

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.



At a General Court of the Commonwealth of Massachusetts, begun and holden at Boston on the first Wednesday, being the sixth day of January, in the year one thousand nine hundred and ninety-nine, and the two hundred and twenty-third of the independence of the United States of America, and the one hundred and eighty-first General Court of the Commonwealth, the following named members-elect of the Senate, having been duly summoned by the Executive, assembled at eleven o'clock A.M., in the Senate Chamber, to wit: —

Hon. Andrea F. Nuciforo, Jr., of Pittsfield	in the <i>Berkshire, Hampden, Hampshire and Franklin District.</i>
Hon. Thomas C. Norton of Fall River	in the <i>First Bristol District</i>
Hon. Mark C. Montigny of New Bedford	in the <i>Second Bristol District</i>
Hon. Henri S. Rauschenbach of Brewster	in the <i>Cape and Islands District.</i>
Hon. Edward J. Clancy, Jr., of Lynn	in the <i>First Essex District</i>
Hon. Frederick E. Berry of Peabody	in the <i>Second Essex District</i>
Hon. James P. Jajuga of Methuen	in the <i>Third Essex District</i>
Hon. Bruce E. Tarr of Gloucester	in the <i>First Essex and Middlesex District</i>
Hon. Susan C. Tucker of Andover	in the <i>Second Essex and Middlesex District</i>
Hon. Linda J. Melconian of Springfield	in the <i>Hampden District.</i>
Hon. Brian P. Lees of East Longmeadow	in the <i>First Hampden and Hampshire District</i>
Hon. Michael R. Knapik of Westfield	in the <i>Second Hampden and Hampshire District</i>
Hon. Stanley C. Rosenberg of Amherst	in the <i>Hampshire and Franklin District.</i>
Hon. Steven C. Panagiotakos of Lowell	in the <i>First Middlesex District</i>
Hon. Charles E. Shannon of Winchester	in the <i>Second Middlesex District</i>
Hon. Richard R. Tisei of Wakefield	in the <i>Third Middlesex District</i>
Hon. Robert A. Havern of Arlington	in the <i>Fourth Middlesex District</i>
Hon. Susan C. Fargo of Lincoln	in the <i>Fifth Middlesex District</i>

Hon. Cynthia Stone Creem of Newton	in the First <i>Middlesex and Norfolk District.</i>
Hon. David P. Magnani of Framingham	in the <i>Middlesex, Norfolk and Worcester District.</i>
Hon. Steven A. Tolman of Boston	in the <i>Middlesex and Suffolk District.</i>
Hon. Thomas F. Birmingham of Chelsea	in the <i>Middlesex, Suffolk and Essex District.</i>
Hon. Robert A. Durand of Marlborough	in the <i>Middlesex and Worcester District.</i>
Hon. Cheryl A. Jacques of Needham	in the <i>Norfolk, Bristol and Middlesex District.</i>
Hon. Jo Ann Sprague of Walpole	in the <i>Norfolk, Bristol and Plymouth District.</i>
Hon. Michael W. Morrissey of Quincy	in the <i>Norfolk and Plymouth District.</i>
Hon. Marian Walsh of Boston	in the <i>Norfolk and Suffolk District.</i>
Hon. Therese Murray of Plymouth	in the <i>Plymouth and Barnstable District.</i>
Hon. Marc R. Pacheco of Taunton	in the First <i>Plymouth and Bristol District</i>
Hon. Robert S. Creedon, Jr. of Brockton	in the Second <i>Plymouth and Bristol District</i>
Hon. Robert L. Hedlund of Weymouth	in the <i>Plymouth and Norfolk District.</i>
Hon. Stephen F. Lynch of Boston	in the First <i>Suffolk District</i>
Hon. Dianne Wilkerson of Boston	in the Second <i>Suffolk District</i>
Hon. Robert E. Travaglini of Boston	in the <i>Suffolk and Middlesex District.</i>
Hon. Brian A. Joyce of Milton	in the <i>Suffolk and Norfolk District.</i>
Hon. Robert A. Bernstein of Worcester	in the First <i>Worcester District</i>
Hon. Guy W. Glodis of Worcester	in the Second <i>Worcester District</i>
Hon. Stephen M. Brewer of Barre	in the <i>Worcester, Hampden, Hampshire and Franklin District.</i>
Hon. Robert A. Antonioni of Leominster	in the <i>Worcester and Middlesex District.</i>
Hon. Richard T. Moore of Uxbridge	in the <i>Worcester and Norfolk District.</i>

And were called to order by the Honorable Frederick E. Berry.

The following prayer was offered by Reverend Edward F. Boyle, S.J.:

Ever present, sustaining God, as we open this 181st session of the General Court, we stand before you as men and women of diverse religious traditions, individual talents and perspectives, conscious of our responsibilities and opportunities of this elected office to make the Commonwealth of Massachusetts a better place — a better place not just for the few, or a particular interest or demographic group, but for all of Your children. We recall the vision of the Declaration of Independence that government is instituted to promote, secure the inalienable rights of all to life, liberty and the pursuit of happiness.

We plead now for Your blessings, O God, on us individually and jointly. Guide us, strengthen us, not only with compassionate and wise vision, but with those qualities of mind and heart that will enable us to treat each other with mutual respect and openness in the inevitable ups-and-downs of our working sessions. Help us to be big by grounding us in personal humility, reminding each of us of our finiteness, our limited knowledge and personal experience, so that we will be spurred to collaboratively reach out to one another to jointly fashion legislative programs that will truly make Massachusetts a "better place" for all its citizens.

All these prayers are lifted up in trust in Your providential care in this holy season of Chanukah, Christmas, and Ramadam, as Your daughters and sons.

On motion of Mr. Lynch, the above prayer was ordered printed in the Journal of the Senate.

At the request of Senator-elect Berry, the Senators-elect, guests and employees then recited the pledge of allegiance to the flag.

Orders Adopted.

On motion of Mr. Brewer,—

Ordered, That a committee be appointed by the Chair to wait upon His Honor Argeo Paul Cellucci, the Acting Governor, and the Honorable Council and inform them that a quorum of the Senators-elect have assembled and are ready to be qualified.

Senators-elect Antonioni of Worcester and Middlesex, Walsh of Norfolk and Suffolk, Fargo of Middlesex, Glodis of Worcester, Lynch of Suffolk, Nuciforo of Berkshire, Hampden, Hampshire and Franklin, Sprague of Norfolk, Bristol and Plymouth and Knapik of Hampden and Hampshire were appointed the committee.

Subsequently, Mr. Antonioni, for the said committee, reported that it had waited upon Argeo Paul Cellucci, the Acting Governor, and the Honorable Council, and had conveyed to them the message of the Honorable Senate; and that the Acting Governor had asked him to say that he would be pleased to attend forthwith upon the Honorable Senate, with the Lieutenant Governor-elect Jane M. Swift and the Honorable Council, to administer the oaths of office. The report was accepted and the committee was discharged.

Soon after, Argeo Paul Cellucci, the Acting Governor, the Lieutenant Governor-elect, Jane M. Swift, William F. Galvin, the Secretary of State, A. Joseph DeNucci, the State Auditor and the Honorable Council came in; and the Senators-elect then took and subscribed the oaths of office required by the Constitution and a law of the United States to qualify them for the discharge of their duties as Senators.

The Acting Governor briefly addressed the Senate. After delivering his remarks the Acting Governor, the Lieutenant Governor-elect, the Secretary of State, the State Auditor and the Honorable Council then withdrew from the Chamber.

Order Adopted.

On motion of Mr. Clancy,—

Ordered, That, pursuant to the provisions of Senate Rule 4A, the Senate shall proceed forthwith to the election of a President.

Ms. Melconian placed in nomination for President, Mr. Birmingham of Middlesex, Suffolk and Essex, and she addressed the Senate as follows:

Thank you Mr. President. To my Senate colleagues, their family members, their many friends and invited guests of the Senate, it is my honor and privilege to stand here before you today and place in nomination, Thomas F. Birmingham, as President of the Massachusetts Senate.

The election of the Senate President is one of the most important votes we will cast in our tenure in the Senate. The Senate is a body of forty very different people. We come from disparate regions, hold various opinions, represent two parties, and often work at cross-purposes. Our leader must build consensus and remind us that sometimes we must mute our forty discordant, parochial voices in order to better serve all the citizens of the Commonwealth.

The Senate presidency is one of the most powerful positions in the Massachusetts government. It requires sharp legislative skills, shrewd political instincts, and capable and decisive leadership. The President is both the Senate's leader and its voice. He guides this institution, sets its agenda, and is the face that the public associates with the Massachusetts Senate. Ultimately, the personality of the Senate is a reflection of the personality of its leader.

Tom Birmingham is a man who combines an ingrained knowledge of what is important to people with the intellectual acumen to turn that knowledge into reality. He is the product of Chelsea and Harvard, a Rhodes scholar and labor negotiator. A self-made man, he comes from the first generation in his family to have full access to the educational and social opportunities that many in this country take for granted today.

Tom has taken full advantage of these opportunities. That doesn't just mean earning a good education, it also means remembering what he learned as a child growing up in Chelsea, how hard it can sometimes be for families to earn a living and have a decent life. When President Birmingham promotes educational opportunities like Workforce Training Programs or Affordable Community College Education, he does not do so with an abstract, academic interest — he acts with the memory of his own roots and the chances he was given.

Many people don't realize what a good athlete and a fierce competitor Tom is. I remember once when I invited him out to my district for an event at the basketball hall of fame. There we were, the President and I, city officials, and business leaders, surrounded by our aides and the media, all decked out in our suits shooting baskets at one of the hall's courts. With reckless disregard for the wishes of his tailor, Tom was all over the court, burying jumpers. I don't think anyone else approached his shot total.

It is clear that Tom Birmingham's meteoric rise in the Senate was not an accident. Tom is straightforward, honest and witty. He is also intellectually rigorous, constantly willing to tackle the toughest problems and strive for the best solutions. He has a keen understanding of how government can respond to the needs of its citizens and a focus on giving every individual the best possible start in life.

His background and training lead him in 1993 to become the father of education reform. As the author of the education reform law, he gave the schools of the commonwealth priority and insured that each has a foundation budget so that every student is given the basic resources necessary to learn. A laundry list of President Birmingham's actions in office cannot do justice to what he has achieved for education, but I would be remiss if I did not take a moment to mention some of his work for the students of the Commonwealth, both young and old. His commitment to education reform for K-12 is complemented by initiatives in pre-kindergarten and higher education. For the youngest students, the sons and daughters of working parents, he created an early childhood education program. For older students, he increased funding for adult basic education, provided for universal access to our state's community colleges and created an innovative workforce training program. Tom Birmingham has followed what both his own instincts and the citizens of the Commonwealth have called for — the best possible education for all our citizens.

Tom Birmingham has been an energetic, compassionate, and democratic President and a strong leader who has not hesitated to promote the Senate's agenda when appropriate. Constituents across the state know that Senate decisions are the result of a Birmingham leadership team which has listened to the people's representatives and reached a consensus. David Broder once said that, "in a democracy, a man who does not listen cannot lead."

When hundreds of thousands of working citizens shared their fears that the latest Massachusetts economic boom is leaving them behind, Tom Birmingham heard those voices. He knows that raising the minimum wage is an important issue that affects thousands of our workers, especially women. Over 60% of minimum wage workers in Massachusetts and the nation are women and many are also the heads of households. No one can support a family on \$5.25 an hour. By giving families a living wage, we can combat a host of problems, from child hunger to a potential rise in the welfare rolls. Because we owe our working men and women the opportunity to earn a decent wage, Tom Birmingham has filed once again this year a bill that would increase the state's minimum wage by \$1.50 over the next three years.

As the champion of working men and women, Tom Birmingham has also listened to citizen's pleas for improvements to their working conditions. The President's law, the Small Necessities Leave Act, gives substance to talk about the work ethic and family values. It allows working men and women limited, annual, well-deserved time off work to fulfill family responsibilities toward their children, parents and elderly relatives.

Under President Birmingham's aegis, the Senate has been a forum where the importance of principle has never taken a backseat to expediency. We have taken difficult positions when we knew it was the right thing to do. These positions, in areas ranging from strengthening wage enforcement laws to employer workforce initiatives to community reinvestment, have not always agreed with the House or the Governor, but this is healthy. The Senate must sometimes stake out a position ahead of the pack and wait for our colleagues in the other branches to catch up.

When the heat came on last summer because of poor tests results by our future teachers, Tom Birmingham did not over react and look for someone else or somewhere else to place the blame; instead he offered us a plan of action which was subsequently endorsed by the House and the Governor. That plan was a new teacher bonuses and education incentive program which encourages qualified and competent individuals to become teachers. While everyone predicted that the first MCAS tests would be disheartening, only one leader in Massachusetts acted upon his prescience.

President Birmingham wisely insisted on a \$20 million dollar appropriation in the current budget for students who receive failing scores on the MCAS tests.

Theodore Roosevelt once listed his criteria for leadership. I believe they fit Tom Birmingham. He is a proven leader "who never shies away from the arena; who sometimes may be marred by dust, sweat and blood . . . who strives valiantly to do the deeds; who knows the great enthusiasms, the great devotions; who spends himself in a worthy cause; and who knows in the end the triumph of high achievement."

It is indeed my great honor to nominate Thomas F. Birmingham as President of the Senate and to urge all my colleagues to vote for Tom Birmingham as our President.

Mr. Travaglini seconded the nomination of Mr. Birmingham as President of the Senate and he addressed the Senate as follows:

[Text of remarks to follow.]

On motion of Mr. Moore, the above statements were ordered printed in the Journal of the Senate.

Nomination of Senator Lees for President.

Mr. Tisei placed in nomination for President of the Senate, Mr. Lees of First Hampden and Hampshire, and he addressed the Senate as follows:

Mr. President . . . it is my honor at this time to place into nomination the name of Brian P. Lees for the Office of President of the Senate.

During the swearing in a few moments ago I couldn't help but think about the tremendous responsibility each and every one of us has been entrusted with by the people of this great state.

They have sent us to this historic building, a sacred place . . . where Samuel Adams, Horace Mann, John Quincy Adams, Calvin Coolidge, and so many other great leaders have walked along the hallways and debated the issues of the day.

They have sent us here with the expectation that we will work together to solve the problems currently confronting us and that in some small way we'll improve the lives of everyone living in this state.

Those are obligations that I know that every member of this Chamber has thought a lot about over the past few months and will take seriously . . . throughout the coming session.

Over the next few weeks, as we begin the process of legislating, everyone here will be given a different role in order to make this Senate work.

Barring some unforeseen outcome of today's elections, my friend from Hampden and Hampshire, Mr. Lees, will again . . . serve this Senate as the Leader of the Minority Party.

I am sure that my colleagues on both sides of the aisle appreciate the fact that the job he will perform over the next two years is one of the most difficult in the Senate.

In many ways being the leader of just seven Republicans as opposed to 33 Democrats . . . is a daunting task.

It's difficult to imagine having to face off every day against the sharp mind and wit of President Birmingham . . . and knowing that some times no matter how strong your argument or how worthy your cause . . . that the votes just aren't going to be there.

And yet . . . despite the long odds and difficulty he faces, Brian Lees has been extremely successful and amazingly effective while carrying out his job in a way that has brought great distinction to this Chamber.

It's been no accident that during his tenure as Minority Leader there have been six balanced budgets and 26 tax cuts passed into law. On many issues like welfare reform, Brian Lees was calling for change before it was fashionable.

In fact, the first time he brought the issue up, he didn't receive a majority of votes within his own party, let alone the Senate. But on issues like welfare reform and the death penalty he isn't afraid to take controversial positions and provide the leadership needed to bring about change.

He has been a great advocate for each and every member of our caucus . . . and has worked hard to ensure that the ideas and principles of our party and its members are incorporated into every piece of legislation that leaves this Chamber.

He serves as the chief spokesman for the Governor . . . and works to see to it that the Governor's agenda receives a fair hearing and serious debate in this Chamber.

Brian has one other duty that is shared, to some extent, by all of the members of the minority party . . . which is crucial to the success of any legislative form of government.

And that is to provide the checks and balances . . . to hold the majority accountable . . . to ask the uncomfortable questions . . . to make each and every member of the majority take responsibility for the actions taken in this Chamber.

He has carried out this important duty not with ill will but rather with a spirit of cooperation that has made each and every one of us a better, more effective public servant.

Never let it be said that a budget amendment or any bill for that matter, was passed in the wee hours of the morning without the members knowing the answers to three questions . . . Who is the Sponsor? . . . What does it do? . . . And how much does it cost? While his position as Minority Leader may be looked upon as confrontational by nature . . . Brian Lees, as much as any leader in this building, is responsible for the genuine spirit of bi-partisan cooperation that has guided state government these past few years.

His efforts, as well as those of Senate President Birmingham, have made this Chamber an extremely productive legislative body . . . where issues take precedence over personalities . . . where the public good has always outweighed excessive partisanship.

At a time when events in Washington have caused so many people to lose faith in the ability of government to make a difference in peoples' lives. The people of this state should realize how fortunate we are to have leaders like Tom Birmingham and Brian Lees who are willing to put aside their differences and work together for the common good.

Under their leadership, this Senate is a place where every member's voice is heard, majority and minority party alike. That's one of the reasons why we've been so successful at making so much progress to improve the lives of the people of this great state.

Brian Lees has been a great friend of mine and to all the Members of this Chamber. We are fortunate to have him and that's why it's an honor for me to nominate him for Senate President.

Thank you.

The nomination of Mr. Lees of Hampden and Hampshire as President of the Senate was seconded by Mr. Rauschenbach, who briefly addressed the Senate as follows:

I have known and worked with the leader for all of his ten years in the Massachusetts Senate. It has been a decade of great accomplishment, hard work, and vigorous debate. The citizens of this Commonwealth have benefited greatly from his decade of service.

Eight years ago Brian P. Lees was sworn in as minority leader. Weld, Bulger and Flaherty were the major players. Brian Lees represents a link/continuity to the past and leadership for the future.

Those who have served in this chamber know the leader personally as a friend of the institution who has worked to advance the agenda of the commonwealth.

Those who have served with the minority leader also know him as one who skillfully balances the role of the opposition leader with the personal concern for and friendships with the individual members of both parties. This is a difficult and challenging task.

We also know that the minority leader has an agenda and is not afraid to lead and has led this chamber on serious issues such as tax policy, unemployment insurance, welfare reform, the death penalty and even TV in the chamber.

The minority leader is not afraid to stand up and be counted. That is what leadership is about.

Thus I rise to second the nomination of Brian P. Lees to be President of the Senate. He is a man of integrity, keen vision, hard work, diligence and above all — a leader.

In closing — I feel it appropriate to read the final stanza from Robert Frost's poem in the book *Mountain Interval* — the road not taken.

I shall be telling this with a sigh somewhere ages and ages hence: Two roads diverted in a wood, and I - I took the one less traveled by, And that has made all the difference"

You have a chance to make a difference today.

On motion of Mr. Tarr, the above statements were ordered printed in the Journal of the Senate.

On motion of Mr. Durand, the nominations were closed.

The roll was called, and the following named members voted for Thomas F. Birmingham of Middlesex, Suffolk and Essex:

Antonioni, Robert A.

Melconian, Linda J.

Bernstein, Robert A.

Montigny, Mark C..

Berry, Frederick E.	Moore, Richard T.
Birmingham, Thomas F.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Norton, Thomas C.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Pacheco, Marc R.
Durand, Robert A.	Panagiotakos, Steven C.
Fargo, Susan C.	Rosenberg, Stanley C.
Glodis, Guy W.	Shannon, Charles E.
Havern, Robert A.	Tolman, Steven A.
Jacques, Cheryl A.	Travaglini, Robert E.
Jajuga, James P.	Tucker, Susan C.
Joyce, Brain A.	Walsh, Marian
Lynch, Stephen F.	Wilkerson, Dianne
Magnani, David P.	

The following named members voted for Brian P. Lees of First Hampden and Hampshire:

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 7.
Rauschenbach, Henri S.	

The Chair announced the results of the votes as follows:

Whole number of votes	40
Necessary for a choice	21
Thomas F. Birmingham of Middlesex, Suffolk and Essex had	33
Brian P. Lees of First Hampden and Hampshire had	7

And Mr. Birmingham was declared elected President of the Senate.

Mr. Lees moved that it be the sense of the Senate that the vote for Thomas F. Birmingham for President should be made unanimous and that this expression of opinion be made a part of the records of the Senate.

There being no objection, this motion was entertained; and it was unanimously adopted.

Mr. Birmingham was escorted to the Chair by Senators Bernstein of Worcester, and Murray of Plymouth and Barnstable.

The President then addressed the Senate as follows:

The Constitution dictates that the Legislature reconvene on the first Wednesday in January. In some years that has entailed a senate session on New Year's day. Today we inaugurate the session on a different holiday. January 6 is Feast of the Epiphany, a celebration of the day the three wise men reached the manger.

Perhaps this day — El Dia de los Reyes Magos — does provide one indication for our future, that we might share a goal of being wise women and men on behalf of the electorate. My constituents don't have much need for frankincense or myrrh; gold on the other hand is an entirely different matter. I would suggest that rather than these Biblical gifts, we might instead offer our best ideas for making Massachusetts a Commonwealth in which resources and opportunity are available to all.

Let me begin by expressing my heartfelt gratitude to each and every one of you for bestowing this honor upon me. There is no

higher compliment than a vote of confidence from one's peers.

Believe me, I take this responsibility most seriously. I humbly pledge to devote all my abilities to live up to the expectations you have for me and to fulfill the best traditions of this office. I ask that you all help me to make this the best senate it can be.

We've often likened the Senate to a family and for many of us today has the feel of a family reunion. If I may introduce the members of my own family who are here today

To all members, incumbent and incoming, congratulations on your election. To the new members, let me express on behalf of all of your colleagues a sincere and warm welcome. You are here because you deserve to be. You are here as of right. And you will be treated in this Chamber with the respect you have earned as the chosen representative of over 150,000 citizens of the Commonwealth.

While you are here as of right, you are also enjoying a rare privilege. There are six million residents of the Commonwealth but only 40 senators. Because we are a small body, you can expect, and we expect you, to play a central role in formulating the policies that will govern this state for the next two years. Your right to advocate for your beliefs and goals will suffer no abridgement in this house. I encourage you in this Chamber, in our caucuses, conference rooms and committee hearings not to be reticent but to exercise your prerogative as equal members of this body. You will be allowed to wield authority commensurate with your willingness to accept responsibility.

We will have our disagreements over matters of deeply held principle but through open debate over matters of passionate concern to us all, we will together forge our best collective judgments.

If you need to look for a colleague who exemplifies the best of the traditions of the Senate I would commend to you the example of the minority leader, Brian Lees. As to substantive matters, he and I disagree over just about everything. But he remains for me a valued colleague whom I am proud to count as a dear friend.

He is unquestionably a worthy foe but one who unfailingly conducts himself with decency and integrity, fairness and civility. His spirit of collegiality derives, I think, from his recognition that, whatever our differences, ultimately we are all in this together.

Senator Moore recently brought to my attention some observations by Benjamin Franklin about the true genius of a democratic legislative body:

Franklin wrote "A plural Legislature is as necessary to good Government as a single Executive.... Wisdom is the specific Quality of the Legislature, grows out of the Number of the Body, and is made up of the Portions of Sense and Knowledge which each member brings to it."

A bust of Franklin is here in the chamber. In spirit he will be with us as well. His understanding that a legislature reaches its full potential only through the participation of each and every one of the members will guide us through this term.

Together we will deliberate and we will act. We will not avoid controversy and as your presiding officer I will insist that we stand and be counted. That too is part of the tradition of this senate.

We occupy historic space in this Chamber, which, as you noticed today coming through the lobby; we strive to preserve and to improve. But even in this effort there is controversy. Note the muskets on the back wall. Believing that neither guns nor gun legislation is child's play, the red gunlocks were added.

What cannot be controversial, however, is our commitment to fiscal responsibility, an absolute and non-negotiable precondition to whatever else we seek to achieve. Throughout the 90s — in good times and in bad — the Senate collectively has practiced the discipline, self-restraint and even self-denial needed to produce budgets which are not only responsive but also responsible. All members deserve credit for this, but the first among equals has to be Senator Rosenberg.

In this decade, we have never spent money we do not have. And on my watch we never will. Fiscal responsibility is, paradoxically, harder to practice in good times than in bad. Nevertheless, we will face and we will meet that challenge this year.

At the same time we must recognize that fiscal responsibility is not an end in itself but a means to all else we aspire to, not just as an economy but as a society; not just as a state but as a Commonwealth.

Even while we as a state are enjoying the best of fiscal times, our constituents are experiencing that prosperity unevenly.

To my way of thinking, the best and perhaps only way to achieve long-term prosperity, which is equitably shared, is through education.

The Massachusetts Constitution guarantees each and every child, regardless of place of birth, an education enabling full participation in the Commonwealth's civic and economic life.

For almost all of our history, these, frankly, have been empty words. Before the Education Reform Act of 1993, we tolerated the grossest disparities in supporting the education of the Commonwealth's youth; in some communities we were spending \$3,000 per child per year, and in others \$10,000. In these circumstances, who could pretend that we were offering our kids even remotely equal education opportunities?

We changed that with the passage and implementation of the Education Reform Act. For the first time in this Commonwealth, the accident of place of birth will not determine whether a kid gets a fair chance at a decent education. And it is a source of great personal and institutional pride that we in the Senate and we alone have fully funded the Education Reform Act since its inception. And we will do so again this year. I pledge to fight with every fiber of my body not to retreat from adequate funding for all of our school districts and all of our school children. I say that knowing that commitment will entail an additional \$100 million each and every year to keep educational opportunity open to all of the students of Massachusetts.

But education reform is not just about money; it is equally about accountability and high standards. Before education reform, there were only two state-imposed requirements for a high school diploma: one year of American history and four years of gym. Now, current eighth graders will have to demonstrate—as a condition of high school graduation—competency in the core subject areas: math and science, English and history. High stakes, indeed.

But high standards do not mean throwing kids into the deep end of the pool and if they swim we say "fine" and if they sink we

say "tough." That is why the Senate last year appropriated \$20M for remedial programs to give kids every reasonable opportunity to reach the high standards we have decreed.

The ERA is not perfect but its goals are more than sound; they are historically ambitious: equitable funding for all our kids and world-class performance by all our kids.

We will constantly strive to improve our public schools, but these goals are too important to be jeopardized by zigging to hot button issues and zagging with sound bite solutions. Let us not be distracted.

Education is a long-term prescription, more like turning around an ocean liner than a sports car. But we must act in the short-term as well.

One immediate intervention we can make is to increase the minimum wage. I would say that what poor people need more of is money. If you work for a living, you ought to be able to earn a living. If you play by the rules, get up and go to work every day and do your job — at the end of the day you should be able to make ends meet.

The ends don't meet now, which is why the Senate passed an increase in the minimum wage last year and will do it again this year. This is one issue that is not going away.

Just as those who work hard every day should be able to make ends meet, our decent people should be secure in their health care. HMOs, for instance, are not here simply to assist those who are maintaining their health, their reason to be is to serve those who are ill. The Senate last year passed a pro-consumer, pro-patient bill under the leadership of Senator Montigny. This year the Senate will continue this fight, with the same persistence that led to expanded access to health care for all children in the Commonwealth.

By no means is this an exhaustive list of all the major issues we will address this year. Education and economic equity and health care are high priorities, but so are housing and public safety and fair taxation and myriad others. Yet today is not so much about laundry lists as about starting the term with an emphasis on the collegial and productive atmosphere that will enable us to reach the sometimes elusive answers to the contentious questions we face.

These are the words we will work by but words will not be what we work for. We are about making the choices and judgments that affect the lives of the ordinary men and women who elect us.

I believe that the paramount challenge of this term will be to translate our general economic prosperity into real gains in the standard of living and quality of life of the working and middle class people who are the Commonwealth of Massachusetts. Too many of our constituents find themselves on an economic stairmaster feverishly exerting themselves to climb, but not being lifted at all. I believe we can do better than that. I believe we should do better than that. And I believe we in this senate will do better than that. Let's pledge to work together to make our state deserving of the title "Commonwealth."

And let me thank you, once again, from the bottom of my heart, for the opportunity to serve as your presiding officer.

On motion of Mr. Moore, the address of the President was ordered printed in the Journal of the Senate.

Mr. Lees asked unanimous consent to make a statement; and, there being no objection, he addressed the Senate as follows:

I would first like to thank all of you, my esteemed colleagues of the one hundred and eighty-first General Court of the Commonwealth, for affording me the honor of speaking to you on this important occasion. And to those here today who are new members to this distinguished law-making body — the Senator from Norfolk, Bristol and Plymouth, the Senator from Worcester, the Senator from Essex and Middlesex, the Senator from Middlesex and Norfolk, and the Senator from Middlesex & Suffolk — I extend a heartfelt welcome!

I would also like to express my deepest thanks to Senator Tisei and Senator Rauschenbach for their kind words. I know first-hand that these speeches can be overshadowed by the always up-hill battle — of the underdog. However, both of these gentlemen have always comported themselves with the utmost grace and dignity. Not only have these two colleagues been invaluable members of my leadership team — they have also become two of my closest and most admired friends.

To you, Mr. President, I convey my most sincere congratulations on being re-elected to the noble office of Senate President, a position which you have held these last three years with such distinction, honor, and dedication. You truly are a public servant of whom all citizens of Massachusetts can be proud.

On a more personal note, I would like to thank you, Mr. President, for your very generous comments.

Also, I would be remiss not to mention how pleased I am to see you in that chair after last year's speculation that you would be leaving this body — to join the ranks of another legislative body. We all know the temptation of such an opportunity, as well as the pressure you felt from your party and others. You chose to keep serving our Commonwealth by leading this body, and for that we are grateful. The service you perform here — does indeed affect every citizen — and I believe they are better off with you working on their behalf.

And I might also point out to everyone present here today that while we are all glad you decided to remain here on Beacon Hill, I am sure you could have taught our colleagues on Capitol Hill a thing or two about real leadership and bi-partisanship.

We have all been witness to the fact that you, Mr. President, understand that a two-party democratic system is based on checks and balances and healthy debate. These are the important governing principles that maintain a well-functioning democracy on every level of government — and that you — Mr. President — have gone beyond the line of duty to uphold. Through your collegial demeanor, tempered understanding, and principled leadership you have served this body and our state well. Your initiative to allow our caucus, an overwhelming minority, access to roll call votes, has demonstrated to everyone that you look beyond partisanship to the more important goal of open and fair government.

I am reminded of a statement once made by Abraham Lincoln, whose likeness aptly graces our chamber, "Nearly all men can stand adversity, but if you want to test a man's character, give him power." You, Mr. President, have passed this test with flying colors. For this I thank you and commend you.

As the legislative session before us closes the door on Massachusetts lawmaking in the 20th century, I am confident that together — we in this Senate — can continue to build upon the progress our great state has made throughout this century and proudly lead the way into the next Millennium.

In doing so, we will be confronted with many new beginnings and new challenges. Nineteen ninety-nine marks the official beginning of a new administration here in the State House. Although Governor Paul Cellucci has lead our state for the last year and a half with unwavering dedication, compassion, skill, and courage, he can now make the claim that *he is not merely "acting"*. With Paul Cellucci at our state's helm, I know we will continue to flourish with the same unprecedented success we have experienced over the past few years. I am inspired by his demonstrated leadership and am confident that he will continue this trend through the duration of his tenure as Governor.

And this time, he will not be alone. Another new beginning is at hand with the upcoming inauguration of Jane Swift as Lieutenant-Governor. We welcome her to this office in a spirit of encouraging men and women to approach governing as a partnership.

So, too, it is appropriate that she gained her leadership experience in the very chamber in which we stand today, the same chamber in which we welcome Jo Ann Sprague to our Republican Minority, and the same chamber in which Angelina Grimke, advocating for the abolition of slavery in 1838, became the first woman ever to address any legislative body in the United States. Jane Swift's past experience — serving with many of us in the Senate — combined with her unwavering devotion to serving the interests of all the citizens of our Commonwealth — will undoubtedly embolden her to establish a constructive partnership with Governor Cellucci and with the entire Legislature.

I know that we all look forward to the opportunity to continue working closely with the Cellucci/Swift administration — *together!*

And *together* we must work. I would be naive to say — that we will agree on every issue that confronts us. It is — in fact — inevitable that we will not. Yet, in the simple but exact words of Mahatma Ghandi, "Honest disagreement is often a good sign of progress." It is with tenacity and determination tempered by compromise that we will work *together* to ensure a bountiful way of life for all citizens of the Commonwealth.

Take heed, however. I am by no means waiving the white flag. Although we Republicans are only seven strong, *strong we are, indeed!* As you may recall, some of the major policy agendas that we pushed and were scoffed at — have now become the issues of the day *for all of us!*

Our efforts to implement significant tax cuts, workers' compensation and unemployment insurance reform, and effective welfare reform, as well as to reduce the overall level of the government's presence in people's lives, have finally met with unprecedented success.

It is my hope that the Senate will *continue* to be the leaders in promoting positive legislation for everyone in this Great State. We must work diligently to return every cent we feasibly can to hardworking taxpayers — including the rollback of the earned income tax to 5%, to ensure that our state can remain fiscally competitive in the regional economy, to establish a hard line against crime, to safeguard the financial and personal security of senior citizens, and to reform the state tax code to make it more taxpayer and business friendly.

And we must not forget that even though we have been faithful to our pledge of education reform, we must *continue* to make solid strides in improving our entire educational system. Because public education, from Kindergarten right through high school and college, must continue to be our *number one* priority.

As one who benefited from public education — from 1st grade to high school and then again in college — I may be a bit more sensitive than those who attended non-public schools. But regardless of one's personal background or economic status — we must provide the citizens of Massachusetts with access to the best *public* education system in the nation.

I encourage *all* legislators to keep these goals in mind as we embark upon this new session.

I would also be remiss — not to thank my fellow members in the Republican Caucus for their vote of confidence in me today and for their courage and tenacity in facing overwhelming odds almost every time they stand to bring an issue forward. I ask them to remember, in the poignant words of J. William Fulbright, "In democracy, dissent is an act of faith. Like medicine, the test of its value is not in its taste, but in its effects."

In closing, I would like to offer a suggestion — that none of us take ourselves too seriously in the months and sessions ahead — and instead that we remember why we are here. We are here to tackle the issues facing our great state in an atmosphere of goodwill, *and sometimes good humor.*

Although we are a group of 40, we will become a tightly knit family of colleagues and friends.

I urge every member to smile and welcome each challenging day with a pledge to shine the light of logic into the often dark and ambiguous legislative causes and clauses and — above all — to propose better alternatives. A happy and joyous New Year to all!

On motion of Mr. Tisei, the above statement was ordered printed in the Journal of the Senate.

Election of Clerk.

Mr. Berry moved that the Senate proceed to the election of a Clerk and that the President cast one ballot for Patrick F. Scanlan of Salem as Clerk of the Senate; and, after remarks, this motion prevailed.

Accordingly, the ballot was cast and Mr. Scanlan was declared elected, and was then qualified by taking the oaths and

affirmation as prescribed by the Constitution and also the following oath, which was administered by the President:
"Whereas, you PATRICK F. SCANLAN, are chosen Clerk of the Senate of the Commonwealth of Massachusetts, you do swear that you will truly enter all the votes and orders thereof, and in all things relating to your office that you will act faithfully and impartially accordingly to your best skill and judgement. So help you, God."

Election of Sergeant-at-Arms.

Mr. Havern moved that the Senate proceed to the election of a Sergeant-at-Arms and that the President cast one ballot for Michael J. Rea, Jr., of Billerica as Sergeant-at-Arms on the part of the Senate; and this motion prevailed. Accordingly, the ballot was cast and Michael J. Rea, Jr., of Billerica was declared elected on the part of the Senate.

Orders Adopted.

On motion of Mr. Creedon,—

Ordered, That until the President may otherwise direct, the provisions of Senate Rule 4, as relates to the appointment of a Chaplain shall be suspended, and that the duties of said office shall be performed in such manner as the President may direct.

On motion of Mr. Rauschenbach,—

Ordered, That a committee be appointed to notify His Excellency the Governor and the Honorable Council of the organization of the Senate; and that the Honorable Thomas F. Birmingham of Middle sex, Suffolk and Essex has been elected President of the Senate, and Patrick F. Scanlan has been elected Clerk of the Senate. Senators Magnani of Middlesex, Norfolk and Worcester, Creem of Middlesex and Norfolk, Joyce of Suffolk, Panagiotakos of Middlesex and Sprague of Norfolk, Bristol and Plymouth were appointed the committee.

Subsequently, Mr. Magnani, for the committee, reported that the committee had performed the duties assigned to it. The report was accepted and the committee was discharged.

On motion of Mr. Havern,—

Ordered, That the Clerk be directed to notify the House of Representatives of the election, on the part of the Senate, of Michael J. Rea, Jr., of Billerica as Sergeant-at-Arms of the General Court.

On motion of Mr. Norton,—

Ordered, That the Senate Rules of the last year be observed as the temporary Senate Rules for the present General Court.

On motion of Mr. Shannon,—

Ordered, That the Joint Rules of the last year be observed as the temporary Joint Rules of the two branches for the present General Court.

Sent to the House for concurrence.

On motion of Mr. Morrissey,—

Ordered, That a committee be appointed to inform the House of Representatives of the organization of the Senate; and that the Honorable Thomas F. Birmingham of Middlesex, Suffolk and Essex has been elected president of the Senate; and Patrick F. Scanlan has been elected Clerk of the Senate. Senators Pacheco of Plymouth and Bristol, Brewer of Worcester, Hampden, Hampshire and Franklin, Tolman of Middlesex and Suffolk, Wilkerson of Suffolk and Hedlund of Plymouth and Norfolk were appointed the committee on the part of the Senate.

Subsequently, Mr. Pacheco, for the said committee, reported that the committee had performed the duties assigned to it. The report was accepted and the committee was discharged.

Communication.

The following communication, together with the returns of votes and schedules referred to, was received from the Secretary of the Commonwealth and placed on file, to wit:

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF SECRETARY OF STATE

STATE HOUSE, BOSTON 02133

January 6, 1999.

To the Honorable Senate:

I have the honor to lay before you the returns of votes cast at the election held in this Commonwealth on the third day of November, 1998 for Senators, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

These returns have been duly canvassed by the Governor and Council, and are now transmitted for examination by the Senate, as required by the Constitution.

Very truly yours,

WILLIAM FRANCIS GALVIN,

Secretary of State.

Order Adopted.

On motion of Mr. Rosenberg,—

Ordered, That a special committee of the Senate to consist of three members be appointed for the purpose of canvassing the votes for Senators in the several districts.

Senators Jajuga of Essex, Tucker of Essex and Middlesex and Tisei of Middlesex were appointed the committee.

Subsequently, Mr. Jajuga, for the said special committee, reported that the following named persons had been duly elected, to wit:

Hon. Andrea F. Nuciforo, Jr., of Pittsfield	in the <i>Berkshire, Hampden, Hampshire and Franklin District.</i>
Hon. Thomas C. Norton of Fall River	in the First <i>Bristol District</i>
Hon. Mark C. Montigny of New Bedford	in the Second <i>Bristol District</i>
Hon. Henri S. Rauschenbach of Brewster	in the <i>Cape and Islands District.</i>
Hon. Edward J. Clancy, Jr., of Lynn	in the First <i>Essex District</i>
Hon. Frederick E. Berry of Peabody	in the Second <i>Essex District</i>
Hon. James P. Jajuga of Methuen	in the Third <i>Essex District</i>
Hon. Bruce E. Tarr of Gloucester	in the First <i>Essex and Middlesex District</i>
Hon. Susan C. Tucker of Andover	in the Second <i>Essex and Middlesex District</i>
Hon. Linda J. Melconian of Springfield	in the <i>Hampden District.</i>
Hon. Brian P. Lees of East Longmeadow	in the First <i>Hampden and Hampshire District</i>
Hon. Michael R. Knapik of Westfield	in the Second <i>Hampden and Hampshire District</i>
Hon. Stanley C. Rosenberg of Amherst	in the <i>Hampshire and Franklin District.</i>
Hon. Steven C. Panagiotakos of Lowell	in the First <i>Middlesex District</i>
Hon. Charles E. Shannon of Winchester	in the Second <i>Middlesex District</i>
Hon. Richard R. Tisei of Wakefield	in the Third <i>Middlesex District</i>
Hon. Robert A. Havern of Arlington	in the Fourth <i>Middlesex District</i>
Hon. Susan C. Fargo of Lincoln	in the Fifth <i>Middlesex District</i>
Hon. Cynthia Stone Creem of Newton	in the First <i>Middlesex and Norfolk District.</i>
Hon. David P. Magnani of Framingham	in the <i>Middlesex, Norfolk and Worcester District.</i>
Hon. Steven A. Tolman of Boston	in the <i>Middlesex and Suffolk District.</i>
Hon. Thomas F. Birmingham of Chelsea	in the <i>Middlesex, Suffolk and Essex District.</i>
Hon. Robert A. Durand of Marlborough	in the <i>Middlesex and Worcester District.</i>
Hon. Cheryl A. Jacques of Needham	in the <i>Norfolk, Bristol and Middlesex District.</i>
Hon. Jo Ann Sprague of Walpole	in the <i>Norfolk, Bristol and Plymouth District.</i>
Hon. Michael W. Morrissey of Quincy	in the <i>Norfolk and Plymouth District.</i>

Hon. Marian Walsh of Boston	in the <i>Norfolk and Suffolk District.</i>
Hon. Therese Murray of Plymouth	in the <i>Plymouth and Barnstable District.</i>
Hon. Marc R. Pacheco of Taunton	in the First <i>Plymouth and Bristol District</i>
Hon. Robert S. Creedon, Jr. of Brockton	in the Second <i>Plymouth and Bristol District</i>
Hon. Robert L. Hedlund of Weymouth	in the <i>Plymouth and Norfolk District.</i>
Hon. Stephen F. Lynch of Boston	in the First <i>Suffolk District</i>
Hon. Dianne Wilkerson of Boston	in the Second <i>Suffolk District</i>
Hon. Robert E. Travaglini of Boston	in the <i>Suffolk and Middlesex District.</i>
Hon. Brian A. Joyce of Milton	in the <i>Suffolk and Norfolk District.</i>
Hon. Robert A. Bernstein of Worcester	in the First <i>Worcester District</i>
Hon. Guy W. Glodis of Worcester	in the Second <i>Worcester District</i>
Hon. Stephen M. Brewer of Barre	in the <i>Worcester, Hampden, Hampshire and Franklin District.</i>
Hon. Robert A. Antonioni of Leominster	in the <i>Worcester and Middlesex District.</i>
Hon. Richard T. Moore of Uxbridge	in the <i>Worcester and Norfolk District.</i>

The report was read, and the report was considered forthwith and accepted.

Notice was received from the House of Representatives by a committee thereof, of the organization of that branch, the House having chosen Thomas M. Finneran of Boston as Speaker and Stephen T. James of North Andover as Clerk.

Orders Adopted.

On motion of Ms. Murray,—

Ordered, That a special committee of the Senate to consist of three members be appointed for the purpose of arranging the seats of members of the Senate.

Senators Travaglini of Suffolk and Middlesex, Montigny of Bristol and Lees of Hampden and Hampshire were appointed the committee.

On motion of Mr. Tolman,—

Ordered, That the Clerk begin the daily printing of the Journal of the Senate, as authorized by Senate Rule 6, and that the daily reading thereof be dispensed with; that, under authority of Section 10 of Chapter 5 of the General Laws, copies of the Journals of the entire session be printed and bound with the customary appendices and an index; and that a certified copy thereof be deposited with the Secretary of the Commonwealth as the official bound Journal of the Senate.

On motion of Ms. Jacques,—

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

On motion of Mr. Berry,—

Ordered, That a convention of the two Houses be held at twelve o'clock noon on Thursday, January 7, for the purpose of administering the oaths of office to Governor-elect, Lieutenant-Governor-elect, and the several Councillors-elect .

Sent to the House for concurrence.

Communication.

A communication was received that the Honorable Cynthia S. Creem, Governor's Councillor from the Third District had resigned from the office of Governor's Council this day, effective at eleven o'clock A.M. **The communication was placed on file.**

At eleven minutes past one o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock P.M.