

**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, October 30, 2007.*

Met at one minute past one o'clock P.M.

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

#### *Communication.*

A communication from the Honorable Therese Murray, President of the Senate, announcing her appointment of Senator James E. Timilty to serve as a member of the Special Commission established (pursuant to Chapter 428 of the Acts of 2006) to study the impact of drowsy driving on highway safety,— was placed on file.

#### **PAPERS FROM THE HOUSE.**

A Bill naming a certain bridge in the town of Hinsdale (House, No. 3504, changed,— on petition),— was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

A Bill relative to the Charter of the town of Chelmsford (House, No. 4007,— on petition) [Local approval received],— was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:— Resolutions (filed by Mr. O'Leary) "congratulating Paul John Covell on his seventieth birthday."

#### **PAPERS FROM THE HOUSE.**

##### *Engrossed Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill establishing commercial fishing sectors (see House, No. 4318) [being the text contained in Section 33 of the Deficiency Appropriation Bill (see House, No. 4282)],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:—

By striking out all after the enacting clause and inserting in place thereof the following:

"Item 2300-0100 of section 2 of chapter 139 of the acts of 2006 is hereby amended by inserting after the words 'in fiscal years 2006 and 2007' the following words:— ; provided further, that not less than \$500,000 shall be expended for the purpose of establishing commercial fishing sectors."

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

**The rules were suspended, on motion of Mr. Tisei, and the Governor's amendment was considered forthwith and**

**adopted, in concurrence (as corrected BTR).  
Sent to the House for re-enactment.**

*Committee of Conference Report.*

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill relative to the licensing requirements for certain tidelands (House, No. 4184) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2309; by inserting before the enacting clause the following emergency preamble: "Whereas, The deferred operation of this act would defeat its purpose, which is to authorize a regulatory exemption for certain landlocked tidelands from license requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof the following title: "An Act regarding the licensing requirements for landlocked filled tideland"), reported, a "Bill relative to relative to the licensing requirements for certain tidelands" (House, No. 4324), came from the House, and was read.

**The rules were suspended, on motion of Ms. Resor, and the report was considered forthwith and accepted, in concurrence.**

*Orders of the Day.*

The Orders of the Day were considered, as follows:

The Senate Bill providing for a study of the Commonwealth's job classification system by the Human Resources Division (Senate, No. 2386) (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 House Bill providing that certain physical conditions shall be presumed to have been suffered in the line of duty (House, No. 2578),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill relative to members of the Executive Council (Senate, No. 2332),— was considered, the main question being on ordering the bill to a third reading.

**Pending the question on the motion, previously moved by Mr. Tisei, to lay the matter on the table, and pending the question on adoption of the amendment, previously moved by Messrs. Tisei and Hedlund, on further motion of Mr. Tisei, the further consideration thereof was postponed until the next session.**

The Senate Bill relative to providing homeownership opportunities in weak markets (Senate, No. 2325),— was considered, the question being on passing the bill to be engrossed.

**On motion of Mr. Tisei, the further consideration thereof was postponed until the next session.**

The Senate Bill further protecting Buzzards Bay (Senate, No. 2374),— was considered, the question being on passing the bill to be engrossed.

**On motion of Mr. Tisei, the further consideration thereof was postponed until the next session.**

*Matters Taken Out of the Notice Section of the Calendar.*

There being no objection, the following matters were taken out of the Notice Section of the Calendar and considered as follows: The Senate Bill relative to bilingual ballots in municipal elections in the city of Worcester (Senate, No. 2362),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing bilingual ballots in municipal elections in the city of Worcester".**

**Sent to the House for concurrence.**

The Senate Bill authorizing the board of selectmen of Easton to lease a certain parcel of land (Senate, No. 2272),— **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

*Reports of Committees.*

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

The Senate Bill to create a community hospital capital reserve fund (Senate, No. 2368).

**There being no objection, the rules were suspended, on motion of Ms. Fargo and the bill was read a second time.**

**Pending the question on ordering the bill to a third reading, on motion of Mr. Tisei, the bill was referred to the committee on Ways and Means.**

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

The Senate Bill relative to reckless endangerment (Senate, No. 1143).

**There being no objection, the rules were suspended, on motion of Ms. Chandler, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to reckless endangerment of a disabled person”. Sent to the House for concurrence.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to health care access (House, No. 4310),— ought to pass, with an amendment in section 1, in proposed section 16O of chapter 6A, by striking out subsection (b) and inserting in place thereof the following subsection:—

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

In section 3A, by striking out the words “would fail to qualify” and inserting in place thereof the following words:— “last qualified”;

By inserting after section 4 the following section:—

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

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

By inserting after section 6 the following section:—

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

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

By inserting after section 15 the following section:—

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

In section 26A, by striking out the words “would fail to qualify” and inserting in place thereof the following words:— “last qualified”;

In section 26B, by striking out the words “would fail to qualify” and inserting in place thereof the following words:— “last qualified”;

By striking out section 26C to 26E, inclusive, and inserting in place thereof the following 6 sections:—

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

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

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

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

chapter 58 of the acts of 2000.

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

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

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

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

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

By striking out section 28A; and

By striking out section 29, and inserting in place thereof the following section:—

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

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

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

**Sent to the House for concurrence in the amendment.**

#### *Petitions.*

On motion of Ms. Wilkerson, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Brewer, (accompanied by bill) of Stephen M. Brewer and Anne M. Gobi for legislation to authorize the Massachusetts Highway Department to grant certain easements in the town of Petersham,— **and the same was referred to the committee on Transportation.**

On motion of Ms. Fargo, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Joyce (accompanied by bill) of Brian A. Joyce, Bruce J. Ayers, Joseph R. Driscoll and Walter F. Timilty for legislation relative to the Randolph Public Library,— **and the same was referred to the committee on Tourism, Arts and Cultural Development. Severally sent to the House for concurrence.**

#### *Order Adopted.*

On motion of Ms. Chandler,—

*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.

#### *Adjournment in Honor of the World Champion Boston Red Sox.*

The Senator from Middlesex and Essex, Mr. Tisei, requested that when the Senate adjourns today, it do so in honor of the World Champion Boston Red Sox.

We join today with the city of Boston, the state of Massachusetts and all of Red Sox Nation in honoring their accomplishment, congratulating them on a tremendous season which culminated Sunday night with a well-deserved championship.

The Red Sox, throughout the season, have displayed excellence, a driven work ethic, and a love for the game that is unmatched in all of baseball.

Congratulations to the Boston Red Sox on the 2007 World Championship.

Accordingly, in honor of the World Champion Boston Red Sox, at twelve minutes past one o'clock P.M., on motion of Mr. Tisei, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.

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