

JOURNAL OF THE HOUSE.

Thursday, January 13, 2005.

Met at eighteen minutes before seven o'clock P.M.

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Eternal God, we live every moment of the day in Your presence. In Your goodness inspire us to recognize and utilize Your always available assistance in our daily task of serving You and the people who depend upon our thoughtful and honorable decisions. This weekend we observe and celebrate the birthday of Reverend Martin Luther King, Jr., a dedicated clergyman and courageous champion of civil and human rights. His vision and untiring efforts enables us to live today in a country in which each person's civil and human rights, from the youngest child to the most adult senior, are respected and acknowledged. May his dedication to spiritual values, to personal freedom, personal equality and personal concern for all members of the one human family, Your family, remain firmly implanted in our culture and society.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resignation of Representative Larkin of Pittsfield.

The following communication, received by the Clerk from the office of the Speaker, on Wednesday, January 12, 2005, was read for the information of the House; and placed on file.

January 12, 2005.

The Honorable Salvatore F. DiMasi
Speaker
Massachusetts House of Representatives
State House, Room 356
Boston, MA 02133

Dear Speaker DiMasi:

Resignation of
Representative
Peter J.
Larkin of
Pittsfield.

I am writing this letter to respectfully submit to you my resignation from the position of State Representative from the Third Berkshire District as of the close of business on Wednesday, January 12, 2005. I will be pursuing a new line of work as the Senior Vice-President of Government Relations at ML Strategies in Boston beginning next week.

I wish you the best of luck as you continue your term as Speaker during the 2005-2006 Biennium and beyond. It has been a pleasure to work with you during the past 14 years and I hope you have con-

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tinued success as you lead the Massachusetts House of Representatives in the 21st century.

Sincerely,

PETER J. LARKIN
State Representative
Third Berkshire District.

Minority Leaders.

A communication from the Dean of the Republican Caucus, Representative Rogeness of Longmeadow, stating that said caucus had elected Representative Jones of North Reading as Minority Leader for the 2005-2006 Legislative Session, was placed on file.

Minority
Leader.

Subsequently, under the provisions of Rule 18, Representative Jones of North Reading, announced that the Republican Party caucus had ratified the following appointments, effective January 5, 2005:

Representative Rogeness of Longmeadow, Assistant Minority Floor Leader; Representative Peterson of Grafton, Second Assistant Minority Floor Leader; and Representative Lepper of Attleboro, Third Assistant Minority Floor Leader.

Assistant
Minority
Leaders.

There being no objection, at five minutes before seven o'clock P.M., the two branches met in

JOINT SESSION

in the Chamber of the House of Representatives, for the purpose of receiving such communication as His Excellency Mitt Romney, Governor of the Commonwealth, may be pleased to make relative to the concerns of the Commonwealth; and were called to order by the Honorable Stanley C. Rosenberg, Acting President.

Joint
Session.

Order Adopted.

On motion of Ms. Walsh,—

Ordered, That a committee be appointed to consist of members of the Senate and House of Representatives to wait upon Her Honor the Lieutenant-Governor and inform her that the two branches are now in Convention and request the honor of her presence.

Presence of the
Lieutenant-
Governor.

Senators Chandler, Tarr, Hart, Augustus, McGee and Nuciforo were appointed on the part of the Senate; and Representatives Peterson of Grafton, Pope of Wayland, Petrolati of Ludlow, O'Flaherty of Chelsea, Tobin of Quincy, Donato of Medford, Bosley of North Adams, Festa of Melrose and Fennell of Lynn.

Subsequently, Ms. Chandler, for the committee, reported that Her Honor the Lieutenant-Governor, Kerry Healey, would immediately attend upon the convention.

Shortly thereafter, Her Honor the Lieutenant-Governor, Kerry Healey and the Major General George W. Keefe, Adjutant General, entered the Chamber under the escort of the Sergeant-at-Arms.

*Pledge of Allegiance.*Pledge of
allegiance.

The Speaker, having taken the Chair, introduced Brittany, Courtney and Robbie Bergquist of Norwell, who led the Constitutional Officers, members of the Convention, guests and staff in the pledge of allegiance to the flag.

Prayer.

Mr. Rosenberg in the Chair, then introduced Rabbi William Hamilton of Congregation Kehillath Israel in Brookline, who delivered the following Invocation:

Invocation.

In a few days, our Nation will elevate the memory of the late Rev. Dr. Martin Luther King Jr. I wish to briefly recall a memory and a message that Dr. King delivered about a month before his death, at Ebenezer Baptist Church in Atlanta. For three generations, his family had been entwined with this particular house of worship. He joined when he was five, and was ordained there at nineteen. Both his father and grandfather had been pastors. The sermon he delivered that morning, at the same podium from which he'd delivered his *first* sermon and would deliver his *last*, was about King David's ambition to build a great Temple.

Dr. King read what he described as "not one of the most familiar passages from the Hebrew Bible. The passage from the eighth chapter of First Kings reads: "And it was in the heart of David my father to build a house of the Lord God of Israel. And the Lord said to David my father, Whereas it was in thine heart to build a house unto my name, thou didst well that it was within thine heart."

He then asked the congregation to contemplate the phrase "Thou didst well that it was within thine heart." This was what he really wanted to talk about that morning. His interpretation of the phrase was that God had spoken "as if to say, 'David, you will not be able to finish the temple. You will not be able to build it. But I just want to bless you, because it was within thine heart'."

Dr. King went on to catalog leaders from Gandhi to Woodrow Wilson to the apostle Paul, all of whom had not lived to see the fulfillment of their dreams. Slowly but powerfully, he continued: "So many of us in life start out building temples: temples of character, temples of justice, temples of peace. And so often we don't finish them. Because life is like Schubert's Unfinished Symphony. At so many points we start, we try, we set out to build, And I guess one of the great *agonies of life* is that we are constantly trying to finish that which is unfinishable . . .

"Well, that is the story of life," Dr. King concluded. "And the *thing* that *makes* me *happy*, is that I can hear a voice crying through the vista of time saying, "It may not come today. It may not come tomorrow. But it is well that it is within thine heart. It's well that you are trying. You may not see it. The dream may not be fulfilled, but it is good that you have a desire to bring it into reality. It's well that it is within thine heart."

Tonight is an historic night because like Dr. King, like King David, we stand on the shoulders of our forebearers, leaders of this great Commonwealth, poised to shape a legacy for future genera-

tions. Today's challenges and obligations are global and local. The response to the Tsunami of 2004 features an unprecedented global gathering of *glowing humanity* a cosmic outpouring of *life-giving resources*, that now hovers over the deadly new topography *rimming* the Indian Ocean. Closer to home, we are *keenly mindful* of gathering threats to human dignity and security. Tonight is for pause, for focus, and *for resolve* to meet our obligations — *even* to surpass them.

Ever-living, ever-loving God, we ask your blessings on Governor Mitt Romney, Lt. Governor Kerry Healy, members of the Governor's Cabinet, Senators, Legislators, and all who exercise just and rightful authority. Enlarge their vision so that they may continue to guide us in wisdom, with resolute hearts and willing hands, thus making our Commonwealth a mighty force for righteousness. Fashion Thou our hearts *anew* and *bend our will* to Thy purpose, so that the festering vices of malice and greed, fear and ignorance, avarice and violence weaken and dominion is granted to 'doing what is just', 'loving what is merciful', and to 'walking humbly with Thee.' May we find favor before Thee, God, so that we may, in our *quiet moments*, detect an echo of Thy divine reassurance crying through the vista of time, intoning "Thou didst well that it was within thine heart." All this we pray in your Holy Name, and we say Amen.

Order Adopted.

On motion of Ms. Walsh,—

Ordered, That a committee be appointed to consist of members of the Senate and the House of Representatives to wait upon His Excellency the Governor and inform him that the two branches are now in Convention for the purpose of receiving such communication as he may be pleased to make to them, relating to the concerns of the Commonwealth.

Committee to
inform the
Governor.

Senators Walsh, Pacheco, Hedlund, Knapik, Moore, Tolman, Timilty, Spilka, Joyce, Buoniconti, Montigny and Panagiotakos were appointed on the part of the Senate; and Representatives Petrolati of Ludlow, Paulsen of Belmont, Spellane of Worcester, Nyman of Hanover, Fox of Boston, Flanagan of Leominster, Ross of Wrentham, Smola of Palmer, Scaccia of Boston, Golden of Lowell and Walsh of Lynn.

Subsequently, Ms. Walsh, for the committee, reported that His Excellency the Governor, Mitt Romney, would immediately attend upon the convention.

Mr. Rosenberg, having returned to the Chair, then introduced Lieutenant-Governor Kerry Healy, who then introduced Major General George W. Keefe, The Adjutant General who introduced the United States Air Force Band.

After a short musical performance by the United States Air Force's Band of Liberty, His Excellency the Governor, Mitt Romney, and Major General George W. Keefe, The Adjutant

General entered the Chamber under the escort of the Sergeant-at-Arms.

Address upon
the concerns of
the Common-
wealth.

Mr. Rosenberg then introduced His Excellency the Governor, Mitt Romney, who thereupon addressed the Convention relative to the concerns of the Commonwealth (Senate, No. 1).

Mr. Rosenberg in the Chair, then requested that Lieutenant-Governor Healey take the rostrum. The Lieutenant-Governor then introduced Rene Rencourt who gave a rendition of *God Bless America*.

The Speaker in the Chair, then introduced the Reverend Augustin Anda-Gomez, who gave the following Benediction:

His Excellency Sean Patrick O'Malley, the Archbishop of Boston sends his Blessing on Governor Romney and all the citizens of the Commonwealth of Massachusetts.

Let us pray, God of power and might, wisdom and justice, through You, authority is rightly administrated, laws are enacted, and judgement is decreed.

Assist with Your spirit of counsel and fortitude Governor Romney, that his administration may be conducted in righteousness. May he encourage due respect for virtue and religion, May he execute the laws with justice and compassion, May he seek to restrain crime, vice, addictions and immorality.

We pray to You almighty God for our legislators in both the Senate and the House of Representatives, our Constitutional Officers, the members of our Judiciary and all men and women who are entrusted to guard our political welfare. May they be enabled by Your powerful protection to discharge their duties with honesty and ability.

We likewise commend to Your unbounded mercy all the citizens of the Commonwealth of Massachusetts, that we may be blessed in the knowledge and sanctified in the observance of Your law. May we be preserved in union and peace.

Te pedimos todo esto en tu nombre, Senor, porque tuyo es el Reino, el Poder y la Gloria por los siglos de los siglos.

All this we ask in Your name, Lord, for Yours is the kingdom, the power and the glory now and forever. Amen.

Mr. Rosenberg in the Chair, His Excellency the Governor, Mitt Romney, Her Honor Kerry Healey, the Lieutenant-Governor then withdrew from the Chamber under the escort of the Sergeant-at-Arms.

At eight o'clock P.M., on motion of Mr. Lees, the Convention was dissolved.

Resolutions.

Resolutions (filed with the Clerk) were considered, on motion of Mr. Tobin of Quincy, and they were adopted as follows:

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating fighter/EMT Barry A. Pina on receiving the Executive Office Public Safety's Outstanding Community Service Award; and

Barry A.
Pina.

Resolutions (filed by Messrs. Kafka of Stoughton, Coughlin of Dedham and Rogers of Norwood) congratulating Michael Robert Kerr of Walpole on earning the Rank of Eagle Scout.

Michael Robert
Kerr.

Order.

The following order (filed this day with the Clerk by Mr. Tobin of Quincy) was considered forthwith, under suspension of the rules, on motion of Mr. Scaccia of Boston, as follows:

Ordered, That the precept to be issued by the Speaker, under the provisions of Section 141 of Chapter 54 of the General Laws, appointing a time for the election to fill the vacancy existing in the office of Representative in the General Court from the Third Berkshire District shall designate, Tuesday, April 12, 2005, as the time ordered by the House of Representatives for said election.

Third Berkshire
Representative
District,
time for
election to
fill vacancy.

The order was adopted.

Papers from the Senate.

The following notice was received from the Clerk of the Senate, to wit:

January 13, 2005.

The Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Senate President has announced the appointment of Senators Richard T. Moore and Robert S. Creedon, Jr., to the Special Commission and Task Force (established by sections 329 and 330 of Chapter 149 of the Acts of 2004) relative to medical malpractice, effective January 7, 2005.

Medical
Malpractice
Commission.

I also have the honor to inform you that Michael D. Hurley of South Boston has been appointed Assistant Senate Clerk.

Assistant
Senate Clerk.

Respectfully,

WILLIAM F. WELCH,
Clerk of the Senate.

The following notice was received from the Clerk of the Senate, to wit:

January 13, 2005.

The Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Temporary
Joint Rules
Committee.

Dear Mr. Speaker:

I have the honor to inform you that the Senate President has announced the temporary appointments of Senators Berry, Havern, Menard, Rosenberg and Walsh to the committees on Rules of the two branches, acting concurrently I also have the honor to inform you the Honorable Brian P. Lees, Senate Minority Leader has appointed Senators Lees and Tisei to the committees on Rules of the two branches, acting concurrently.

Respectfully,

WILLIAM F. WELCH,
Clerk of the Senate.

Vanessa Scott-
Brown, sick
leave bank.

A petition of Dianne Wilkerson for legislation to establish a sick leave bank for Vanessa Scott-Brown, an employee of the Supreme Judicial Court, came from the Senate referred, under suspension of Joint Rule 12, to the committees on Rules of the two branches, acting concurrently.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 18) was referred, in concurrence, to the committees on Rules of the two branches, acting concurrently.

Order.

On motion of Mr. Scaccia of Boston,—

Next
sitting.

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

Ms. Fox of Boston then moved that as a mark of respect to the memory of George A. Johnson, a member of the House from Boston in 1970 the House adjourn; and the motion prevailed.

Accordingly, at twelve minutes after eight o'clock P.M., on motion of the same member, the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.