

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.

Thursday, October 28, 2010.

Met according to adjournment at eleven o'clock A.M. (Mr. Donnelly in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Donnelly), members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guest.

There being no objection, the Chair (Mr. Donnelly) introduced, in the rear of the Chamber, Mr. Don Heiman, Chief Information and Technology Officer from the Kansas Legislature. Mr. Heiman has served more than 35 years in the Kansas state government, serving for both the executive and legislative branches. Kansas is currently in the midst of a \$300,000,000 revamp of the state capital, including its technology system, which Don is heading. The Senate welcomed him with applause, he signed the guest book and withdrew from the Chamber.

Reports of Committees.

By Mr. Richard T. Moore, for the committee on the Health Care Financing, on Senate, Nos. 31, 39, 42, 73, 77, 78, 311, 316, 318, 328, 451, 457, 469, 470, 523, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 556, 558, 560, 561, 562, 564, 566, 568, 569, 570, 571, 572, 573, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 590, 591, 592, 593, 609, 732, 733, 735, 737, 740, 748, 750, 758, 808, 813, 814, 815, 987, 988, 1038, 1047, 2156, 2176, 2223, 2256, 2298, 2300, 2302, 2303, 2304, 2317, 2351, 2353 and 2354, an Order relative to authorizing the joint committee on Health Care Financing to make an investigation and study of certain current Senate documents relative to the health care finance (Senate, No. 2643);

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. McGee, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Francis Bedard, an employee of the Department of Corrections (Senate, No. 2640); and

By the same Senator, for the same committee, on petition, a Bill establishing a sick leave bank for Frank J. Servello, an employee of the executive office of public safety and security (Senate, No. 2641);

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

By Mr. Eldridge, for the committee on Municipalities and Regional Government, on the recommitted petition, a Bill relative to a parcel of land in Taunton (Senate, No. 2092) [Local approval received];

By the same Senator, for the same committee, on the recommitted petition, a Bill providing for the establishment of a fire department in the town of Newbury (Senate, No. 2516) [Local approval received]; and

By the same Senator, for the same committee, on the recommitted petition, a Bill establishing a sewer construction fund for the town of Barnstable (Senate, No. 2603) [Local approval received];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE

Communications were severally referred, in concurrence, as follows:

A communication (accompanied by bill, House, No. 5057) from the Board of Trustees of the Health Care Security Trust (under the provisions of section 4(a) of Chapter 29D of the General Laws) submitting amendments to the Operating Trust Agreement of said board;

To the committee on Health Care Financing.

A communication (accompanied by bill, House, No. 5058) from the Public Employee Retirement Administration (under the provisions of section 50 of Chapter 7 of the General Laws) submitting rules and regulations governing retirement of public employees in the Commonwealth;

To the committee on Public Service.

A petition (accompanied by bill, House, No. 5056) of Carol P. Basile and Anthony W. Petrucci (with the approval of the mayor and city council) for legislation that the Licensing Board for the city of Boston be authorized to issue certain licenses for the sale of alcoholic beverages at Logan Airport located in said city,-- **was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.**

A Bill establishing a sick leave bank for Nannette Bradley, an employee of the Department of Children and Families (House, No. 5047,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Relative to the position of police chief in the town of Belmont (House, No. 4416,-- on petition) [Local approval received]; and Relative to the room occupancy excise tax in the town of Provincetown (House, No. 4653,-- on petition) [Local approval received];

Were severally 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 Ms. Chang-Diaz) "honoring the service of Gerry Wright."

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered forthwith:

The House Bill relative to the Town of Littleton Electric Light Department (House, No. 4741),-- **was read a second time.**

Pending the question on ordering the bill to a third reading, Mr. Eldridge presented an amendment striking out section 1 and inserting in place thereof the following section:-

"SECTION 1. Notwithstanding section 129C of chapter 149 of the General Laws, lineworkers employed by the town of Littleton electric light department and other qualified persons, as determined by the department, may work on live wires, electrical equipment or other energized conductors up to 25,000 volts phase-to-phase or 14,400 volts phase-to-ground directly with rubber gloves, when de-energizing is not feasible and only when following the applicable provisions of the most recent American Public Power Association Safety Manual, concerning proper safe work practices, personal protective equipment and clothing."

The amendment was adopted.

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.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Elise Lachance, an employee of the Department of Correction (House, No. 4710),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Motion To Take a Matter Out of the Orders of the Day.

The Chair (Mr. Donnelly) asked unanimous consent to take the engrossed Bill relative to comprehensive siting reform for land based wind projects (see House, No. 4955) out of the Orders of the Day for consideration,-- **but objection was made thereto by Mr. Tarr.**

The engrossed bill was returned to the Orders of the Day for the next session.

PAPERS FROM THE HOUSE

A joint petition (accompanied by bill, House, No. 5061) of Jay R. Kaufman, James B. Eldridge and Danielle W. Gregoire for legislation to designate a certain courtroom in the district courthouse in the city of Marlborough in honor of Jonathan Brant,-- was referred, in concurrence, under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Engrossed Bill.

An engrossed Bill relative to quarterly tax billing in the town of Belmont (see House, No. 4901) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Donnelly) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,--

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

Adjournment in Memory of Priscilla M. "Rose" Cellucci

The Senator from Middlesex and Essex, Mr. Tisei, the Senator from Essex and Middlesex, Mr. Tarr, the Senator from Hampden and Hampshire, Mr. Knapik, the Senator from Plymouth and Norfolk, Mr. Hedlund and the Senator from Norfolk, Bristol and Middlesex, Mr. Ross requested that when the Senate adjourns today, it adjourn in memory of Priscilla M. "Rose" Cellucci of Hudson, mother of former Governor Argeo Paul Cellucci.

A lifelong resident of Hudson, Mrs. Cellucci passed away on October 20 at the age of 83, at UMass Memorial Healthcare in Worcester, surrounded by her loving family.

Born and raised in Hudson, Mrs. Cellucci was a graduate of Hudson High School and was always active in her community. She was a member of Saint Michael's Parish in Hudson and was married for 56 years to the late Argeo Junior R. Cellucci, who died in 2003.

Mrs. Cellucci is survived by her three children, former Massachusetts Governor Argeo Paul Cellucci and his wife Janet of Hudson; Peter J. Cellucci and his wife Barbara of Clinton; and Roseann C. Canny and her husband Brian of Coventry, Connecticut. She is also survived by her step-brother, Donald Kadlik of Hudson; her six grandchildren, Kate G. Cellucci, Jennifer L. Cellucci, Daniel P. Canny, Anne Cellucci-Adams, Michael Cellucci, a Warrant Officer in the U.S. Army currently serving in Afghanistan, and Jillian Cellucci; and her eight great-grandchildren, Tristan M. Cellucci, Dustin P. Hart, Dakota Hart, Desiree Hart, Rhys Adams, Francesca Adams, Thomas Johnson and Gabriel Westberg.

Accordingly, as a mark of respect to the memory of Priscilla M. "Rose" Cellucci, at twenty-five minutes past eleven o'clock A.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.