

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 third day of January, in the year two thousand and one, and the two hundred and twenty-fifth of the independence of the United States of America, and the one hundred and eighty-second General Court of the Commonwealth, the following named members-elect of the Senate, having been duly summoned by the Executive, assembled at nine minutes past eleven o'clock A.M., in the Senate Chamber, to wit:—

Hon. Andrea F. Nuciforo, Jr., of Pittsfield in the *Berkshire, Hampden, Hampshire and Franklin District*.

Hon. Joan M. Menard of Somerset in the First *Bristol*

Hon. Mark C. Montigny of New Bedford in the Second *Districts*.

Hon. Robert O'Leary of Barnstable in the Cape and Islands District.

Hon. Edward J. Clancy, Jr., of Lynn in the First Essex

Hon. Frederick E. Berry of Peabody in the Second *Districts*.

Hon. James P. Jajuga of Methuen in the Third

Hon. Bruce E. Tarr of Gloucester in the First *Essex and*

Hon. Susan C. Tucker of Andover in the Second *Middlesex Districts*.

Hon. Linda J. Melconian of Springfield in the *Hampden District*.

Hon. Brian P. Lees of East Longmeadow in the First *Hampden and*

Hon. Michael R. Knapik of Westfield in the Second *Hampshire Districts*.

Hon. Stanley C. Rosenberg of Amherst in the *Hampshire and Franklin District*.

Hon. Steven C. Panagiotakos of Lowell in the First

Hon. Charles E. Shannon of Winchester in the Second

Middlesex

Hon. Richard R. Tisei of Wakefield in the Third

Districts.

Hon. Robert A. Havern of Arlington in the Fourth

Hon. Susan C. Fargo of Lincoln in the Fifth

Hon. Cynthia Stone Creem of Newton in the *First Middlesex and Norfolk District.*

Hon. David P. Magnani of Framingham in the *Middlesex, Norfolk and Worcester District.*

Hon. Steven A. Tolman of Boston in the *Middlesex and Suffolk District.*

Hon. Thomas F. Birmingham of Chelsea in the *Middlesex, Suffolk and Essex District.*

Hon. Pamela P. Resor of Acton in the *Middlesex and Worcester District.*

Hon. Cheryl A. Jacques of Needham in the *Norfolk, Bristol and Middlesex District.*

Hon. Jo Ann Sprague of Walpole in the *Norfolk, Bristol and Plymouth District.*

Hon. Michael W. Morrissey of Quincy in the *Norfolk and Plymouth District.*

Hon. Marian Walsh of Boston in the *Norfolk and Suffolk District.*

Hon. Therese Murray of Plymouth in the *Plymouth and Barnstable District.*

Hon. Marc R. Pacheco of Taunton in the First *Plymouth and*

Hon. Robert S. Creedon, Jr., of Brockton in the Second *Bristol Districts.*

Hon. Robert L. Hedlund of Weymouth in the *Plymouth and Norfolk District.*

Hon. Stephen F. Lynch of Boston in the First *Suffolk*

Hon. Dianne Wilkerson of Boston in the Second *Districts*.

Hon. Robert E. Travaglini of Boston in the *Suffolk and Middlesex District*.

Hon. Brian A. Joyce of Milton in the *Suffolk and Norfolk District*.

Hon. Harriette L. Chandler of Worcester in the First *Worcester*

Hon. Guy W. Glodis of Worcester in the Second *Districts*.

Hon. Stephen M. Brewer of Barre in the *Worcester, Hampden, Hampshire
and Franklin District*.

Hon. Robert A. Antonioni of Leominster in the *Worcester and Middlesex District*.

Hon. Richard T. Moore of Uxbridge in the *Worcester and Norfolk District*.

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

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

O Almighty, ever-present, sustaining God, grant to us a spirit of prayer as we come before You now, so that this exercise may not be mere formality or external show, but spring from deep within and the recognition of the immensity of the responsibilities, the complexity of the task, and our own personal limitations of mind and heart.

Our task is to discern from among the thousands of bills that will come before us, those that are best, wisest, and to curb those partisan interests when inappropriate and the inevitable personal tensions that will arise, so that together we might collaborate to enact legislation that will truly be of benefit not to vested interests, but to all the citizenry.

That agenda can be aptly described as a “tall order”, and so each of us — and all of us collectively — now stand before You seeking the myriad of gifts that we will need to meet this challenge. Gifts not only for ourselves but for our supporting staff: the gifts of vision, wisdom, integrity, inner freedom, compassion, and commitment to the common good. Our diverse religious traditions are united in their understanding that You are a God of justice and compassion with a concern for all Your children, and so we trust if our hearts are humble and open before You that You will bountifully feel all our needs and so strengthened may be able to look back at the conclusion of this 182nd term with quiet satisfaction that together we have accomplished much . . . and that the citizens of the Commonwealth might be able to say a genuine, heartfelt “thank you” to each of us for being such a blessing.

These prayers are lifted up to Your source of all gifts, as Your trusting daughters and sons in this holy season of Hanukkah, Christmas and Kwanza . . . to which we all now say “Amen”.

On motion of Ms. Walsh, 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.

Order Adopted.

On motion of Ms. Melconian,—

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

Senators-elect Jacques of Norfolk, Bristol and Middlesex, Creedon of Plymouth and Bristol, Jajuga of Essex, Fargo of Middlesex, Tolman of Middlesex and Suffolk, O'Leary of Cape and the Islands, Sprague of Norfolk, Bristol and Plymouth and Hedlund of Plymouth and Norfolk were appointed the committee.

Subsequently, Ms. Jacques, for the said committee, reported that it had waited upon His Excellency Argeo Paul Cellucci, the Governor of the Commonwealth, Her Honor Jane M. Swift, the Lieutenant Governor of the Commonwealth, and the Honorable Council, and had conveyed to them the message of His Excellency the Governor had asked him to say that he would be pleased to attend forthwith upon the Honorable Senate, with the Honorable Lieutenant Governor, 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 Governor of the Commonwealth and Her Honor Jane M. Swift, the Lieutenant Governor of the Commonwealth, the Honorable Thomas F. Reilly, Attorney General of the Commonwealth, the Honorable A. Joseph DeNucci, Auditor of the Commonwealth, 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 Governor briefly addressed the Senate. After delivering his remarks the Governor, the Lieutenant Governor, the Attorney General, the 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.

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

I rise to nominate the gentleman from Middlesex, Suffolk and Essex, Thomas F. Birmingham as President of this state Senate. Mr. President Pro tem, members of the state senate, family members and guests, it gives me great honor to stand in support of Thomas F. Birmingham, a colleague that I have served with in this chamber since 1992. During that period, I have come to know this gentleman well, to realize his ability as a legislator, and to experience his growth and development as a leader in this Commonwealth. Today, by our choice of leader for this state Senate, we give witness by our collective will to address some of the most difficult challenges confronting public policy leaders and citizens in this great state. Our judgment this day will foreshadow an ability to extend the reaches and challenges of education reform, to broaden health care and prescription drug coverage for our most needy citizens, and to ensure meaningful wages and benefits for the hard working men and women of the Commonwealth. I submit to you who are gathered here this bright morning that none among us are better prepared to pilot our state government through uncertain waters than the one whose name has been placed in nomination: Thomas F. Birmingham.

The gentleman from Middlesex, Suffolk and Essex can single out any number of legislative and policy successes from an accomplished legislative resume. Tom Birmingham was the co-author of the 1993 Education Reform Law early in his tenure in the state Senate, a law that has directed 7.3 billion dollars in new spending to cities and towns since 1993. Tom Birmingham has sponsored repeated increases in the minimum wage for working men and women, and directed that a portion of savings from lowered unemployment insurance rates be directed to small businesses and their workers in the form of workforce training grants. And Tom Birmingham led a legislative effort to override the Governor's veto of the cigarette tax, ensuring health coverage in this state for all needy young people age 19 and under, a program that has become a national model.

The essential measure of a leader, however, is realized as much or more in the means or method used to achieve an end, rather than by the end in itself. The process employed reveals something of the nature and character of a man and a leader. The common denominator which has made these and other successes possible is a willingness and capacity in Tom Birmingham to *listen* to an

increasingly informed public, and to *involve* the Senate members in the decision making process. This approach, more than his position on any single issue, has made Tom Birmingham the valued leader he is today. Tom Birmingham is respected here, in this Chamber, for his leadership.

True leadership will be called upon in these next two years, as we in this legislature will be confronted by daunting challenges, especially in the field of public education. An uncertain economy, coupled with billion dollar tax cuts approved by the voters in this last election, spell great uncertainty for future education spending after years of booming growth. Suburban communities evidence growing unrest with the longstanding distribution formula for education aid, without consensus as to remedy. Accountability measures for teachers and students, including the now familiar MCAS, are coming under increasing scrutiny and criticism. And local districts, in the wake of a much heralded special education reform initiative, now look to the Commonwealth to realize long awaited savings and state assumption of burdensome costs. And still, we graduate too many students that are functionally illiterate. Is it an exaggeration to suggest that the state and local commitment to education reform — and indeed public education — hang in the balance?

Tom Birmingham will provide a steady and true hand in this uncertain time. The gentleman from Middlesex, Suffolk and Essex will not waiver from a difficult decision, and he will listen. Tom Birmingham, like the 39 remaining members of this Chamber, will stand in a crowded room, heated by the passions of those who may not like or appreciate what “the state” is doing, and specifically answer the calls of his — and our — critics.

I have witnessed him in such gatherings across the state, and always remarked at the ability of the Senate President to understand the finer details of health care policy or education initiatives, as if he were a committee chairman, as he once was. This capacity in our Senate President is refreshing. Like you my colleagues, he is expected to listen to our constituents. And like us, he is informed by these encounters.

Ultimately, the Senate President, by his performance and management of difficult issues, will reflect upon the members of this body. Tom Birmingham is, and has been, mindful of his role in this respect. In this regard, I am reminded of a chance encounter that my wife Priscilla and I had with the Senate President late this fall in Boston one evening. Priscilla and I were walking back to the State House, and came upon the President. After exchanging pleasantries, the President revealed that he had a speaking engagement with an area high school class the next morning, and that he was a bit nervous. I remember being puzzled, because for legislators school appearances are somewhat routine. When I asked why, the President noted that he was speaking to his daughter’s class, and wanted to leave a good impression for his daughter’s sake. He knew that his daughter would be beset with a host of unsolicited reviews following his appearance, and above all wanted his daughter to be proud of him.

I know that on that next day, Tom Birmingham’s daughter was proud of her father, just as we in this Chamber are proud of him today. We can entrust no better man with the institution of our state Senate. I am honored to submit for your consideration Thomas F. Birmingham as our next Senate President. And I so nominate this gentleman.

Ms. Murray seconded the nomination of Mr. Birmingham as President of the Senate and she addressed the Senate as follows:

Thank you, Mr. President.

I rise today to place in nomination the name of Thomas F. Birmingham of Middlesex, Suffolk and Essex as President of this session of the Massachusetts Senate.

I am honored today to speak of his abilities and the qualities necessary for any person who would fill this position.

The individual who will lead this prestigious body must set aside ideological and party differences for the common good of ALL the people of this Commonwealth. This individual must be an experienced leader and one who can bring about a consensus. This individual must also be a leader, one who:

- Must be a forward, innovative thinker.
- Must have the courage to stand and speak for those whose voices are not heard.
- Must be open and willing to work with all members to find solutions to new or longstanding problems.

Thomas F. Birmingham holds all of these qualities. He *is* a forward thinker / who has brought the Massachusetts Senate *in line* / and *online* / with the high tech economy of Massachusetts. / This wise and experienced Senate is now fully equipped for the changing technologies in the 21st century.

In our role as elected officials, members of this prestigious, deliberative body, the old saying, “knowledge is power,” has never been more applicable. / And up until recent years, knowledge of the legislative process was purposefully confined within the bricks and mortar of this building, / within this closed Senate Chamber, / exclusively within the Senate offices, shared with only a select few.

Times have changed.

Knowledge is shared within our offices, / amongst our members in this historic Chamber, and with the public that has sent us here. Thomas Birmingham has brought this body and the legislative process into the 21st century; / a forward, innovative thinker indeed.

Under his leadership, / knowledge is shared with the people we serve. / Each Senate office is *online* and e-mail equipped, / giving constituents an efficient and direct form of communication with each of us. / Bills and committee reports are available online, / and beginning today, formal sessions in the Senate can be viewed webcast live, / as they should be, / to make *our business* and the *business of this honorable body more open and accessible* to the public we are elected to serve.

Under his leadership, we have also made significant changes to the rules that govern this body. / It's nice to hear so many children in the Chamber. It's nice to have them here. / Bills must be in print 24 hours before they are taken up for discussion. / The minority party which has been diminished, not in wit or intellect, but only in numbers, can request a roll call vote even with a mere six members; / a sign of Tom Birmingham's commitment *to all* of our members *equally* and *without bias*.

The Senate has become more open / and accessible / to both the members and the public because of the efforts of Senate President Birmingham. He recognizes that this Chamber belongs to the citizens of the Commonwealth and that *our* constituents will only have confidence in their government when they feel that it is open and accessible. *Undoubtedly, this will be his legacy.*

He is a man who truly believes in the democratic process / and ensures, over the course of our deliberations, / that each one of our voices are heard, regardless of his opinions.

(As you know Mr. President, I can personally attest to that.)

Most importantly, as my colleague, I have witnessed Tom Birmingham's personal attention to the needs of each of our districts. From the cranberry bogs of Southeastern Massachusetts, to the environmental needs of my Cape communities surrounding the Mass. Military Reservation, / to those living with disabilities or those in despair, / he has taken time to get to know the needs of constituents in *all* parts of the Commonwealth.

This leader is truly a person who has the courage to stand up for people who have no voice.

During my eight years in the Senate, I have worked on many initiatives that benefit the citizens of the Commonwealth. All have a champion in Thomas Birmingham. / While his accomplishments are too numerous to list, I would like to take a moment to mention just a few that have made a significant difference in the lives of families.

- Established Universal Health Care for Children.
- Universal Prescription Assistance for Seniors and the Circuit Breaker Tax Cut.
- The override of the Governor's veto of the minimum wage increase and since then championing it to be one of the highest in the nation.
- Increased and extended the annuity to spouses and parents of deceased veterans.
- Created a \$100 million affordable housing fund to help families stay in Massachusetts.
- Banned gender discrimination in insurance.
- And, something that is very important to me — Catastrophic Health Insurance Coverage for Children.

With his help and leadership, I was able to get the full support and backing of every member of this body. *And, we now have a program in place* that is already providing care for catastrophically ill children / lessening the burden on families. *We have changed the process* / so that no other family will have to face financial ruin. We are only the second state in the nation to provide this coverage.

Over the years, we have come to know Tom Birmingham as a man of *insight*, / *intelligence* and *integrity*. These values have been illustrated time and time again through various policies he has crafted / benefiting *all* of the residents of the Commonwealth of Massachusetts. / He has served this body diligently as the former Chairman of the Joint Committee on Education, / as the former Chairman of the Senate Committee on Ways and Means, / and as the President of this institution for the past five years.

For three years in his role as the Chairman of the Committee on Ways and Means, he *authored* balanced budgets that were fiscally responsible with targeted tax cuts for Massachusetts' working families / and has made significant investments in the areas of education, health care, and public safety.

These are the values and examples of *leadership* / to which this body has grown accustomed. His accomplishments, both in adopting technological improvements and making this institution more open and accessible, have made the Senate a more efficient legislative body. / I look forward to his continued leadership.

It is with all of these qualities in mind that I urge my colleagues to stand with me in support of Thomas F. Birmingham's nomination for President of the Massachusetts State Senate.

On motion of Mr. Travaglini, 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. Mr. President, the swearing in ceremony marking the start of a new session is always a memorable time . . . one that is filled with history and tradition.

In keeping with tradition, as is the custom on this day, I would like to nominate my friend Brian Lees, the leader of the Republican Caucus for the Office of President of the Senate.

I don't think that anyone here today in this Chamber would dispute the fact that Brian is one of the hardest working and most respected members of this senate.

He has never been afraid to stand up and provide leadership on the issues that he believes are most important to the people of this state.

Brian was one of the first to call for an overhaul of our state's welfare program, long before it became fashionable . . .

He helped to write and pass into law important reforms that improved our workers compensation system and put the unemployment trust fund back on solid footing.

Brian has been the main proponent in this Chamber of reinstating the death penalty here in Massachusetts.

He has also spent a great deal of time and effort to help to bring meaningful tax relief to the people of this state. It's no accident that 40 tax cuts have become law during his tenure as a member and as the minority leader of this senate.

Over the next few days everyone in this Chamber will be assigned a role to help this Senate operate over the next two years.

I think it is fair to say that the votes just aren't here today to elect Brian Lees Senate President. And unless some remarkable event takes place in the next few minutes Brian will once again serve us as our minority leader.

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

I am sure that you can imagine that it must be frustrating, knowing that no matter how strong your argument or how worthy your cause that often times you don't have the votes you need to succeed.

But even with those limitations, Brian has performed his duties as Minority leader in a way that has brought great distinction to this Chamber. He has worked hard to build bridges and can always be counted on to treat every member with respect.

And in the end, despite the odds, he is usually successful in ensuring that the ideas and principles of our caucus and its members are incorporated into every major piece of legislation that leaves this Chamber.

He also is responsible for pushing the Governor's agenda forward in the Senate and ensuring that the Administration's initiatives receive a fair hearing and serious debate.

Perhaps his most difficult job though is the role which traditionally falls upon the minority leader and that's to provide the checks and balances that are critical to the success of any legislative chamber.

That means asking the tough questions, guarding against unwise proposals and ensuring the legislative process takes place in an open and inclusive manner.

And while this role may be looked upon as confrontational by nature . . . Brian holds us all accountable with a spirit of cooperation that has made each and every one of us a better more effective public servant

Brian's mentor, Former Senator Ed Brooke probably explained it best during a commencement address at Wellesley college a number of years ago when he said, **"Dissent and protest are essential ingredients in the democratic concoction. Without them . . . an open society becomes a contradiction in terms, and representative government becomes as stagnant as despotism."**

Clearly anyone who knows anything about Brian Lees knows that there is no chance of this senate becoming stagnant over the next two years.

Undoubtably there will be many challenges that we will face this session that will test the resolve of each and every one of us. Some of these challenges are already known to us while others are unforeseen . . .

One thing we do know for sure is that we are fortunate to have the right people with the proper temperament in place to lead this senate over the next two years.

Both Tom Birmingham and Brian Lees will once again guide this senate with a steady hand. And although they will disagree at times, they will set a tone and create an atmosphere which will allow the peoples' business to be carried in a way that will benefit all of our constituents.

In conclusion, let me say we have heard a lot of talk coming out of Washington recently calling for bi-partisanship. Those who are preparing to lead our country would do well to follow the example set over the past six years in the Massachusetts Senate.

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 is an honor to nominate him for Senate President.

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

It is an honor to stand here today and join with all of the members of the Senate in this time honored tradition, to know the important work that lies ahead and to know that, at the conclusion of these nominations, we shall have before us a choice between two capable, honorable and devoted individuals.

I am pleased to complete that process by seconding the nomination of the distinguished Minority Leader, our friend Brian P. Lees of First Hampden and Hampshire.

Brian is well-known to the members of this Senate as a member, and through his distinguished service as a Minority Leader . . .

Where he has not been diminished by the numerical disadvantage of the minority party, but rather has grown in stature by meeting the challenges he has confronted with diligence, compassion and personal strength.

Anyone who has faced Brian as an adversary in the fair and vigorous debates which have characterized this Senate under the tremendous leadership of President Birmingham knows that the Minority Leader is unyielding in his intrinsic loyalty to himself and his principles.

And yet anyone who has sought his counsel, his collaboration and his friendship has found him to be unceasingly receptive and welcoming.

A philosopher once said that "The wicked leader is he who the people despise. The good leader is he who people revere. The great leader is he who the people say 'We did it ourselves.'"

Brian Lees reaches out in partnership in everything that is done in this Chamber and he is an essential factor in our being able to say we did it ourselves.

Clearly Brian believes in each of us, and his paramount interest is in improving our Commonwealth for each and every person who resides in it.

Though the outcome of the pending vote may seem inescapable, we can all take comfort in the fact that Tom Birmingham and Brian Lees will in fact continue to provide, outstanding leadership on our behalf.

Brian's humor will reach our humanity, his advocacy will speak to our collective conscience, and his indomitable spirit will in large part drive our debates

Thomas Jefferson would instruct to “go on deserving applause, and you will meet with it; and the way to deserve it is to be good, and to be industrious.”

I hope that Brian Lees will be our Senate President. Regardless of that outcome, he will surely in the days ahead be industrious. He will surely be productively outspoken, and he will deserve our applause.

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

On motion of Mr. Brewer, 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.

Berry, Frederick E.

Birmingham, Thomas F.

Brewer, Stephen M.

Chandler, Harriette L.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Glodis, Guy W.

Havern, Robert A.

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

Lynch, Stephen F.

Magnani, David P.

Menard, Joan M.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

O’Leary, Robert

Pacheco, Marc R.

Panagiotakos, Steven C.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Tolman, Steven A.

Travaglini, Robert E.

Tucker, Susan C.

Walsh, Marian

Wilkerson, Dianne — 34.

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

Hedlund, Robert L.

Knapik, Michael R.

Lees, Brian P.

Sprague, Jo Ann

Tarr, Bruce E.

Tisei, Richard R. — 6.

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 34

Brian P. Lees of First Hampden and Hampshire had 6

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 Nuciforo of Berkshire, Hampden, Hampshire and Franklin, and Tucker of Essex and Middlesex.

The President then addressed the Senate as follows:

Today marks the fourth time you have accorded me the highest honor you can by choosing me as your presiding officer. Thank you, each and every one of you. Just as each of us has just taken a solemn oath of office, I swear to you that I will do all to the best of my abilities to lead this body consistent with the history and the potential of our Senate and in reflection of our collective goals, values and ideals.

We are a state of 6,355,568 people and we can thank the census bureau for that degree of specificity.

But there are only forty of us. We are “the few, the happy few, a band of brothers” — and of sisters. In a body of this size analogies to a family always seem appropriate. If you would indulge me, I would like to introduce the members of my own family who are here in the Chamber today

A few moments ago, I referred to us as “a band of brothers and sisters.” I would be remiss if I did not note a historic occurrence today. The Senate now has 12 female members, the highest number ever, and we are a better institution for that. Here, we do not accept that a woman’s place is in the House; we believe that a woman’s place is in the Senate.

Although we come from different backgrounds and represent different districts — each of us represents not only our own district, but we also represent the entire state; we have an indivisible obligation to represent the best interests of the 6 million plus people of this Commonwealth.

That is the Senate’s tradition; by working together the Senate has led the way in improving the lives of the ordinary working and middle class people of Massachusetts by our commitment to educating all our kids, to expanding health care coverage, to insuring that all of the people of this Commonwealth share equitably in the wealth we in common produce.

For two years this Chamber championed an increase in the minimum wage. As of this Monday, January 1, Massachusetts has the highest minimum wage in the United States of America. Senator Lynch and Senator Melconian for your leadership efforts on this, I want to say Thank you very much. We remember that some warned that Massachusetts should not get “out front” on this issue, but we collectively demonstrated that when it comes to the working people of this state it is not an emblem of shame but a badge of honor for us to lead the nation.

We in the Senate have long recognized that if you work for a living in this state you ought to be able to earn a living. If you wake up every morning, go to work and play by the rules, by the end of the day you ought to be able to make ends meet.

If we agree on these fairly straight-forward propositions, let’s try this year to take the politics out of this matter once and for all; let’s guarantee that our minimum wage will not be eroded by time and inflation; let’s tie the minimum wage to the rising cost of living.

I think we all know, however, that in the long run the way that we will become a stronger economy and a better society is through improving our public schools.

Education, as Senator Antonioni has just reminded us, is not a priority new to this branch. The Senate and the Senate alone has fully funded the Education Reform Act every year since its inception, and we will continue to lead the way, but we know that improving our public schools is not just about money it is about performance, it is about achievement, it is about standards, it is about accountability.

But when we talk about standards, we should recognize that this is not just an abstract concept. These standards apply to real kids who have their own hopes and dreams and ambitions.

If we are to assume the awesome and awful responsibility of denying kids a high school diploma per operation of state law, we have a moral responsibility to provide kids with the material conditions of success. That’s why the Senate has over the past three years led the way by establishing after-school, weekend and summer school programs to ensure that all of our kids have a fair shot at meeting the high standards we have set.

We must also insure that kids are assessed fairly based on material to which they have been adequately exposed. To accept anything less would be unconscionable.

As someone who is frequently in our public schools, I have seen first-hand the positive effects of the application of the MCAS test on the energy, on the focus, on the commitment to educating all our kids. But we must remember that the MCAS is not an end in itself, it is a means. Particularly with regard to special needs kids, vocational education students and those in bi-lingual education programs, we should at least be open to good faith proposals for more flexibility in the means of assessment.

Let neither side in the MCAS debate kick around kids as political footballs. Let’s stop drawing lines in the sand and instead let’s see if we can identify a common ground, a common ground based on what I believe to be a political and cultural consensus that we are not doing kids a favor if we award them a high school diploma before they’ve learned to read with comprehension, to write with clarity, and to calculate with accuracy.

Another area where the Senate has been in the vanguard but where we have much left to do is that of health care coverage. For what it is worth, I do believe the day will come when we have universal health care coverage in this country. Whether that occurs a year from now, a decade from now, or a generation from now, we will look back in utter incredulity at the gaping hole in the social safety net. Until that day arrives on the national level, we in this state and particularly we in this Senate will remain in the forefront in our efforts to expand health care coverage to all of our people.

Four and a half years ago, under the leadership of Stan Rosenberg and Mark Montigny we overrode a gubernatorial veto to establish a universal health care program for all of our children. Last year we created a national model prescription drug program available to all senior citizens, which was the culmination of years of hard work by Senator Montigny and Senator Moore. We must build on this foundation.

Health care is one issue where the Senate is blessed with an abundance of expertise. I've already mentioned Senator Rosenberg, Senator Montigny and Senator Moore, but several other members also share an abiding and informed interest in this subject — Senator Pacheco, Senator Travaglini and one of our newest members Senator Chandler — to name but a few.

Health care is a matter of life and death for all of our constituents regardless of the demographic differences in our districts. This is an issue that cries out for solutions drawn from all of our collective wisdom, all of our collective experience, analysis and insights.

But let's face it. Talk about health care is cheap; good health care itself is not; talk about education is cheap; world-class public schools are not. Yet we can address these issues only in a context of fiscal responsibility. On our watch we have never spent a dollar we did not have and on our watch we never will. Our budgets have been indisputably balanced and our budget will be balanced again this year.

What has always been a hard task — realizing our substantive priorities within finite means — has been made more difficult by the passage of Question 4, which will remove \$1.2 billion from the state's revenue stream.

Make no mistake about it — we will honor the mandate of Question 4. But let's not pretend, as some in state government have, that this does not restrict our ability to intervene in areas we otherwise would want to.

While Question 4 may limit us, it does not incapacitate us. We should always remember that our legislative and budgetary decisions are only partly about numbers and dollars but are ultimately about values and choices. The values we have championed in recent years will continue to set the agenda this term.

As important as these issues are, however, they assume an almost ephemeral quality when compared to the relationships we forge in this Chamber.

In the last session we were repeatedly, forcefully and tragically reminded of the primacy of the personal relationships we develop here. Too many of us suffered the loss of loved ones. Even, perhaps especially, through our grief, we come closer together in our shared compassion and empathy and concern.

I'll not trench on any other member's personal experience but I will mention one such loss. A person on my staff, but far more importantly — a good and dear friend — someone known, liked and respected by all of the returning members — Arthur Lambert — died in a car accident less than 3 weeks ago. He loved the Senate and he served this institution and all of the people of the Commonwealth very well indeed. He will be missed and missed sorely for a very, very long time. Let us all hope this term is personally gentler to us all than was the last term; at least let us vow to avoid being harsh with one another.

One of the relationships I most cherish in the Senate is that with the Minority Leader, Brian Lees. Brian is a worthy foe, to be sure. He puts the members, especially of the majority party, to the test, forcing us to explain and to justify our initiatives to the taxpayers of the Commonwealth. And that is as it should be. But while Brian advocates well, he is never adversarial. Brian's is an example all members would do well to emulate.

So, as we disagree about matters of deeply held principle, let's keep in mind the deeply personal nature of this enterprise and of this institution. Let's recognize that we're all in this together and working together is when we do our best work.

To the returning Senators, welcome back. It must say something positive about our performance that all Senators who sought re-election, won re-election. To the new members, Senator O'Leary and Senator Chandler, congratulations. You are welcome in this Chamber. This is a body in which you can make a difference and can exercise leadership in a very short time, if you are prepared to work at it.

We have a stable membership here, but we also have new members. A healthy legislative body combines continuity with fluidity. All of us can anticipate more changes still to come.

But even in this political world, let's remember that the best way you can advance yourself is by doing the best job you can in the position you are in.

So let us all commit to working together collegially, cooperatively, constructively.

Let's work to make Massachusetts the greatest Commonwealth it can be.

Thank you again for giving me the honor of serving as your Senate President. I am gratified and humbled by your confidence more than I can find the words to express. So let me close simply by saying thank you, thank you, from the bottom of my heart.

On motion of Mr. Travaglini, 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:

My fellow colleagues, friends, court officers, Senate staff and guests, thank you for this opportunity to speak to you on this, the first session of the one hundred and eighty-second General Court. And thank you to my constituents, the voters of the First Hampden and Hampshire district, who have once again humbled me with their faith and confidence to represent their needs and wishes.

I would like to extend a warm welcome and congratulations to the newest members of the Senate, the Senator from Worcester and the Senator from the Cape and the Islands. Your friends and families should indeed be proud on this day. For today, you take a seat where many distinguished men and women have sat before and where many of the same sit today.

I have no doubt that you will honor this Chamber with your thoughts, your ideas and your service to the Commonwealth of Massachusetts.

And if I may, I would like to take a moment to thank the former Senator from Worcester — a true gentleman who served this body with great dedication. His intelligent and sometimes poignant contributions to the Senate's debate will be missed. I am grateful for the opportunity we had to work together and, through our work, become friends.

And to my dear and close friend, the former Senator from the Cape and the Islands, who continues his work as public servant in the Administration — I am sure he will continue to offer us tidbits of his wisdom and his wit. The minority party and indeed the Senate will miss this gentleman who worked diligently to learn the intricate and minute details of the state budget. Members of both parties could rely on him for answers that were, most of the time, easy to understand.

Our two newest members have much to live up to, but as I look around this room and see Senators from places like Plymouth, East Boston, Westfield, Leominster, Springfield, Peabody and, of course, New Bedford and so many others, I have faith that good — no make that great — examples will be set for them to follow. I look to my fellow colleagues almost daily for inspiration and I am rewarded with examples of commitment, honor and virtue.

I would be remiss not to thank the Senator from Middlesex, Senator Tisei, for his kind words. He is not only an ally and a mainstay of the minority party, but one of my dearest friends, and I am happy to have him again at my side. Also the Senator from Essex, Senator Tarr, whom I admire more every day I serve with him. He is a true leader and individual we can all be proud of.

Thank you as well to all the members of the minority party for their support. While our numbers have decreased by one, this is in no way an indication of the strength of will and fortitude of the Republican Party in the Senate. You can expect our agenda will be presented with the same passion and zeal that has always been shown by these members. Anyone looking for healthy debate and, if necessary, vigorous opposition, will not be disappointed.

When I reflect upon the minority party, I am reminded of the Roman poet, Horace, who wrote, "Adversity has the effect of eliciting talents, which in prosperous circumstances would have lain dormant." This certainly holds true of the current minority members of the Senate, who, despite the overwhelming party numbers against them, have displayed both great fortitude and intelligence in representing their districts and the Republican Party.

There was a time, however, that the Republicans dominated the Massachusetts Legislature. Early in the twentieth century, there were but five Democrats in the Senate — that's one less than our six! And in those days — and what days they must have been — eight votes were needed to force a roll call vote. Today, thanks to our Senate President, the minority party — whether Republican or Democrat — can force a roll call with a vote equaling the number of members in the minority. This alone may offer the greatest insight into the workings of the current Senate.

The Massachusetts voters eventually decided to give the Democrats a chance. After nearly a hundred years absolutely, utterly and completely dominated by the Republican Party, the Democrats became the majority party in the Senate in 1959. If that same luck holds true for the Republicans, I only have fifty or so more years before I'll hear the phrase "Senate President Lees".

In all seriousness, despite a Legislature controlled by Democrats, the voters of the Commonwealth for the last ten years have put a Republican in the corner office. And, as recently as this past November, have overwhelmingly supported the cornerstone of Governor Paul Cellucci, Lieutenant Governor Jane Swift and the Republican Party's agenda — the income tax rollback. An issue that I specifically addressed in my remarks on swearing-in day two years ago. I cautioned that we should make no mistake about it — if we didn't take the lead on that tax initiative, the voters would do it for us — and as we saw in November, the voters have spoken for us.

While the tax cut may make our jobs more interesting, with different choices to make, I am proud of the Commonwealth's voters for speaking their minds and showing us what direction they wish to take Massachusetts. As public servants, we owe them nothing less than to listen. They are, after all, the reason we are all here.

This body has accomplished much in the past years. There is still much to be done. Difficult decisions about education reform and the Massachusetts Comprehensive Assessment System loom on our horizon. Malcolm Forbes once said, "Diamonds are nothing more than chunks of coal that stuck to their jobs." I would urge all of us to remain steadfast in our efforts to give the Commonwealth's children a better education. The first signs of improvement, however small, are encouraging.

Issues involving employees and employers, public safety and the environment will continue to take center stage along with our continued goal of making the lives of our seniors and disabled better.

The Senate and its President have never shrunk from our duties and responsibilities in these areas. I expect nothing less now and in the future.

Last, but certainly not least, on behalf of the minority party, I extend our congratulations to you, Mr. President. You have presided over this body for five years and I can say with absolute certainty that you have governed with the utmost sense of fairness and bi-partisanship. There are more than a few reasons this body is sometimes referred to as the "upper" branch and you, Mr. President, are one of those reasons.

Thank you also for your thoughtful comments. The era of decorum that you have produced in the Senate is a reflection of your own character. I will be forever grateful for the opportunity to work with you and, more importantly, for our friendship. While we do not see eye to eye on many an issue, we have agreed time and time again to put differences aside for the betterment of the Commonwealth. Had a lesser person been in your place, politics may have blocked the path of progress. Thank you, Mr. President, for helping to choose what is best for the people of Massachusetts rather than any particular group, interest or party.

On a personal note, I want to thank all of you for the kindness and support you have shown me in the last several days — you truly are exceptional human beings.

And so, without further comment, let us begin the 2001 Legislative Session. We are at the beginning of a new year with new and formidable tasks ahead of us. May we welcome those challenges just as we do each new year and each member of the Senate — with open arms. Happy 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 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 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. Morrissey,—

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 further motion of Mr. Morrissey,—

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 Middlesex, Suffolk and Essex had been elected President of the Senate, and Patrick F. Scanlan had been elected Clerk of the Senate.

Senators Rosenberg of Hampshire and Franklin, Creem of Middlesex and Norfolk, Shannon of Middlesex, Magnani of Middlesex, Norfolk and Worcester and Knapik of Hampden and Hampshire were appointed the committee.

Subsequently, Mr. Rosenberg, 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. Moore,—

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

On further motion of Mr. Moore,—

Ordered, That the joint rules of 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. Pacheco,—

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 Panagiotakos of Middlesex, Glodis of Worcester, Menard of Bristol, Chandler of Worcester and Tarr of Essex and Middlesex were appointed the committee on the part of the Senate.

Subsequently, Mr. Panagiotakos, 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 3, 2001.

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 seventh day of November, 2000 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 Ms. Resor,—

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

Senators Joyce of Suffolk and Norfolk, Wilkerson of Suffolk and Sprague of Norfolk, Bristol and Plymouth were appointed the committee.

Subsequently, Mr. Joyce, 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 *Berkshire, Hampden, Hampshire*
and Franklin District.

Hon. Joan M. Menard of Somerset in the First *Bristol*

Hon. Mark C. Montigny of New Bedford in the Second *Districts.*

Hon. Robert O'Leary of Barnstable in the *Cape and Islands District.*

Hon. Edward J. Clancy, Jr., of Lynn in the First

Essex

Hon. Frederick E. Berry of Peabody in the Second

Districts.

Hon. James P. Jajuga of Methuen in the Third

Hon. Bruce E. Tarr of Gloucester in the First *Essex and*

Hon. Susan C. Tucker of Andover in the Second *Middlesex Districts.*

Hon. Linda J. Melconian of Springfield in the *Hampden District.*

Hon. Brian P. Lees of East Longmeadow in the First *Hampden and*

Hon. Michael R. Knapik of Westfield in the Second *Hampshire Districts.*

Hon. Stanley C. Rosenberg of Amherst in the *Hampshire and Franklin District.*

Hon. Steven C. Panagiotakos of Lowell in the First

Hon. Charles E. Shannon of Winchester in the Second

Middlesex

Hon. Richard R. Tisei of Wakefield in the Third

Districts.

Hon. Robert A. Havern of Arlington in the Fourth

Hon. Susan C. Fargo of Lincoln in the Fifth

Hon. Cynthia Stone Creem of Newton in the *First Middlesex and Norfolk District.*

Hon. David P. Magnani of Framingham in the *Middlesex, Norfolk and Worcester District.*

Hon. Steven A. Tolman of Boston in the *Middlesex and Suffolk District.*

Hon. Thomas F. Birmingham of Chelsea in the *Middlesex, Suffolk and Essex District.*

Hon. Pamela P. Resor of Acton in the *Middlesex and Worcester District.*

Hon. Cheryl A. Jacques of Needham in the *Norfolk, Bristol and Middlesex District.*

Hon. Jo Ann Sprague of Walpole in the *Norfolk, Bristol and Plymouth District*.

Hon. Michael W. Morrissey of Quincy in the *Norfolk and Plymouth District*.

Hon. Marian Walsh of Boston in the *Norfolk and Suffolk District*.

Hon. Therese Murray of Plymouth in the *Plymouth and Barnstable District*.

Hon. Marc R. Pacheco of Taunton in the First *Plymouth and*

Hon. Robert S. Creedon, Jr., of Brockton in the Second *Bristol Districts*.

Hon. Robert L. Hedlund of Weymouth in the *Plymouth and Norfolk District*.

Hon. Stephen F. Lynch of Boston in the First *Suffolk*

Hon. Dianne Wilkerson of Boston in the Second *Districts*.

Hon. Robert E. Travaglini of Boston in the *Suffolk and Middlesex District*.

Hon. Brian A. Joyce of Milton in the *Suffolk and Norfolk District*.

Hon. Harriette L. Chandler of Worcester in the First *Worcester*

Hon. Guy W. Glodis of Worcester in the Second *Districts*.

Hon. Stephen M. Brewer of Barre in the *Worcester, Hampden, Hampshire
and Franklin District*.

Hon. Robert A. Antonioni of Leominster in the *Worcester and Middlesex District*.

Hon. Richard T. Moore of Uxbridge in the *Worcester and Norfolk District*.

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

Orders Adopted.

On motion of Mr. Montigny,—

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, Lynch of Suffolk and Lees of Hampden and Hampshire were appointed the committee.

On further motion of Mr. Montigny,—

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. Melconian,—

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

On further motion of Ms. Melconian,—

Ordered, That a convention of the two Houses be held at twelve o'clock noon on Thursday, January 4, for the purpose of administering the oaths of office to the several Councillors-elect.

Sent to the House for concurrence.

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