

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, February 28, 2006.

Met at one o'clock P.M. (Mr. Havern in the Chair).

Report.

A report of the Norfolk County Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and section 2KKK of Chapter 29 of the General Laws) submitting a plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight and the Committee on Economic Development and Emerging Technologies) (received Monday, February 27, 2006),— **was placed on file.**

Reports of a Committee.

By Ms. Tucker, for the committee on Elder Affairs, on petition, a Bill authorizing collaborative practice between physicians and pharmacists for certain patients (Senate, No. 382);

By the same Senator, for the same committee, on petition, a Bill establishing the Massachusetts prescription drug fair pricing program (Senate, No. 399);

By the same Senator, for the same committee, on Senate, Nos. 405 and 428, a Bill further clarifying state licensing requirements for health plans offering coverage to senior citizens (Senate, No. 405);

By the same Senator, for the same committee, on Senate, Nos. 387 and 409, a Bill ensuring providers receive reimbursement for inflationary cost increases (Senate, No. 409);

By the same Senator, for the same committee, on petition, a Bill relative to prior authorizations of prescription medications (Senate, No. 432);

By the same Senator, for the same committee, on petition, a Bill relative to Medicaid prior authorization (Senate, No. 437); and

By the same Senator, for the same committee, on petition, a Bill to provide for reimbursement of human service providers for increases in minimum wage rates. (Senate, No. 694);

Read and, under Joint Rule 1E, referred to the committee on Health Care Financing.

By Ms. Tucker, for the committee on Elder Affairs, on Senate, No. 433 and House, No. 1491, a Bill establishing state assistance for senior center construction (Senate, No. 433); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 412), a Bill providing for internet and network compatible computer equipment in senior centers (Senate, No. 2389);

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill relative to privatization contracts (Senate, No. 1742, changed in section 1, by inserting after the words "will perform" in line 17, the following words: "or will have performed on its behalf");

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Committees Discharged.

Mr. Buoniconti, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration of the Senate Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to labor and related employment issues (Senate, No. 2387),— and recommending that the same be referred to the Senate committee on Ethics and Rules.

Under Senate Rule 36, the report was considered forthwith and accepted.

There being no objection, the Chair (Mr. Havern) declared a recess at one minute past one o'clock P.M., subject to the call of the Chair; and, at four minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.

The following prayer was offered by Father Bernard McLaughlin, Chaplain of the Senate:

And so the sounds fade away its fat Tuesday once again. But the sounds of the poor still linger. There are those who can't celebrate because of what we call the poor.

What are the sounds of the poor? They come from that guy wrapped in blankets and sleeping on the gratings just down the street from us. They are the sounds of abandoned children who have been abandoned by their parents. They are the sounds of the crying mother and children whose father, the marine, is packing to go to Iraq.

We even have special names for the poor: bums, druggies, and pariahs.

Fat Tuesday goes but the poor stay. We should always remember we need one another. Remember 9/11 — how when they fell they clung to one another: rich and poor, white, black, Hispanics, immigrants. Let us remember that in the last analysis no differences among us mean anything. We are all in this country and on this planet together. Amen.

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

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Augustus) “recognizing Jennifer Rogers”;

Resolutions (filed by Mr. Morrissey) “recognizing the Abington Green Wave Football Team as 2005 Superbowl Champions”;

Resolutions (filed by Ms. Walsh) “congratulating Tristan Cecala on the occasion of his Court of Honor”;

Resolutions (filed by Ms. Walsh) “congratulating James Huang on the occasion of his Court of Honor”; and

Resolutions (filed by Ms. Walsh) “congratulating Kevin Koteles on the occasion of his Court of Honor.”

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill establishing a public safety injured on duty medical expenses trust fund in the town of Brookline (House, No. 4122),— **was read a second time and ordered to a third reading.**

The Senate bills

Authorizing the Commonwealth to acquire conservation restrictions in and to lands of the city of Leominster (Senate, No. 31, amended) (its title having been changed by the committee on Bills in the Third Reading);

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Washington (Senate, No. 58, amended);

Directing the State Retirement Board to retire Robert Emmet Fitzgerald (Senate, No. 1500, amended); and

Transferring employees of the Berkshire Regional Planning Commission to the state retirement system (Senate, No. 1570, amended) (its title having been changed by the committee on Bills in the Third Reading);

Were severally read a third time and passed to be engrossed.

Severally sent to the House for concurrence.

The House Bill expanding the use of community preservation funds (House, No. 1680) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed, in concurrence.**

The House Bill establishing a sick leave bank for Marie Cantave-Kenney, an employee of the Trial Court (House, No. 4653) (its title having been changed by the committee on Bills in the Third Reading),— was read a third time and passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate.

Sent to the House for concurrence in the amendment.

The Senate Bill authorizing municipalities to petition for public involvement plans in cases of hazardous material sites (Senate, No. 518),— was read a third time.

After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at twelve minutes past two o'clock P.M, on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) **[Yeas and Nays No. 221]:**

YEAS.

Antonioni, Robert A.	Chandler, Harriette L.
Augustus, Edward M., Jr.	Creedon, Robert S., Jr.
Baddour, Steven A.	Creem, Cynthia Stone
Barrios, Jarrett T.	Fargo, Susan C.
Berry, Frederick E.	Hart, John A., Jr.
Brewer, Stephen M.	Havern, Robert A.
Brown, Scott P.	Hedlund, Robert L.
Buoniconti, Stephen J.	Pacheco, Marc R.
Jehlen, Patricia D.	Panagiotakos, Steven C.
Joyce, Brian A.	Resor, Pamela
Knapik, Michael R.	Rosenberg, Stanley C.
Lees, Brian P.	Spilka, Karen E.
McGee, Thomas M.	Tarr, Bruce E.
Menard, Joan M.	Timilty, James E.
Moore, Richard T.	Tisei, Richard R.
Morrissey, Michael W.	Tolman, Steven A.
Murray, Therese	Tucker, Susan C.
Nuciforo, Andrea F., Jr.	Walsh, Marian
O'Leary, Robert A.	Wilkerson, Dianne —

38.

NAYS — 0.

ABSENT OR NOT VOTING.

Montigny, Mark C. —
1.

The yeas and nays having been completed at seventeen minutes past two o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

The Senate Bill regulating the speed of school buses on limited access highways (Senate, No. 1918) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill relative to the renewable energy portfolio (Senate, No. 2122),— **was read a third time and after remarks, was passed to be engrossed. Sent to the House for concurrence.**

The House Bill authorizing the use of ultrasonic thickness determination of air tanks and other receptacles (House, No. 1871),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill relative to apprentice training (Senate, No. 1086),— **was read a second time and, after remarks, ordered to a third reading.**

The Senate Bill doubling the penalties for violating speed limits in school zones (Senate, No. 1859) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time. Pending the question on passing the bill to be engrossed, on motion of Mr. Lees, the further consideration thereof was postponed until the next session.**

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

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Milford (House, No. 1420),— **ought to pass, with an**

amendment, in section 1, by striking out the words “422, was conveyed from Edmund M. Warren and Otis H. Perry to the commonwealth”, in lines 12 and 13, and inserting in place thereof the following number: “423”; in section 1, by adding the following sentence:— “The exact boundaries of said parcel shall be determined by the commissioner in consultation with the military division after completion of a survey.”; and in section 2 by striking out, in line 2, the word “appraisal”.

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

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

Subsequently, the bill was read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:

The recommitted Senate Bill relative to rates of pilotage (Senate, No. 2204),— was considered; the main question being on ordering the bill to a third reading.

The pending amendment previously moved by Mr. Morrissey inserting at the end thereof the following section:—

“SECTION ____ . Section 3 of Chapter 103 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting at the end of the paragraph the following:— In determining the eligibility of applicants for consideration for appointment to any status as pilot candidate or for a warrant or full branch pilot commission, the pilot commission shall promulgate rules and regulations in regards to allowing applicants who are members of any uniformed service of the United States (including the Army, Navy, Air Force, Marine Corps, Coast Guard, or NOAA Officer Corps), any time during which the applicant; is serving on active duty shall not accrue against time period that counts against the applicant. Military sea service in command of a vessel credits toward any requirements for service in the capacity of master, and military sea service as second-in-command of a vessel credits toward any requirements for service in the capacity of chief mate. Military sea service in a capacity as an officer in charge of a navigational bridge watch credits toward any sea service requirement other than those in the capacity of master or chief mate. No person’s status as a veteran or as a military reservist, and no person’s susceptibility to recall to military active duty, shall diminish his or her eligibility for selection for Pilot Candidate Training or for warrant or full branch pilot commission.”— *was withdrawn.*

Mr. McGee moved that the bill be amended by substituting a new draft entitled “An Act relative to rates of pilotage” (Senate, No. 2391).

Pending the question on adoption of the amendment, Mr. Morrissey moved that the amendment be amended by inserting at the end thereof the following section:—

“SECTION ____ . Section 3 of Chapter 103 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting at the end of the paragraph the following:— In determining the eligibility of applicants for consideration for appointment to any status as pilot candidate or for a warrant or full branch pilot commission, the pilot commission shall promulgate, rules and regulations requiring applicants who are members of any uniformed service of the United States (including the Army, Navy, Air Force, Marine Corps, Coast Guard, or NOAA Officer Corps), any time during which the applicant has served on active duty and accrue as time period shall be applied as experience toward said applicant’s application. Military sea service in command of a vessel credits toward any requirements for service in the capacity of master, and military sea service as second-in-command of a vessel credits toward any requirements for service in the capacity of chief mate. Military sea service in a capacity as an officer in charge of a navigational bridge watch credits toward any sea service requirement other than those in the capacity of master or chief mate; No person’s status as a veteran or as a ‘military reservist, and no person’s susceptibility to recall to military active duty, shall diminish his or her eligibility for selection for Pilot Candidate Training or for warrant or full branch pilot commission.”

After remarks, the further amendment was adopted.

The pending amendment (McGee) was then adopted, as amended.

The bill (Senate, No. 2391, amended) was then ordered to a third reading.

PAPERS FROM THE HOUSE.

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill authorizing certain investments by the treasurer of the town of Brookline (see House, No. 4222), which, on Wednesday, December 28, 2005, had been laid before His Excellency the Governor for his approbation,—came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing [for message, see House, No. 4607], and having passed that branch, notwithstanding said objections.

The message (House, No. 4607) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

Ms. Menard in the Chair, the question on passing the bill, in concurrence, the objections of the Governor to the contrary

notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty minutes before three o'clock P.M., as follows, to wit (yeas 32 — nays 6) **[Yeas and Nays No. 232]:**

YEAS.

Antonioni, Robert A.	Chandler, Harriette L.
Augustus, Edward M., Jr.	Creedon, Robert S., Jr.
Baddour, Steven A.	Creem, Cynthia Stone
Barrios, Jarrett T.	Fargo, Susan C.
Berry, Frederick E.	Hart, John A., Jr.
Brewer, Stephen M.	Havern, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Jehlen, Patricia D.	Panagiotakos, Steven C.
Joyce, Brian A.	Resor, Pamela
McGee, Thomas M.	Rosenberg, Stanley C.
Menard, Joan M.	Spilka, Karen E.
Moore, Richard T.	Timilty, James E.
Morrissey, Michael W.	Tolman, Steven A.
Murray, Therese	Tucker, Susan C.
Nuciforo, Andrea F., Jr.	Walsh, Marian
O'Leary, Robert A.	Wilkerson, Dianne —

38.

NAYS.

Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. —

6.

ABSENT OR NOT VOTING.

Montigny, Mark C. —
1.

The yeas and nays having been completed at a quarter before three o'clock P.M., the bill was passed by the Senate, notwithstanding the objections of the Governor, two-thirds of the members present and voting having approved the same.

Engrossed Bill.

An engrossed Bill further regulating the Barnstable County Septic Loan Program (see Senate, No. 2247, changed) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was, after remarks, passed to be enacted and was signed by the Acting President (Ms. Menard) and laid before the Governor for his approbation.

Recess.

There being no objection, at twelve minutes before three o'clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the Chair (Ms. Menard) declared a recess; and, at twenty-seven minutes past four o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

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

The Senate Bill promoting access and affordability of health care (Senate, No. 2390),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Ms. Murray moved that the bill be amended in section 2, by striking out, in the third sentence, the following words: "and including a program of reimbursing carriers, as defined in section 1 of chapter 176J, for all costs which that the carriers may incur in claims pursuant to section 10 of said chapter 176J and section 7 of chapter

176M”; in section 4, by, striking out proposed clause (3) of subsection (b) of section 3 of chapter 118H; in section 5, by striking out the words “2 members appointed by the attorney general, 1 of whom shall be a member of a labor union, and 1 of whom shall represent the interests of small businesses” in proposed subsection (b) of section 2 of chapter 176Q and inserting in place thereof the following:— “3 members appointed by the attorney general, 1 of whom shall be a representative of organized labor, 1 of whom shall represent the interests of small businesses and 1 of whom shall be a representative of a health consumer organization.”; by striking out section 13 (as corrected by Senate BTR); in section 8, by striking out the words “and their dependents” in the first sentence; in said section 8, by striking out the words “chapter 176J” in the first sentence and inserting in place thereof the following words:— “chapter 118H, seeking enrollment in the Commonwealth Care Health Insurance Program”; and 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 avoid loss of at least \$385 million annually in federal Medicaid waiver funds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.”

The amendment was **adopted**. .

Messrs. Moore, Lees and Brown moved that the bill be amended by inserting after section 3 the following section:—

“SECTION 3A. The General Laws are hereby amended by inserting after chapter 111L, inserted by section 1 of chapter 27 of the acts of 2005, the following chapter:—

CHAPTER 111M. INDIVIDUAL HEALTH COVERAGE.

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

‘Board’, the board of directors of the Commonwealth Care Health Insurance Exchange Authority, established by section 2 of chapter 176Q.

‘Creditable coverage’, coverage of an individual under any of the following health plans or as a named beneficiary receiving coverage on another individual’s plan with no lapse of coverage for more than 63 days: (a) a group or nongroup health plan; (b) a health plan, including, but not limited to, a health plan issued, renewed or delivered within or without the commonwealth to an individual who, is enrolled in a qualifying student health insurance program pursuant to section 18 of chapter 15A or a qualifying student health program of another state; (c) Part A or Part B of Title XVIII of the Social Security Act; (d) Title XIX of the Social Security Act, other than coverage consisting solely of benefits under section 1928; (e) 10 U.S.C. section 55; (f) a medical care program of the Indian Health Service or of a tribal organization; (g) a state health benefits risk pool; (h) a health plan offered under 5 U.S.C. section 89; (i) a public health plan as defined in federal regulations authorized by the Public Health Service Act, section 2701(c)(1)(I), as amended by Public Law 104-191; (j) a health benefit plan under the Peace Corps Act, 22 U.S.C. 2504(e); or (k) any other qualifying coverage required by the Health Insurance Portability and Accountability Act of 1996 as it is amended, or by regulations adopted under that act.

‘Resident’, a person who has

- (1) obtained an exemption pursuant to clause Seventeenth, Seventeenth C, Seventeenth C½, Seventeenth D, Eighteenth, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first A, Forty-first B, Forty-first C, Forty-second or Forty-third of section 5 of chapter 59;
- (2) obtained an exemption pursuant to section 5C of said chapter 59;
- (3) filed a Massachusetts resident income tax return pursuant to chapter 62;
- (4) obtained a rental deduction pursuant to subparagraph (9) of paragraph (a) of Part B of section 3 of chapter 62;
- (5) declared in a home mortgage settlement document that the mortgaged property located in the commonwealth would be occupied as his principal residence;
- (6) obtained homeowner’s liability insurance coverage on property that was declared to be occupied as a principal residence;
- (7) filed a certificate of residency and identified his place of residence in a city or town in the commonwealth in order to comply with a residency, ordinance as a prerequisite for employment with a governmental entity;
- (8) paid on his own behalf or on behalf of a child or dependent of whom the person has custody, resident in-state tuition rates to attend a state-sponsored college, community college or university;
- (9) applied for and received public assistance from the commonwealth for himself or his child or dependent of whom he has custody;
- (10) has a child or dependent of whom he has custody who is enrolled in a public school in a city or town in the commonwealth, unless the cost of such education is paid for by him, such child or dependent, or by another education jurisdiction;
- (11) is registered to vote in the commonwealth;
- (12) obtained any benefit, exemption, deduction, entitlement, license, permit or privilege by claiming principal residence in the commonwealth; or
- (13) is a resident under any other written criteria under which the commissioner of revenue may determine residency in the commonwealth.

Section 2. (a) The following individuals over the age of 18 shall obtain and maintain creditable coverage: (1) residents of the commonwealth, and (2) individuals who become residents of the commonwealth within 63 days, in the aggregate, and for whom creditable coverage is determined affordable under the schedule set by the board. Residents who within 63 days have terminated any prior creditable coverage, shall obtain and maintain creditable coverage within 63 days of such termination.

(b) Every person who files an individual return as a resident of the commonwealth, either separately or jointly with a spouse, shall indicate on the return, in a manner prescribed by the commissioner of revenue, whether such person, as of the last day of the taxable year for which the return is filed, had health care coverage in force. If the person does not so indicate, or indicates that did not have such coverage in force, then the tax shall be computed on the return without benefit of the personal exemption set forth in paragraph (b) of Part B of section 3 of chapter 62, or, in the case of a person who files jointly with a spouse, without benefit of one-half of the personal exemption set forth in such paragraph. If the person indicates that he had such coverage in force but the commissioner determines, based on the information available to him, that such requirement of paragraph (a) was not met, then the commissioner shall compute the tax for the taxable year without benefit of the personal exemption set forth in paragraph (b) of Part B of section 3 of chapter 62, or, in the case of a person who files jointly with a spouse, without benefit of one-half of the personal exemption set forth in such paragraph, first giving notice to such person of his intent to do so and an opportunity for a hearing, in accordance with rules prescribed by the commissioner.

Section 3. (a) An individual subject to section 2, who disputes the determination of affordability as enforced by the department of revenue, may seek a review of this determination by a review panel established by the board. The board may adopt regulations to carry out the exemption review process. No penalties shall be enforced against an individual seeking review until the review is complete and any subsequent appeals are exhausted.

(b) An individual subject to section 2 may seek an exemption from these provisions if imposition of the penalty would create extreme hardship. The board shall determine criteria for this hardship exemption.

Section 4. The commissioner of revenue, in consultation with the board, shall adopt regulations to carry out the purposes of this chapter.

Section 5. The division of health care finance and policy shall adopt a form labeled 'Health Insurance Disclosure Statement' to be completed and signed, under oath, by every employer and employee doing business in the commonwealth. The form shall indicate whether the employer has offered the purchase of health care insurance, whether the employee has accepted or declined such coverage and whether the employee has an alternative source of health insurance coverage. The form shall contain a statement that an employee who chooses to decline health insurance coverage offered by an employer shall be legally responsible for that employee's health care costs, if any, and shall be charged for the use of any health services. The division may make arrangements with other agencies of the commonwealth, including the department of revenue and the board, to distribute and collect forms to all employers and employees in the commonwealth;"

In section 4, by inserting after the words "directly by the exchange" in the second sentence in proposed section 4 of chapter 118H the following words:— "and sub-exchanges";

In section 5, by inserting after the words "more than 50 employees" in the definition of "Eligible individual" in proposed section 1 of chapter 176Q the following words:— "or is employed by an employer that is signatory to or obligated under a negotiated, bona-fide collective bargaining agreement between the employer and bona-fide employee representative, which agreement governs the employment conditions of that person";

In said section 5, by striking out proposed subsection (b) of section 11 of chapter 176Q;

In said section 5, by striking out, in proposed section 3 of chapter 176Q, clauses (15) and (16) and inserting in place thereof the following clauses:—

"(15) create and deliver to the department of revenue a form that the department shall distribute to every person to whom it distributes information regarding personal income tax liability, including, without limitation, every person who filed a personal income tax return in the most recent calendar year that informs the recipient of the requirements to establish and maintain health care coverage;

(16) create for publication by the December 1 of each year, a premium schedule, which, accounting for maximum pricing in all rating factors with an exception for age, shall include the lowest premium on the market for which an individual would be eligible for creditable coverage, as defined in chapter 111M. This schedule shall publish premiums allowing variance for age and rate basis type. The premium schedule shall be delivered to the department of revenue for use in establishing compliance with section 2 of chapter 111M;

(17) ensure maximum coordination with and participation by employers and employees in the insurance partnership program, established by section 9C of chapter 118E; and

(18) do all things necessary to carry out the purposes of this chapter.";

In said section 5, by inserting after proposed clause (12) in subsection (d) of section 5 of chapter 176Q the following clause:— “; and (13) diabetes-related services, medications and supplies as defined in section 47N of chapter 175.”;

In section 10, by inserting after the word “contractors” in the third sentence the following words:— “receiving premium assistance payments”; .

In said section 10, by striking out the last sentence;

By striking out section 12;

By inserting after section 14 the following 2 sections:—

“SECTION 15. Section 3A and clauses (15) and (16) of section 3 of chapter 176Q of the General Laws, inserted by section 5, shall take effect on January 1, 2008, but they shall apply only if the division of health care finance and policy determines, and certifies in writing to the clerks of the senate and house of representatives by December 15, 2007, that fewer than half of the uninsured as of August 2006, as determined by a survey conducted by the division, have obtained and maintained health insurance, as determined by a survey to be conducted by the division in October and November of 2007.

SECTION 16. Section 3A and clauses (15) and (16) of section 3 of chapter 176Q of the General Laws, inserted by section 5, shall take effect on January 1, 2009, but they shall apply only if the division of health care finance and policy determines, and certifies in writing to the clerks of the senate and house of representatives by December 15, 2008, that fewer than 3/4 of the uninsured as of August 2006, as determined by a survey conducted by the division, have obtained and maintained health insurance, as determined by a survey to be conducted by the division in October and November of 2008.

After remarks, the amendment was adopted.

The question on passing the bill, as amended, to be engrossed was determined by a call of the yeas and nays, at five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 233**]:

YEAS.

Antonioni, Robert A.	Chandler, Harriette L.
Augustus, Edward M., Jr.	Creedon, Robert S., Jr.
Baddour, Steven A.	Creem, Cynthia Stone
Barrios, Jarrett T.	Fargo, Susan C.
Berry, Frederick E.	Hart, John A., Jr.
Brewer, Stephen M.	Havern, Robert A.
Brown, Scott P.	Hedlund, Robert L.
Buoniconti, Stephen J.	Travaglini, Robert E.
Jehlen, Patricia D.	Panagiotakos, Steven C.
Joyce, Brian A.	Resor, Pamela
Knapik, Michael R.	Rosenberg, Stanley C.
Lees, Brian P.	Spilka, Karen E.
McGee, Thomas M.	Tarr, Bruce E.
Menard, Joan M.	Timilty, James E.
Moore, Richard T.	Tisei, Richard R.
Morrissey, Michael W.	Tolman, Steven A.
Murray, Therese	Tucker, Susan C.
Nuciforo, Andrea F., Jr.	Walsh, Marian
O'Leary, Robert A.	Wilkerson, Dianne —
	39.
Pacheco, Marc R.	

NAYS — 0.

ABSENT OR NOT VOTING.

Montigny, Mark C. —
1.

The yeas and nays having been completed at three minutes past five o'clock P.M., the bill was passed to be engrossed with the amendments. [For text of Senate amendments, see Senate, No. 2394, printed as amended.] Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Brewer,—

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

On motion of the same Senator, at four minutes past five o'clock P.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.