

**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.

Wednesday, July 27, 2011.

Met at seven minutes past eleven o'clock A.M. (Mr. Petrucci 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. Petrucci), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Petitions.*

Petitions were severally presented and referred, as follows:

By Mr. Finegold, a petition (accompanied by bill, Senate No. 1983) of Barry R. Finegold (with the approval of the mayor and city council) for legislation to protect certain housing stock in the city of Lawrence [Local approval received];

**Under Senate Rule 20, to the committee on Housing.**

By Ms. Chandler, a petition (accompanied by bill, Senate No. 1984) of Harriette L. Chandler and Kimberly Ferguson (by vote of the town) for legislation relative to the charter of the town of Holden [Local approval received];

**Under Senate Rule 20, to the committee on Municipalities and Regional Government**

**Severally sent to the House for concurrence.**

#### *Reports of Committees.*

By Ms. Clark, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Michelle Chandler, an employee of the Executive Office of Health and Human Services (Senate, No. 1968);

**Read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Ms. Candaras, for the committee on Revenue, on petition, a Bill relative to increase in the exemption for residential real property in the city of Malden from 20 per cent to 30 per cent (Senate, No. 1895) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill validating a certain vote taken by the town of Tewksbury (Senate, No. 1909) [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

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3620) of Michael A. Costello and Steven A. Baddour (with the approval of the mayor and city council) relative to validating the terms of office of at the election to be held in the current year in the city known as the town of Amesbury;

Petition (accompanied by bill, House, No. 3621) of Michael A. Costello and Steven A. Baddour (with the approval of the mayor and city council) that the city known as the town of Amesbury be authorized to place on the ballot in the current year a certain

question relative to the charter of said city; and

Petition (accompanied by bill, House, No. 3622) of Michael A. Costello and Steven A. Baddour (with the approval of the mayor and city council) that the city known as the town of Amesbury be authorized to place on the ballot in the current year a question of fluoridation of the public water supply in said city;

Severally to the committee on Election Laws.

Petition (accompanied by bill, House, No. 3623) of Peter V. Kocot and Benjamin B. Downing (by vote of the town) for legislation to validate certain acts and proceedings taken at a town caucus in the town of Westhampton;

**To the committee on Municipalities and Regional Government.**

A Bill designating a certain bridge in the town of Bolton as the Harold E. Brown, Jr. Memorial Bridge (House, No. 1791,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

A Bill relative to the acceptance of streets as public ways in the city of Woburn (House, No. 912,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

#### *Reports*

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1155) of George N. Peterson, Jr. for legislation establishing a special renewable energy investment commission,-- **and recommending that the same be referred to the committee on Telecommunications, Utilities and Energy;**

Of the committee on Financial Services, asking to be discharged from further consideration:

Of the petition (accompanied by bill, House, No. 1218) of Walter F. Timilty relative to group health insurance for dependent children of deceased members or subscribers,-- **and recommending that the same be referred to the committee on Public Service;**

Of the petition (accompanied by bill, House, No. 2039) of Garrett J. Bradley relative to the liability of certain non-profit corporations,-- **and recommending that the same be referred to the committee on Health Care Financing;**

Of the petition (accompanied by bill, House, No. 2062) of Bradley H. Jones relative to furthering community preservation,-- **and recommending that the same be referred to the committee on Municipalities and Regional Government;** and

Of the petition (accompanied by bill, House, No. 2774) of Angelo M. Scaccia and William F. Galvin relative to business corporations,-- **and recommending that the same be referred to the committee on State Administration and Regulatory Oversight;**

**Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

#### *Resolutions.*

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

Resolutions (filed by Mr. Timilty) "congratulating Richard Desorgher on his retirement from the Medfield Public School System"; and

Resolutions (filed by Mr. Wolf) "honoring Robert L. Grant on the occasion of his retirement."

#### *Reports of Committees.*

Mr. Berry, 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 House Bill relative to unclaimed property in the Commonwealth (House, No. 2043).

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

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill authorizing the sale of land by the Wakefield Housing Authority (Senate, No. 585),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1986).**

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

**The bill (Senate, No. 1986) was then ordered to a third reading.**

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill providing access to forensic and scientific analysis (Senate, No. 753),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1987).**

**There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.  
The bill (Senate, No. 1987) was then ordered to a third reading.**

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill establishing a sewer construction fund for the town of Barnstable (Senate, No. 1065),-- **ought to pass, with an amendment striking out, in line 7, the words “section two A of chapter sixty-four L” and inserting in place thereof the following words “section 2 of chapter 64L”.**  
**There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.  
The bill (Senate, No. 1065, amended) was then ordered to a third reading.**

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to an exclusive and perpetual easement within Monroe State Forest (Senate, No. 1899, changed),-- **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 1988).**  
**There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.  
The bill (Senate, No. 1988) was then ordered to a third reading.**

#### PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3636) of David Paul Linsky, Michael O. Moore, Carolyn C. Dykema and others for legislation to establish a penalty for parents, legal guardians or caretakers failing to report the death of a minor child;  
**Under suspension of Joint Rule 12, to the committee on the Judiciary.**

Petition (accompanied by bill, House, No. 3637) of Paul W. Mark for legislation to designate a portion of Route 9 as the Marine Corps League Highway; and

Petition (accompanied by bill, House, No. 3638) of Paul W. Mark and Benjamin B. Downing for legislation relative to designating a certain bridge in the town of Dalton as the 2nd Lt. Michael J. Casey, Sr. Memorial Bridge;  
**Severally, under suspension of Joint Rule 12, to the committee on Transportation.**

#### *Emergency Preambles Adopted.*

An engrossed Bill authorizing the conveyance of a certain parcel of land by the county of Nantucket (see House, No. 568, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.  
The bill was signed by the Acting President (Mr. Petruccelli) and sent to the House for enactment.**

An engrossed Bill relative to the adult day health program (House, No. 3579, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.  
The bill was signed by the Acting President (Mr. Petruccelli) and sent to the House for enactment.**

#### *Engrossed Bill.*

An engrossed Bill authorizing the board of selectmen of the town of Clinton to delegate certain powers to the town administrator (see House, No. 2330) (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. Petruccelli) and laid before the Governor for his approbation.

#### *Report of a Committee.*

By Mr. Brewer, for the committee on Ways and Means, that the Senate Bill relative to dam repair, removal, and replacement (Senate, No. 367),-- **ought to pass, with an amendment substituting a new draft entitled “An Act further regulating dam safety, repair and removal” (Senate, No. 1985).**

**There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.  
The bill (Senate, No. 1985) was then ordered to a third reading.**

#### *Recess.*

There being no objection, at twenty-three minutes past eleven o'clock A.M. the Chair (Mr. Petruccelli) declared a recess, subject to the call of the Chair; and, at two minutes before four o'clock P.M., the Senate reassembled, Mr. Petruccelli in the Chair.

*Report of a Committee.*

Mr. Berry, 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 House Bill reforming alimony in the Commonwealth (House, No. 3617, amended) (the committee on Ethics and Rules recommending that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1989).

**There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ethics and Rules.**

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

**PAPERS FROM THE HOUSE**

The Senate Bill relative to economic development in the North Point area of the city of Cambridge (Senate, No. 1955, amended), - **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3626, amended.**

**The rules were suspended, on motion of Mr. Hedlund, and the House amendment was considered forthwith and adopted, in concurrence.**

*Engrossed Bills.*

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Petruccelli) and laid before the Governor for his approbation, to wit:

Authorizing the conveyance of a certain parcel of land by the county of Nantucket (see House, No. 568, amended); and Relative to unclaimed property in the Commonwealth (see House, No. 2043).

An engrossed Bill relative to the adult day health program (see House, No. 3579, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and signed by the Acting President (Mr. Petruccelli) and again laid before the Governor for his approbation.

*Order Adopted.*

On motion of Mr. Hedlund,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session with a calendar.

*Moment of Silence.*

At the request of the Chair (Mr. Petruccelli), the members, guests and employees stood in a moment of silence and reflection to the memory of former Senator John Hitchcock Fitzpatrick.

*Adjournment in Memory of John "Jack" Hitchcock Fitzpatrick*

The Senator from Berkshire, Hampden and Franklin, Mr. Downing, moved that when the Senate adjourns today it adjourn in memory of former Senator John "Jack" Hitchcock Fitzpatrick.

Born in Quincy in 1923, Jack spent his young life in Europe, returning to the States as a teenager. After high school and a year at Williams College, he served three years in the 102nd Infantry Division of the United States Army, receiving a Bronze Star in 1945. After the war, Jack attended Middlebury College and received a law degree from Boston University in 1951. After relocating to the Berkshires, together, he and his wife Jane founded the still successful business ventures Country Curtains and The Red Lion Inn in Stockbridge, and later renovated Lenox's historic Blantyre Inn.

Jack was a diehard Republican and a passionate advocate for two-party government in Boston. He won a special election to the Massachusetts Senate in 1973, serving the First District until 1980. Senator Fitzpatrick served on the Senate Ways and Means Committee and the Committees on Commerce and Labor, Natural Resources, and Public Service and Social Welfare. In 1974, he was chosen as one of four Legislators of the Year by the Massachusetts League of Cities and Towns.

Jack was a respected community leader in Berkshire County, and widely recognized for his generous philanthropic support of various cultural and nonprofit institutions. He founded skiing and skating programs for young people in Stockbridge, received a Community Service Award from The Laurel Hill Association of Stockbridge, served as past president of the Stockbridge Golf Club, and a Corporator of the Trustees of Reservations. In August 2010 the Town of Stockbridge named the town green adjacent to The Red Lion Inn for Jane and Jack Fitzpatrick. Senator Fitzpatrick received many citations from the Commonwealth, including the Golden Dome Citation for distinguished service. He also received honorary doctorates from North Adams State College, Green Mountain College, and Westfield State University.

The Fitzpatricks are responsible for creating hundreds of jobs in Berkshire County, as well as in their 26 Country Curtains stores in 13 states, and at curtain factories in both Massachusetts and Connecticut. Jack felt enormous affection for and gratitude toward the employees who were partners in his success and was the beloved patriarch of a large extended family. Jack Fitzpatrick was a passionate and involved citizen of the Berkshires for over 50 years. He died peacefully at home on July 23, 2011 at the age of 88.

Accordingly, as a mark of respect to the memory of John "Jack" Hitchcock Fitzpatrick, at nine minutes past four o'clock P.M., on motion of Mr. Hedlund, the Senate adjourned to meet again tomorrow at one o'clock P.M.