</i>	
8910-8300	.....	\$3,200,000;
	<i>Dukes Sheriff's Office.</i>	
8910-8400	.....	\$125,000;
	<i>Norfolk Sheriff's Office.</i>	
8910-8600	.....	\$900,000;
	<i>Plymouth Sheriff's Office.</i>	
8910-8700	.....	\$2,500,000;
	<i>Suffolk Sheriff's Office.</i>	
8910-8800	.....	\$2,500,000";

In section 2A, in line 49, by inserting after the word "item." the following item:

**"SECRETARY OF THE COMMONWEALTH.**

*Office of the Secretary of the Commonwealth.*

0521-0010 For the Commonwealth of Massachusetts. administrative costs associated with both the special statewide primary and the special statewide election to fill the United States Senate seat on June 25, 2013, including, but not limited to, printing of nomination papers, printing of ballots, extended polling hours, printing and delivery of election

Supplemental appropriations.

supplies and programming of accessible equipment for both the special statewide primary and special statewide, and for reimbursements to municipalities for costs associated with said elections; provided that the state secretary shall only reimburse municipalities for the actual costs that are thereafter certified by the division of local mandates; provided further, that no less than \$19,392 shall be expended for extraordinary election costs incurred by the town of Northampton due to the November 6, 2012 election ..... \$13,592,734”;

By inserting after item 4000-0265 the following two items:

*“Worcester Sheriff’s Office.*

8910-0106	For the Worcester Sheriff’s Office to conduct a feasibility study for a regional lock-up facility for Worcester County.....	\$50,000;
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*Middlesex Sheriff’s Office.*

8910-1102	For the Middlesex Sheriff’s Office for payroll, emergency supplies and added costs incurred as a result of the Middlesex Jail evacuation and the Boston Marathon bombings .....	\$168,504”;
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In section 4, in line 104, by inserting after the word “general” the words “under the supervision of the inspector general”;

In section 10, in line 409, by inserting after the figures “18” the following: “provided further, that the department shall promulgate regulations to ensure that all authorized users and members of the household are able to use an electronic benefit transfer card pursuant to 7 U.S.C.A. § 2016(h)(9)”;

By striking out section 31;

By striking out section 39 and inserting in place thereof the following section:

“SECTION 39. Section 40 of said chapter 262, as appearing in section 60 of chapter 140 of the acts of 2012, is hereby amended by inserting at the end thereof the following sentence:—

No fee under this section shall be charged to the commonwealth or a state agency, but if an action initiated by the commonwealth or a state agency results in the appointment of a fiduciary with control over the assets of an estate, then any such fees normally chargeable to an estate shall be deferred until the fiduciary is duly appointed and authorized to expend the assets of the estate.”;

By striking out section 56;

In section 59, in line 980, by striking out the figures “188” and inserting in place thereof the figures “118”;

In section 60, in line 982, by inserting after the word “services” the words “and the executive for administration and finance”; and

By inserting after section 66 the following section:

“SECTION 66A. Item 0511-0000 of chapter 139 of the acts of 2012 is hereby amended by inserting at the end thereof the following words:— ; provided further, that the secretary is directed to transfer \$19,547 to the Essex South Registry of Deeds for unanticipated rent costs.”.

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Dempsey of Haverhill; and on the roll call (Mr. Donato of Medford being in the Chair) 153 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—  
yea and nay  
No. 142.

**[See Yea and Nay No. 142 in Supplement.]**

Therefore the bill, as amended, was passed to be engrossed. The bill (House, No. 3522, published as amended) then was sent to the Senate for concurrence.

*Recess.*

At seven minutes after six o'clock P.M., on motion of Mr. Mariano of Quincy (the Speaker being in the Chair), the House recessed until the following day at eleven o'clock A.M.; and at that time the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

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**Wednesday, June 19, 2013 (at 11:00 o'clock A.M.).**

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.

Pledge of  
allegiance.

*Statement Concerning Representative Canavan of Brockton.*

A statement of Mr. Rushing of Boston concerning Mrs. Canavan of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Canavan of Brockton, is unable to be present in the House Chamber for today's sitting due to a previously scheduled surgery on her hand. Her missing of roll calls today is due entirely to the reason stated.

Statement  
concerning  
Mrs. Canavan  
of Brockton.

*Statement Concerning Representative Naughton of Clinton.*

A statement of Mrs. Haddad of Somerset concerning Mr. Naughton of Clinton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Naughton of Clinton, is unable to be present in the House Chamber for today's sitting because, in his role of House Chair of the joint committee on Public Safety and Homeland Security, he is conducting a hearing at Cape Cod Community College. His missing of roll calls today is due entirely to the reason stated.

Statement  
concerning  
Mr. Naughton  
of Clinton.

*Statement of Representative Toomey of Cambridge.*

A statement of Mr. Toomey of Cambridge was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will be absent from the House Chamber for remainder of today's sitting due to a family emergency. My missing of roll calls today is due entirely to the reason stated.

Statement of  
Mr. Toomey  
of Cambridge.

*Guests of the House.*

Carlos and  
Melinda  
Arredondo.

During the session, the Speaker took the Chair and introduced Carlos Arredondo and his wife, Melida. Mr. Arredondo, who was hailed as a hero for his life-saving efforts following the explosions at the Boston Marathon, then addressed the House briefly. They were the guests of the Speaker and Representative Sánchez of Boston.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Katie  
Chiffer.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Katie Chiffer on receiving the Gold Award of the Girl Scouts of America;

Elizabeth  
Driver.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Elizabeth Driver on receiving the Gold Award of the Girl Scouts of America; and

Claire  
Faddis.

Resolutions (filed by Mr. Hill of Ipswich) congratulating Claire Faddis on receiving the Gold Award of the Girl Scouts of America;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Hill, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Petition.*

Patricia A.  
Raftery,—  
sick leave.

Representative Bradley of Hingham and Senator Hedlund presented a joint petition (subject to Joint Rule 12) of Garrett J. Bradley and Robert L. Hedlund for legislation to establish a sick leave bank for Patricia A. Raftery, an employee of the Massachusetts Department of Transportation; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. D'Emilia of Bridgewater, 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.

*Papers from the Senate.*

Petitions were referred, in concurrence, as follows:

Ipswich,—  
elected  
official  
recalls.

Petition (accompanied by bill, Senate, No. 1801) of Bruce E. Tarr and Bradford Hill (by vote of the town) for legislation to provide for the recall of elected officials in the town of Ipswich. To the committee on Election Laws.

Falmouth,—  
bonds and  
notes.

Petition (accompanied by bill, Senate, No. 1802) of Therese Murray, Timothy R. Madden and David T. Vieira (by vote of the town) for legislation relative to the issuance of bonds or notes by the town of Falmouth. To the committee on Municipalities and Regional Government.

*Recess.*

At five minutes after eleven o'clock A.M. (Wednesday, June 19), on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until half past eleven o'clock; and at eighteen minutes before twelve o'clock noon the House was called to order with Mr. Bradley of Hingham in the Chair.

Recess.

*Reports of Committees.*

By Mr. Binienda of Worcester, 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 Alice Hanlon Peisch and others relative to the term of appointment of non-civil service police officers. Under suspension of the rules, on motion of D'Emilia of Bridgewater, 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.

Police officers,—  
appointment.

By Mr. Michlewitz of Boston, for the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2460) of Martin J. Walsh and others relative to evaluating injury and illness data and establishing safety and health measures to protect employees of the Commonwealth,— and recommending that the same be referred to the committee on Labor and Workforce Development. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Occupational health and safety,—  
advisory board.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Resolve providing for an investigation and study by a special commission relative to gender-responsive programming for juvenile justice system involved girls (House, No. 83). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Juvenile justice system,—  
girls.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill revising the interstate compact on the placement of children (printed as Senate, No. 25).

Children,—  
interstate compact.

By the same member, for the same committee, on a petition, a Bill relative to parental leave (printed as Senate, No. 33).

Parental leave.

By the same member, for the same committee, on Senate No. 37 and House, No. 93, a Bill to promote financial stability and asset development (House, No. 93).

Transitional assistance.

By the same member, for the same committee, on a petition, a Bill pertaining to violations of the Department of Early Education and Care advertising law (House, No. 123).

Early Education and Care,—  
advertising.

By the same member, for the same committee, on a petition, a Bill providing for a study by the Executive Office of Health and Human Services relative to nonprofit group homes (House, No. 155, changed, in line 12 by striking out the year "2012" and inserting in place thereof the year "2014").

Group homes,—  
study.

Boston  
Marathon  
bombing  
victims.

By the same member, for the same committee, on a joint petition, a Bill providing for home modifications and moving expenses for certain victims of the Boston Marathon bombings (House, No. 3460).

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

Schools,—  
food  
products.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to school served food products (House, No. 130).

Sunderland,—  
Richard E.  
Dickinson.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a petition, a Bill authorizing the town of Sunderland to continue the employment of Richard E. Dickinson as a call firefighter (House, No. 3286) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Engrossed Bill – State Loan.*

Mr. Donato of Medford being in the Chair,—

Capital  
spending  
authorizations.

The engrossed Bill supplementing certain existing capital spending authorizations (see House bill printed in House, No. 3331, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted  
(state loan),—  
yea and nay  
No. 143.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call (Mrs. Haddad of Somerset being in the Chair) 150 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 143 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

Affordable  
health  
care.

The House Bill implementing the Affordable Care Act and providing further access to affordable health care (House, No. 3452), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

After debate on the question on passing the bill to be engrossed, Mr. Winslow of Norfolk move to amend it by substitution, in part, of the following order:

“REQUEST OF HOUSE OF REPRESENTATIVES FOR OPINION OF THE JUSTICES

*Whereas*, There is pending before the General Court a bill, House No. 3452, entitled ‘An Act Implementing the Affordable Care Act and Providing Further Access to Affordable Health Care’, a copy of which is submitted herewith; and

*Whereas*, The Commonwealth of Massachusetts pursuant to its lawful sovereign authority previously enacted into law in 2006 a state-based system of universal healthcare, chapter 58 of the Acts of 2006, ‘An Act Providing Access to Affordable, Quality, Accountable Health Care’ (the ‘state program’); and

*Whereas*, Massachusetts was the only state in the Union to so exercise its sovereign authority prior to congressional adoption of the federally-based system of universal healthcare, 42 USC § 18001, et seq., ‘Affordable Care Act’ (the ‘federal program’); and

*Whereas*, The General Court has not repealed the state program and Congress lacks authority to repeal the lawful acts of the Commonwealth of Massachusetts; and

*Whereas*, The state program tailored to the needs of the people of Massachusetts and directly and proximately accountable to them which ensures access and quality of healthcare is preferable to the federal program which confers substantively no greater benefits, access or quality of care to Massachusetts residents; and

*Whereas*, The state program is less intrusive and better protects the privacy of Massachusetts residents from governmental collection and dissemination of personal data as the federal program allows the federal government to collect and share personal data it deems ‘reasonably necessary’ to implement the federal program; and

*Whereas*, Grave doubt exists as to the need for legislative action on the bill in view of constitutional considerations, including state sovereignty of the Commonwealth of Massachusetts, and the effect of the federal program on the operation of the state program in the absence of repeal of the state program; therefore be it

*Whereas*, That the opinions of the Honorable Justices of the Supreme Judicial Court be required by the House of Representatives upon the following important questions of law:—

1. Does the application of the federal program violate the state sovereignty of the Commonwealth of Massachusetts in view of Massachusetts’ unique status as the only state in the Union with a state-based system of universal healthcare?

2. Does the federal program pre-empt the earlier enacted state program and, if so, is the preemption in whole or in part?

3. In view of the earlier enacted state program, does the federal program violate the provisions of the United States Constitution as applied to Massachusetts residents?”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Winslow; and on the roll call (the Speaker being in the Chair) 32 members voted in the affirmative and 118 in the negative.

Amendment  
rejected,—  
yea and nay  
No. 144.

**[See Yea and Nay No. 144 in Supplement.]**

Therefore the amendment was rejected.

Mrs. Haddad of Somerset being in the Chair,—

Mr. Nangle of Lowell then moved to amend the bill by adding the following section:

“SECTION 105. Paragraph (4) of subsection (b) of section (4) of Chapter 176J is amended by adding at the end the following:

Notwithstanding any other provision in this section, with respect to a health benefit plan offered only through a public exchange that pursuant to federal law and regulation does not include pediatric dental benefits, a carrier may deny an eligible individual or eligible small business of any size enrollment in such health benefit plan unless the eligible individual or eligible small business enrolls through the connector. If an eligible individual or eligible small business elects to



Affordable  
health  
care.

enroll through the connector, a carrier may not deny that eligible individual or eligible small business enrollment. The carrier shall implement such requirements consistently, treating all eligible individuals and eligible small business in a similar manner.”

The amendment was adopted.

Mr. Lewis of Winchester then moved to amend the bill by inserting after section 26 the following section:

“SECTION 26A. Section 10E of said chapter 118E of the General Laws, as so appearing, is hereby amended by striking out the first sentence of the second paragraph and inserting in place thereof the following sentence:— Assistance furnished pursuant to this section shall include, but may not be limited to, the following care and services.”

The amendment was adopted.

Ms. Dykema of Holliston then moved to amend the bill in section 102, in lines 664 to 667, inclusive, by striking the paragraph contained in those lines and inserting in place thereof the following paragraph:

“The commissioner of insurance shall issue regulations to implement this section, including, but not limited to, regulations setting forth the manner in which carriers may utilize and apply the rate adjustment factors set forth in this section during the period from January 1, 2014 through December 31, 2015, to the extent required by federal law.”

The amendment was adopted.

The same member then moved to amend the bill by adding the following section:

“SECTION 106. Notwithstanding any special or general law to the contrary, any small business group purchasing cooperative authorized under Chapter 288 of the Acts of 2010, certified to operate by the division of insurance prior to July 1, 2013, may operate for plan years beginning on January 1, 2015, as a single plan sponsor and operate as a fully insured large group employer under continued authorization and reporting requirements to the division as required in Chapter 176J of the General Laws, or in the same manner as required of groups authorized under Section 78 of Chapter 153 of the Acts of 1992.”

The amendment was rejected.

Mr. Winslow of Norfolk then moved to amend the bill adding the following section:

“SECTION 106. Notwithstanding any special or general law to the contrary, no state personnel, offices, facilities or other resources funded by state appropriation shall be expended to implement, operate or administer the provisions of 42 USC § 18001, et seq., the federal ‘Affordable Care Act’ in the absence of federal payment or reimbursement for the full cost thereof.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 34 members voted in the affirmative and 116 in the negative.

**[See Yeas and Nays No. 145 in Supplement.]**

Therefore the amendment was rejected. Subsequently Mr. Winslow moved that this vote be reconsidered; and, after remarks, the motion to reconsider was negated.

Amendment  
rejected,—  
yea and nay  
No. 145.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Jones of North Reading moved that it be recommitted to the committee on Ways and Means.

After debate on the motion to recommit, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 31 members voted in the affirmative and 119 in the negative.

Motion to recommit negative,—yea and nay No. 146.

**[See Yea and Nay No. 146 in Supplement.]**

Therefore the motion to recommit was negative.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 118 members voted in the affirmative and 32 in the negative.

Bill passed to be engrossed,—yea and nay No. 147.

**[See Yea and Nay No. 147 in Supplement.]**

Therefore the bill, as amended, was passed to be engrossed. The bill (House, No. 3452, amended) then was sent to the Senate for concurrence.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

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

Next sitting.

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At five minutes after two o'clock P.M. (Wednesday, June 19), on motion of Mr. Frost of Auburn (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.