

## JOURNAL OF THE HOUSE.

Friday, October 1, 2010.

Met according to adjournment at ten o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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.

### *Communication.*

A communication from the Department of Public Health submitting an action plan response to regulatory violations cited during an inspection of the Hampden County Sheriff's Department and Correctional Center located in the town of Ludlow, was placed on file. Hampden County Sheriff's Department.

### *Annual Reports.*

#### Annual reports

Of the Department of Developmental Standards (under section 4 of Chapter 547 of the Acts of 1991) on the activities of the Belchertown Carousel Trust Fund for fiscal year 2010; Belchertown Carousel Trust Fund.

Of the Division of Standards (under section 57 of Chapter 98 of the General Laws) relative to work completed by said division for the calendar year 2009; Division of Standards.

Of the Economic Stabilization Trust (under section 14 of Chapter 23D of the General Laws) for fiscal year 2010; Economic Stabilization.

Of the Group Insurance Commission (under section 21 of Chapter 32A of the General Laws) on its vendor quality improvement activities for fiscal year 2010; Group Insurance Commission.

Of Mass Biologics (under section 43(f) of Chapter 75 of the General Laws) of its activities for fiscal year 2010; and Mass Biologics.

Of the Massachusetts Legal Assistance Corporation (under section 10 of Chapter 221A of the General Laws) for fiscal year 2010; Severally were placed on file. Legal Assistance Corporation.

### *Reports of Committees.*

By Ms. Stanley of West Newbury, for the committee on Health Care Financing, on House, No. 2031, an Order relative to authorizing the committee on Health Care Financing to make an investigation and study of a certain House document concerning patient care (House, No. 5034). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently. Patient care,—study.

Subsequently, Mr. Binienda of Worcester, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

Saugus,—  
charter.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill amending the charter in the town of Saugus (House, No. 5007) [Local Approval Received].

Tisbury,—  
water  
supply.

By the same member, for the same committee, on a petition, a Bill relative to Tisbury water supply system (House, No. 5014) [Local Approval Received].

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

*Recesses.*

Recesses.

At one minute after ten o'clock A.M., on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty-six minutes before nine o'clock P.M., the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mrs. Poirier of North Attleborough, until the following Monday at ten o'clock A.M.; and at that time the House was called to order with Mr. Donato in the Chair.

**Monday, October 4, 2010 (at 10:00 o'clock A.M.).**

Pledge of  
allegiance.

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

*Orders of the Day.*

Supplemental  
and deficiency  
appropriations.

The House Bill making appropriations for the fiscal years 2010 and 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5028, amended) was considered, the main question being on passing it to be engrossed.

Mr. Kujawski of Webster then moved to amend it by striking out section 31 and inserting in place thereof the following section:

"SECTION 31. Chapter 176D 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.

'Ambulance services', 1 or more of the services that an ambulance service provider is authorized to render under its ambulance service license.

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

'Insured', an individual entitled to ambulance services benefits under an insurance contract.

'Insurer', a person as defined in section 1 of chapter 176D; a health maintenance organization as defined in section 1 of chapter 176G; a nonprofit hospital service corporation organized under chapter 176A; an organization as defined in section 1 of chapter 176I that participates in a preferred provider arrangement as defined in said section 1 of said chapter 176I; a carrier offering a small group health insurance plan under chapter 176J; a company as defined in section 1 chapter 175; an employee benefit trust; a selfinsurance plan; and a company authorized under section 113A of said chapter 175 to issue a motor vehicle liability policy, as defined in section 34A of chapter 90.

(b) Notwithstanding any general or special law to the contrary, if a municipally owned and operated ambulance service provider provides an ambulance service to an insured but is not an ambulance service provider under contract to the insured's insurer, the insured's insurer shall pay the ambulance service provider directly and promptly for the ambulance service rendered to the insured. The payment shall be made to the municipally owned and operated ambulance service provider: (i) even if the insured's insurance contract prohibits the assignment of benefits thereunder, if the insured executes an assignment of benefits to the ambulance service provider; or (ii) if the insured's insurance contract does not prohibit the assignment of benefits thereunder, but the insured is either incapable or unable as a practical matter to execute the assignment of benefits; or (iii) in connection with an insurance contract that contains a prohibition against such assignment of benefits. A municipally owned and operated ambulance service provider shall not be considered to have been paid for an ambulance service rendered to an insured, if the insurer makes payment for the ambulance service to the insured. A municipally owned and operated ambulance service provider shall have a right of action against an insurer that fails to make a payment to it pursuant to this subsection."

The amendment was rejected.

The bill then was passed to be engrossed. Mr. Pedone of Worcester moved that this vote be reconsidered; and the motion to reconsider was negatived. The bill (House, No. 5028, amended) then was sent to the Senate for concurrence.

*Resolutions.*

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

Resolutions (filed by Messrs. Fallon of Malden and Donato of Medford) recognizing the Northeast Region International Training in Communication on its celebration of Founders Month;

Founders  
Month.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Colton Edward Bauer on earning the Eagle Scout Award;

Colton  
Edward  
Bauer.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Spencer Carlin on earning the Eagle Scout Award;

Spencer  
Carlin.

Resolutions (filed by Mr. Fernandes of Milford) congratulating James Malnati on earning the Eagle Scout Award;

James  
Malnati.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating the World of Wellesley on the occasion of its twentieth anniversary;

World of  
Wellesley.

Resolutions (filed by Messrs. Speliotis of Danvers and Keenan of Salem) recognizing the inclusion of Officer George A. Nowak's name on the Massachusetts Law Enforcement Memorial at the State House;

George A.  
Nowak.

Fay Martin  
Chandler. Resolutions (filed by Ms. Wolf of Cambridge) recognizing Fay Martin Chandler's artistic talents, her commitment to arts education, her public service and support for the Maud Morgan Visual Arts Center; and

Maud Morgan  
Arts Center. Resolutions (filed by Ms. Wolf of Cambridge) congratulating the Maud Morgan Arts Center on the occasion of its grand opening;

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 Ms. Wolf, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Reports of Committees.*

Human  
trafficking. A report of the committees on Rules of the two branches, acting concurrently, that the Senate Bill relating to anti-human trafficking and protection (Senate, No. 2589) ought NOT to pass (under Joint Rule 10), was considered forthwith, under suspension of the rules, on motion of Ms. Wolf of Cambridge.

The House then refused to reject the bill (under Joint Rule 10), and, under suspension of House Rule 32, on further motion of the same member, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, there being no objection, it was recommitted to the committees on Rules, on motion of Mr. Binienda of Worcester.

Subsequently Mr. Binienda, for said committees, reported that the bill ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Arlington,—  
safety  
zones. Report of the committee on Municipalities and Regional Governments, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 4805) of Sean Garballey, Kenneth J. Donnelly and others (by vote of the town) that the town of Arlington be authorized to establish senior citizen safety zones adjacent to certain facilities used by elderly persons in said town;

Sherborn,—  
forest  
land. Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 4898) of David P. Linsky and Richard J. Ross (by vote of the town) for legislation authorizing the town of Sherborn to use certain town forest land for the purpose of constructing, operating, and maintaining a wireless telecommunications facility; and

Shrewsbury,—  
school  
construction  
projects. Report of the same committee, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill House, No. 4899) of Karyn E. Polito and Michael O. Moore (by vote of the town) for legislation authorizing the town of Shrewsbury to create a special for school construction projects.

Under suspension of the rules, in each instance, on a motion of Mrs. Wolf of Cambridge, the reports severally were considered forthwith. Pending the question, in each instance on acceptance of the report, the petitions were recommitted, on motion of Mr. Garballey of Arlington.

By Mr. Spellane of Worcester, for the committee on Public Service, on a recommitted petition, a Bill establishing a sick leave bank for David A. Peets, an employee of the Department of Correction (House, No. 4888). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

David A.  
Peets,—  
sick leave  
bank.

*Emergency Measure.*

The engrossed Bill establishing a sick leave bank for Nanette Maltais, an employee of the Department of Revenue (see House, No. 5018, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Nanette  
Maltais,—  
sick leave  
bank.

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 4 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

Engrossed bills  
Establishing a sick leave bank for Matthew Normandeau an employee of the Bristol County sheriff's office (see House, No. 4926); and

Bills  
enacted.

Establishing a sick leave bank for Imani Smith an employee of the Department of Youth Services (see House, No. 4993); (Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

Senate bills  
Further regulating debt collection (Senate, No. 2557); and  
Relative to the hoisting and machinery law (Senate, No. 2564) (its title having been changed by the committee on Bills in the Third Reading);

Third  
reading  
bills.

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills  
Authorizing the town of Sudbury to enter into a long-term energy-related leases and contracts (House, No. 4718) (its title having been changed by the committee on Bills in the Third Reading);

Third reading  
bills and  
resolve.

Relative to the town of Littleton electric and light department (House, No. 4741); and

Relative to an intermunicipal agreement between the towns of Provincetown and Truro (House, No. 4873); and

The House Resolve providing for an investigation and study by a special commission relative to gender-responsive programming for

criminal justice system involved girls (House, No. 4931, amended) (its title and type of legislation having been changed by the committee on Bills in the Third Reading);

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

*Recess.*

Recess.

At twenty-seven minutes after ten o'clock A.M., on motion of Mr. Kafka of Stoughton (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at eleven minutes before three o'clock P.M., the House was called to order with Mr. Donato in the Chair.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

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At ten minutes before three o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.