

**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.

*Monday, March 16, 2009.*

Met at eleven o'clock A.M. (Mr. Tolman in the Chair).

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

#### *Committees Discharged.*

Mr. Kennedy, for the committee on Election Laws, reported, asking to be discharged from further consideration Of the petition (accompanied by bill, Senate, No. 346) of James B. Eldridge, Denise Provost, Matthew C. Patrick, Susan C. Tucker and other members of the General Court for legislation relative to fundraising receptions during budget deliberations; Of the petition (accompanied by bill, Senate, No. 347) of James B. Eldridge, Steven J. D'Amico, Matthew C. Patrick, Denise Provost and other members of the General Court for legislation to restore public confidence in government by eliminating "pay-to-play" opportunities; and

Ms. Creem, for the committee on the Judiciary, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1833) of Richard R. Tisei for legislation to establish criminal penalties for illegal lobbying; **And recommending that the same severally be referred to the committee on State Administration and Regulatory Oversight.**

**Under Senate Rule 36, the reports were severally considered forthwith and accepted.  
Severally sent to the House for concurrence.**

#### **PAPER FROM THE HOUSE.**

Notice was received from the House announcing the following appointment:

That the Minority Leader of the House of Representatives (under the provisions of Section 9 of Chapter 111L of the General Laws) has appointed Dr. Vito R. S. Cardone of Lynnfield to the Biomedical Research Advisory Council.

#### *Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Ms. Murray) "urging the members of the Senate to participate in 2009 Observance of Earth Hour 2009"; Resolutions (filed by Mr. Pacheco) "congratulating Lucas Edward Ivaldi on his Eagle Scout Award"; Resolutions (filed by Ms. Spilka, Mr. Brewer, Ms. Fargo, Ms. Jehlen, Messrs. Montigny, Moore, O'Leary and Tolman and Ms. Tucker) "congratulating the Massachusetts Veterinary Medical Association for the 125 years of the commitment to animal health and public health in the Commonwealth"; and Resolutions (filed by Ms. Tucker) "recognizing the Dracut High School "Middies" Football Team as the Massachusetts Interscholastic Athletic Association Division 1A Super Bowl Champions."

#### *Order Adopted.*

On motion of Mr. Brown,—

*Ordered*, That when the Senate adjourns today, it adjourn to meet again Thursday next at eleven o'clock A.M.

*Adjournment in Memory of Richard Berkenbush.*

The Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it adjourn in memory of Richard Berkenbush. Richard Berkenbush was born in Ben Avon, Pennsylvania, in 1924, and moved to West Newbury at the age of six months, where he lived for the rest of his life. He attended public school in West Newbury, graduating from Pentucket Regional High School. After graduating, he served in the Army Air Corps during World War II, and left the service in October 1945 with an honorable discharge and the rank of Sergeant. Upon returning from overseas, Richard Berkenbush joined the West Newbury Fire Department, where he would remain for the next 46 years. In 1954, he was appointed Chief of the Fire Department, and held that position until his retirement in 1991. From 1981 to 1991, he also served as the Chief of the West Newbury Police Department. Upon retirement from these posts, he became a West Newbury Selectman for 10 years, finally retiring in 2001. Chief Berkenbush served his community in every way possible. He sat on the Planning Board, the Capital Improvement Board, the Building Committee, the Regional School Agreement Committee, the Housing Authority, and many, many others. He was a founder of the Essex County Fire Chiefs Association, and, just to show that his genius was not limited to government, a 12-year-old Dickie Berkenbush suggested a key plot point to the children's classic Mike Mulligan and his Steam Shovel. On Wednesday, March 4, 2009, Chief Berkenbush passed away. He is survived by his wife, Susan; his brother, Kenneth; his sister, Hazel; his children, Sandra and Scott; three grandchildren, Erica, Betsy, and Katherine; and his step-children, David, Christopher, Elizabeth, Ellen, John, and Emily. Chief Berkenbush was the ideal community leader: selfless and willing to do whatever he could for West Newbury. His death leaves a void that will not easily be filled.

Accordingly, as a mark of respect to the memory of Richard Berkenbush, at ten minutes past eleven o'clock A.M., on motion of Mr. Brown, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.