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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

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

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

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

Hon. Mark C. Montigny of New
Bedford.....
.....in the Second *Bristol and Plymouth District*.

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

Hon. Steven A. Baddour of
Methuen.....
.....in the First *Essex District*. Hon. Frederick E. Berry of
Peabody.....
.....in the Second *Essex District*.

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

Hon. Susan C. Tucker of
Andover.....
.....in the Second *Essex and Middlesex District*.

Hon. Thomas M. McGee of Lynn
.....
.....in the Third *Essex and Middlesex District*.

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

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

Hon. Michael R. Knapik of Westfield
.....i
n the Second *Hampden and Hampshire District*.

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

Hon. Steven C. Panagiotakos of
Lowell.....
.....in the *First Middlesex District*.

Hon. Charles E. Shannon of
Winchester.....
.....in the *Second Middlesex District*.

Hon. Susan C. Fargo of
Lincoln.....
.....in the *Third Middlesex District*.

Hon. Robert A. Havern of
Arlington.....
.....in the *Fourth Middlesex District*.

Hon. Richard R. Tisei of
Wakefield.....
.....in the *Middlesex and Essex District*.

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

Hon. David P. Magnani of

Framingham.....
.....in the *Second Middlesex and Norfolk District*.

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

Hon. Jarrett T. Barrios of
Cambridge.....
.....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. Brian A. Joyce of
Milton.....
.....in the *Norfolk, Bristol and Plymouth District*.

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

Hon. JoAnn Sprague of
Walpole.....
.....in the *Bristol and Norfolk District*.

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

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

Hon. Robert S. Creedon, Jr., of
Brockton.....
.....in the *Second Plymouth and Bristol District*.

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

Hon. John A. Hart, Jr., of
Boston.....

.....in the *First Suffolk District*.
Hon. Dianne Wilkerson of
Boston.....

.....in the *Second Suffolk District*.

Hon. Robert E. Travaglini of
Boston.....

.....in the *First Suffolk and Middlesex District*.

Hon. Marian Walsh of
Boston.....

.....in the *Suffolk and Norfolk District*.

Hon. Harriette L. Chandler of
Worcester.....

.....in the *First Worcester District*.

Hon. Guy W. Glodis of
Auburn.....

.....in the *Second Worcester District*.

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 Bernard McLaughlin of St. Gerard’s Parish in Canton:

In this great hall of government we pause to pray for the common good — the good for all of us — which assures the good of each one of us.

We pray also for those who are charged with the daunting task of discovering and implementing the common good legally. But we pray here especially for those who are the neediest among us: those who have no home — those who have no job — those who have no health care — those who in our community have no decent life to live.

I come here today particularly to pray with and for my friend of many years, Bob Travaglini, a man who has always stood by the best of his party and the best of his church, a man whose life always echoed the words of Isaiah the prophet and Matthew the

apostle: who spoke of feeding the hungry — sheltering the homeless — clothing the naked — welcoming the stranger.

If our political party and my church seek credibility — indeed survival — we must set aside our disconnectiveness from real people, our elitism and our arrogance by reaching out in love and responding to every person no matter who or what that person is. We ask God's blessing and we give thanks to God for the leadership of President Travaglini: man of the people — friend of the poor — leader of his party we ask all of this in God's name. **On motion of Mr. Baddour, 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.

The National Anthem was sung by State Trooper James Connor.

Order Adopted.

On motion of Ms. Fargo,—

Ordered, That a committee be appointed by the Chair to wait upon Her Honor Jane M. Swift, the Lieutenant-Governor, Acting 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 Rosenberg of Hampshire and Franklin, Montigny of Bristol and Plymouth, Walsh of Suffolk and Norfolk, Sprague of Bristol and Norfolk and Havern of Middlesex were appointed the committee.

Subsequently, Mr. Rosenberg, for the said committee, reported that the committee had waited upon Her Honor Jane M. Swift, the Lieutenant-Governor, Acting Governor of the Commonwealth, and the Honorable Council, and had conveyed to them the message of the Senate; and that the Acting Governor had asked him to say that she would be pleased to attend forthwith upon the Honorable Senate, with the Honorable Council and the Constitutional officers, to administer the oaths of office. The report was accepted and the committee was discharged.

Soon after, Jane M. Swift, the Lieutenant-Governor, Acting Governor of the Commonwealth, members of the Honorable Council, William Francis Galvin, Secretary of the Commonwealth, Thomas F. Reilly, Attorney General, and A. Joseph DeNucci, Auditor of the Commonwealth, 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 her remarks, the Chair (Mr. Berry) recognized the Senator from Hampden and Hampshire, Mr. Lees, for a few brief remarks.

Remarks of the Honorable Brian P. Lees.

As the Senate Minority Leader, I have had the opportunity to address this able body on frequent, perhaps too frequent, occasions and I take pride in standing before you as the voice of the Republican Party [and the voice of reason].

Today, I am before you with one of the most difficult tasks that I have ever undertaken during my 14 years in the Senate, and that is to bid Governor Jane Swift a fond farewell.

Governor Swift, on behalf of the citizens of the Commonwealth of Massachusetts, the members of the General Court, and, in particular, the members of the Republican Caucus, I thank you for your many years of dedication as a most able and respected public servant.

I can remember back in January of 1991 when you were sworn in as the Senator from the Berkshires, replacing Peter Webber. No person in the Chamber that day knew of the course you would ultimately take and the challenges you would face, but it didn't take them long to realize that you were indeed an exceptional public servant.

I can honestly say that I owe you a debt of gratitude because, when we served in the Senate together, you proved to be the key vote in my ascension as Minority Leader. I had two opponents during that year and you joined with Senator Richard Tisei to elect me as the Leader of the Republican Caucus.

In the Senate, Jane Swift became a near expert on all policy and fiscal issues that came to the floor. Her advice and leadership helped the entire body achieve a record of which we could be proud.

When she left the Senate, all of us realized we were losing a true leader. However, only a few short years later, she was successful in her bid for Lieutenant-Governor and we again realized that the citizens of Massachusetts were in good hands.

Jane Swift has worn many different hats while serving the people of the Commonwealth, but there is no job that she is more proud of than that of being a devoted mother and caring wife. She faces every task, either at home or at work, with a smile and a positive attitude.

It is often said that it is easy to be a leader in good times, but much more arduous to be a leader in difficult times. And, the last several months of Jane Swift's [current] political career is a testament to that maxim.

Jane Swift has done an extraordinary job in an extraordinary time in the Commonwealth. She has taken her criticism in stride and focused her energy and talent on doing what is best for the people of Massachusetts rather than doing what is best for publicity. She has never pointed the finger at anyone and has understood that the ultimate responsibility rests with the person who occupies the corner office.

Jane Swift, I say to you as a friend and colleague, you have made me proud to serve with you — just as you have for all of us in this chamber.

With regard to your career in public service over the past several years — and I say this with confidence on behalf of all of us — we are fortunate to have worked with one of the most dedicated public servants the people of the Commonwealth of Massachusetts has ever or will ever have.

We wish you Godspeed and look forward to seeing you in the public arena again some day.

The Chair (Mr. Berry), then recognized the Senator from Suffolk and Middlesex, Mr. Travaglini, who also offered several remarks to the Acting Governor.

Her Honor Jane M. Swift, Lieutenant-Governor, Acting Governor, the Honorable Council and the Constitutional officers then withdrew from the Chamber.

Order Adopted.

On motion of Mr. Morrissey,—

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

Ms. Murray placed in nomination for President, Mr. Travaglini of Suffolk and Middlesex, and Ms. Murray briefly addressed the Senate.

I rise to place in nomination the name of the gentleman from the Suffolk and Middlesex district, Robert E. Travaglini as President of this State Senate. Mr. President Pro Tem, members of the Senate, family members and distinguished guests, it is with great honor and pleasure that I stand today in support of our colleague and friend Robert Travaglini.

I have had the privilege to serve with Senator Travaglini, better known as Trav, since we were first elected to the Senate in 1992. In that time I have personally and professionally found him to be a caring individual with a deep sense of commitment to the people of his district and to all the families in the Commonwealth.

Trav's legislative values are reflective of his roots. As you all know, his father passed away when he was just 16, leaving his mother Josephine to raise him and his four brothers. She has to be an exceptional woman to have survived the five of them. The sacrifice of his mother and his experience growing up without a father instilled in him the importance of family and community — the values that guide him today. It is this commitment to his own family, his wife Kelly and children, Taylor, Jenny and Andrew, that helps Senator Travaglini understand the struggles that all Massachusetts families face. We should thank his mother for steering him and his brothers to a lifetime of accomplishment and service to our community.

Tip O'Neill once said that a lot more gets done when no one cares who gets credit. This is one of Robert Travaglini's true talents — working to build coalitions and consensus among vastly different groups without regard for the spotlight. He focuses on doing the best job he can, not only for the people of Boston, Revere, Cambridge and Winthrop but also for all residents of the Commonwealth.

Upon examining Trav's legislative accomplishments, it is clear that his greatest concern has always been for the less fortunate members of our society. He knows that Government can be and should be, a positive force in peoples' lives, even in the most difficult of times. For example, he championed the "Child Hunger Initiative", ensuring that more kids are able to take advantage of school breakfast programs. He has also worked hard to ensure quality out-of-school time for children by creating after-school and summer programs to help struggling students succeed and keep children safe. His focus on the family is evident in his efforts to help strengthen domestic violence laws and in creating affordable housing opportunities for all families.

Trav's belief in the importance of community was strengthened in one of his first jobs as program director of the Porrazo Rink in East Boston. He provided recreational opportunities for neighborhood kids, coaching them in all sports, keeping them engaged and off the streets. Trav is also recognized for organizing and coaching the Massport Jets, the first women's hockey team in the nation. In 1973 they won the first Girls' Invitational Hockey Tournament and two years later were enshrined in the International Hockey Hall of Fame. Their accomplishments paved the way for establishing women's ice hockey as an Olympic sport. His experiences first working with kids and later as an elected member of the Boston City Council gave him the knowledge and skills he needed to be a successful State Senator.

Senator Travaglini's sense of community will serve him well as he prepares to lead this great body. His personal touch and his willingness to work cooperatively with his colleagues will be the hallmark of his presidency. Tip O'Neill also wrote that politics is the art of compromise — it is Senator Travaglini's ability to listen and bring together differing opinions that will serve this Senate well as we confront the daunting tasks ahead.

Senator Travaglini has the ability to lead us through these difficult times. He is aware that actions we take together in this state Senate will impact every citizen in the Commonwealth for many years to come. Today we should reflect on the historical significance of why the Senate is divided into 29 committees — so that each of us in the body can gain expertise in specific policy areas.

Senator Travaglini understands that he needs this expertise and the skills of every member, majority and minority, and has pledged to empower all 39 of us to help define this Senate's agenda. We will all be encouraged to participate in finding solutions to the immediate challenges we face, and in shaping policy for the future. He understands that sound public policy is made when there is open and free discussion. It is through this open and inclusive democratic process that we will fulfill our obligations to the citizens of the Commonwealth.

The abilities of the next Senate President and the abilities of every member of the Senate will be severely tested in the coming months and years. We have a tremendous responsibility to the people of this state. They are looking to us for leadership to guide the state through the most difficult economic times in the past 60 years. We in turn have an obligation to choose a Senate President whose leadership style is open and inclusive. And we have an obligation to choose a Senate President whose ability to get things done is matched only by his compassion for those in need. Senator Robert Travaglini is that person.

The United States is truly a great country when a kid from the neighborhood, with humble roots can overcome life's obstacles and today become the 93rd President of this Senate and the first Senate President of Italian decent.

I ask my colleagues to join me in supporting Robert E. Travaglini's nomination for President of the Massachusetts Senate.

The nomination of Senator Travaglini for President was seconded by Mr. Panagiotakos, who also briefly addressed the Senate.

Mr. President, I proudly rise to second the nomination of Senator Robert E. Travaglini as Senate President.

All of us, serving in this body, are well aware of the serious challenges that the upcoming session will place before us.

And to face those challenges and overcome them, we need a leader, a leader who can bring a consensus to this body because, it will be only in finding common ground solutions to these pressing challenges, that we will make progress for the people of this commonwealth.

And there is no one, no one in this body that can bring us together to face these challenges better than the senator from East Boston.

In fact, he has been doing just that during his entire tenure in this historic body.

He has been a force of unity, of negotiation and of progress.

And because of that he has earned the respect and the trust of this membership.

In lobbying other members on behalf of Senator Travaglini, one thing became apparent, even with the many excellent and qualified members, who were seeking the Presidency of this Senate, and they were and are excellent and qualified, it became apparent, that if Senator Travaglini wasn't your first choice, he sure the heck was your second.

He was the one that could bring all of us onto his team and we all would know that our talents, our leadership, and our expertise would be valued, needed and put to use.

He was the one and he is the one.

Over the past six years, I have developed a close friendship with the senator from East Boston and because of that have had the opportunity to watch him in action.

And though he has many qualities that I admire, the one that I admire above all, as a legislator, is the way that he respects, reveres and represents the people that sent him here.

We all have heard the sage saying of Speaker Tip O'Neill that "all politics is local".

Well, Senator Travaglini has made that the cornerstone of his public service.

I've been in his office on many occasions when a constituent would come through the door or call and I don't care who was in that office or on the other line, whether it was the mayor of Boston, the speaker, the senate president, the governor, you were put on hold or were asked to wait in the hallway.

While Senator Travaglini, *personally*, attended and responded to the request or problem of that constituent.

I remember one instance that captures the essence of my good friend. I was in the office when this little gray haired lady from the North End came in and Senator Travaglini was on the phone with the Mayor.

It didn't take him but a few seconds to tell the Mayor that he had to go and to call him back in a half an hour.

I started smiling and he looks at me and said,

"Hey, Steveo, remember, without her there's no me just somebody else."

Remember, without her there's no me just somebody else.

In other words, you're here to serve and you're here because of the trust and faith of the people you represent. And when they call, no matter how small their concern or request might seem in the great scheme of issues you might be dealing with, it is important and high priority to them, and, therefore, it must be important and a high priority to you . . . "without them there's no us just somebody else".

What a meaningful lesson. What a great principle to serve by.

I remember a quote that says, "A proud man counts his press clippings . . . the humble man, his blessings.

I don't know anyone who is more humble and counts his blessings more than Bob. For Bob it has been a wonderful life and would be whether he became Senate President or not.

Because he's been blessed and he knows it, his mother, Kelly, the kids, his brothers, his family, his friends, his colleagues, his staff . . .

To Bob it's about people. It's in the relationships and friendships that we are blessed.

And you know what, he figured this all out without a guardian angel named Clarence to help him . . .

Well, there was Freddy Berry.

In Closing, let me just say,

Today when Sen. Travaglini came through these doors he answered to many names . . .

Robert, Bob, Bobby . . .

Trav, dad . . .

Senator, Senatori

But after this vote, you will forever be known as Mr. President . . .

Wear it well. You deserve it.

Nomination of Senator Lees as President.

Mr. Tisei placed in nomination for President, Mr. Lees of Hampden and Hampshire. Mr. Tisei briefly addressed the Senate.

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

As we gather here this morning, citizens all across the Commonwealth are visiting their loved ones and friends wishing them the very best for the year ahead.

While today's holiday is traditionally known for this type of socializing as well as for the resolutions we make to better ourselves, New Years also brings with it the promise of a new beginning or a fresh start.

In this respect, it is both appropriate and fitting that our Constitution has required us to gather here to start a new legislative session on this particular day.

Today's swearing in of the General Court, the election of a new Senate President and the arrival tomorrow of a new Governor all underscore this new beginning.

These events also offer a great deal of hope to the all citizens of this Commonwealth who have placed their trust in us at this critical time with the expectation that we will work together to put our state back on track.

While much will change in the days ahead, one thing seems destined to remain the same and that is that my friend Brian Lees will once again fall “just a little” short when the votes for the Senate Presidency are counted in a few moments.

And while of course the members of our caucus may be disappointed, I know that my colleagues on both sides of the aisle would agree with me when I say that this Senate will indeed be fortunate to have Brian Lees back serving once again in his familiar role as minority leader.

Over the past decade, Brian has been an important force who has been involved in almost every major policy decision that helped guide our state through a very successful and productive period.

Whatever the issue, whether it be tax policy, welfare reform, workers compensation or most recently unemployment insurance, Brian 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.

He has been a confidant of three Governors, worked along side two senate presidents and two speakers, and over the years has interacted with hundreds of members of both the house and senate in order to advance a positive agenda for this Commonwealth.

As you can imagine, serving as minority leader can sometimes be difficult especially when you find yourself constantly outnumbered as Brian typically does.

At times, it must be frustrating knowing that no matter how hard you work . . . how strong your argument or how worthy your cause . . . the votes just aren't going to be there.

But somehow, despite the long odds and difficulties . . . Brian always seems to find a way in the end to ensure that the ideas and principles of our party and its members are incorporated into every piece of legislation that leaves this chamber.

In addition to advancing the agenda of his party, Brian also has the enormous responsibility of holding the majority accountable and providing the checks and balances which are crucial to the success of any legislative form of government.

We have all watched Brian in action and can attest to the fact that he has never been afraid to ask the uncomfortable questions and can always be counted on to provide some pretty lively floor debate.

Whether he is seeking an explanation on an amendment, justification for a legislative proposal, or a cost estimate for a budget item (and by the way we all know that's his favorite), Brian's actions have helped to make this Senate a productive institution over the years.

While the role of minority leader is confrontational by nature, somehow Brian is able to balance it with with good humor and a spirit of cooperation that has made each one of us a better more effective public servant.

As we look to the future, there is no doubt that the role Brian will play over the next two years will be one of the most challenging in the senate.

Aside from representing his own district and acting as a spokesman for his party, Brian will once again be responsible for pushing the governors agenda forward and insuring that the Administration's initiatives receive a fair hearing and serious debate.

Brian's leadership will be needed to help guide us through this fiscal crises.

His knowledge of the legislative process and of this institution will help this senate run smoothly and effectively . . . and the tone he sets as the leader of the loyal opposition will set the standard in determining how we treat each other in this chamber.

Given the current political composition of state government everyone recognizes that a cooperative bi-partisan effort will be needed in order to address the many serious problems facing us.

In this respect we are indeed fortunate to have a Brian Lees serving among us.

No would would deny that Brian is one of the hardest working and most respected members of this Senate

That is why in accordance with the tradition of the senate I am honored to nominate him for Senate President.

The nomination of Senator Lees for President was seconded by Mr. Knapik, who also briefly addressed the Senate.

Mr. President, I rise today before you and all of our colleagues and all the citizens of the Commonwealth to second the nomination of the gentleman from First Hampden-Hampshire for the Office of President of the Massachusetts State Senate. Simply put, our dear friend Brian Lees will make a splendid presiding officer.

There is not a member in the chamber, assembled here today, who cannot attest to the sincerity, the dedication, and the determination of the Minority Leader. For nearly a decade, he has taken his place among the pantheon of great leaders in this institution. He is known throughout the land from Bristol to the Blackstone Valley to the Berkshires. A leader with a populist streak, a leader who has demonstrated the highest degree of competence, and a leader whose compassion is unparalleled.

Brian Lees, the man from East Longmeadow, by way of Amesbury, was schooled in our great state's public schools from the elementary to the collegiate level. Few will match his unwavering support for ensuring the finest degree of scholastic achievement for our precious children. He is an individual who received his political training under a true

public servant — Senator Ed Brooke. He spent significant time working in the private sector of this state as a senior manager at Westvaco.

Senator Lees has made improving the state's economy one of his highest priorities throughout his tenure. He understands well the imperative for nurturing a strong and vibrant private sector as a means of providing resources for our state's most vulnerable. In the Commonwealth where Brian Lees has been a leader, all have been encouraged to seek their potential, not by asking government to lead the way, but by the constant pursuit of individual excellence.

It has been in this chamber, as you all know, that Brian has had his greatest impact. He has been almost solely responsible for the quantity, quality and the civility of debate while serving as leader. And he has accomplished it in his endearing and folksy style that masks a thorough understanding of the facts at all times. The wit and humour he utilizes in debate, while often catching even the most worthy adversary off-guard, nonetheless, becomes an effective tool in his elocutionary arsenal. I am reminded of the sage words of the great American statesman, Benjamin Franklin, whose bust sits to the right of the Minority Leader. At times witty, but always poignant Franklin spoke the following: "well done is better than well said", "tis easy to see, harder to foresee", "when the well is dry, we know the worth of water", or, perhaps more to the liking of Senator Lees, "A country man between two lawyers is like a fish between two cats!"

No one should minimize the seriousness of purpose with which Brian undertakes his role. He knows it is our collective responsibility to be accountable to the public in both our word and our deed. He will continue to seek ways for this body to earn its hallowed place among the great deliberative institutions of our era. Brian has taken to heart the admonition offered by the Congregation founded by St. Ignatius of Loyola when they say, "ours must be a dialogue, born of respect for people, especially the poor, in which we share their cultural and spiritual values and offer our own cultural and spiritual treasures . . . our service . . . must never disrupt the best impulses of the culture in which we work."

We heard Brian Lees say it on Monday, that compromise is the hallmark of this Senate's efforts. Compromise among its members, among the political parties, but most especially compromise among ideas. Virtually every member of this Senate has sought the counsel of the Minority Leader and he has always been there, in return, listening attentively, offering well-placed advice, and even critiquing when necessary. Brian has made this State Senate work for its members and for the citizens of our great state and ultimately for the better.

It is my high honor to second the nomination of Brian Lees and to urge your support of his candidacy for President of this State Senate.

Thank you, Mr. President.

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

The roll was called, and at two minutes before twelve o'clock noon, the following named members voted for Robert E. Travaglini of Suffolk and Middlesex:

- | | |
|-------------------------|--------------------------|
| Antonioni, Robert A. | Menard, Joan M. |
| Baddour, Steven A. | Montigny, Mark C. |
| Barrios, Jarrett T. | Moore, Richard T. |
| Berry, Frederick E. | Morrissey, Michael W. |
| Brewer, Stephen M. | Murray, Therese |
| Chandler, Harriette L. | Nuciforo, Andrea F., Jr. |
| Creedon, Robert S., Jr. | O'Leary, Robert A. |
| Creem, Cynthia Stone | Pacheco, Marc R. |
| Fargo, Susan C. | Panagiotakos, Steven C. |
| Glodis, Guy W. | Resor, Pamela |
| Hart, John A., Jr. | Rosenberg, Stanley C. |
| Havern, Robert A. | Shannon, Charles E. |
| Jacques, Cheryl A. | Tolman Steven A. |
| Joyce, Brian A. | Travaglini, Robert E. |
| Magnani, David P. | Tucker, Susan C. |
| McGee, Thomas M. | Walsh, Marian |
| Melconian, Linda J. | Wilkerson, Dianne — 34. |

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. — 6. |

The Chair announced the results of the votes as follows:

Whole number of votes
40
Necessary for a choice
21
Robert E. Travaglini of First Suffolk and Middlesex had
34
Brian P. Lees of First Hampden and Hampshire had
6

The roll call having been completed at two minutes past twelve o'clock noon, Mr. Travaglini was declared elected President of the Senate.

Mr. Lees moved that it be the sense of the Senate that the vote for Robert E. Travaglini 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. Travaglini was escorted to the Chair by Senators Melconian of Hampden and Rosenberg of Hampshire and Franklin.

The President then addressed the Senate as follows:

Reverend Father, Members of the Senate, invited Guests, Family and Friends:

To the people of the First Suffolk and Middlesex District, those true and loyal supporters from Maverick Square to Harvard Square, who have given me the opportunity and privilege to represent them in this historic chamber. I owe all of you a profound debt of gratitude.

To my predecessor, Tom Birmingham, who carried out the duties of Senate President with the perfect blend of wisdom and wit. He leaves an important legacy that honors him and his family. Tom, on behalf of the Senate, I thank you for your service.

And to you my Senate colleagues and to the people that you represent across this Commonwealth, I pledge that I will maintain the highest standards of honor, respect and fairness . . . and that I will passionately defend the integrity and independence of this institution. Without fear or favor, I will provide the leadership that you expect and deserve from me.

I have much to learn as I take on these new responsibilities, and I will rely on each of you for advice, support and assistance. I intend to work with each of you, to create genuine dialogue, to ensure that all voices are heard.

I want you to know that I am deeply moved by this experience — moved because I value your support and confidence, moved also because of the grand opportunity to serve not just the people of my district, but the citizens of this great Commonwealth. It is an opportunity I did not expect to have when I began my career in public service.

Working first for Attorney General Frank Bellotti, and then for Mayor Kevin White, I was privileged to witness two men who instilled important values in their staffs — it was then that I learned the importance of loyalty, judgment and fairness, and of doing the right thing regardless of the political consequences.

I carried those values with me to my first elected office on the Boston City Council. The City Council was a difficult place — often maligned, sometimes dysfunctional, yet comprised of members who truly cared about their city and their communities — men and women who understood the meaning and importance of the neighborhood, the community, the family. The City Council was also like a family, with members who did

not always get along. But I quickly observed that, as in most families, problems got resolved when there was dialogue, understanding and compromise.

When I entered this historic chamber a little more than a decade ago, I was awestruck, overwhelmed that a young man from a working class family in East Boston could take office as a member of the Massachusetts Senate. I was taken in and welcomed as a member of a new family, a family not as loud and fractious as the one I just left, but a family nevertheless.

Now, as President of the Senate, I have reached the personal and professional pinnacle of my life. For me there is no higher political office than this. I expect that this reality will be both powerful and liberating, because I intend to bring all of my experience to bear on the issues we face, and follow my judgment, my instincts, my heart as I carry out my responsibilities as presiding officer of this great body. And when my service is complete, I will step aside and return to my family and my roots in East Boston, proud to have completed the assignment you have charged me with here today.

This assignment is a daunting challenge — one I look forward to. The fiscal picture in the Commonwealth is bleak — an unstable stock market, a sluggish economy, potential war abroad, and the threat of domestic terrorism continue to destabilize our economic, social, and political well-being. These harsh realities will test all of our skills, courage and judgment. I anticipate that, more than ever before, members of the Senate will be required to muster their institutional knowledge, experience and leadership skills to help us navigate through these difficult times.

Also, a new administration will attempt to translate its campaign promises into public policy — starting tomorrow. Governor-Elect Romney begins with a mandate for bold, competent and compassionate leadership during a time of fiscal crisis. In this regard, we are not Democrats or Republicans. We are not Liberals or Conservatives. We are simply men and women committed to making the Commonwealth work for its citizens.

The Governor-Elect will have our cooperation as he lays out his program for improving Massachusetts. The Senate stands ready to work with him and our colleagues in the House to put aside our egos, personalities, and party affiliations and focus upon the people's business.

Cooperation, however, cannot go so far as to absolve us of our responsibilities. We have a constitutional duty to exercise wholly independent judgment — and that duty should never be ignored in the name of political expediency.

As a body, we must work hand-in-hand with the business community, local municipalities and civic leaders to effectively and rigorously challenge old assumptions, fashion creative responses and effectuate the most efficient government for the people we represent. We close no doors. Nothing is off the table.

We must review existing programs to ensure that they are clearly within the public interest. But our policy-making role is not to cripple or eliminate programs of obvious social importance. Rather, we should preserve them by taking necessary legislative action

to improve operations, eliminate waste, and make certain that the public is getting the maximum return on every dollar spent.

We have an obligation, a duty, to help those who are less fortunate. Even when times are good, there are many among us who suffer. If there must be pain to bear as we confront this fiscal crisis, that pain must be borne equitably.

John F. Kennedy once said, “those to whom much is given, much is expected”, and he was right. If we fail in our obligation to serve the neediest, if we turn a blind eye toward the pain caused by unemployment, or a lack of health care, or the inability to afford the right prescription medicine, if we ignore the importance of finding ways to keep our streets safe, if we cannot find a way to maintain quality schools even when times are bad, then we will have failed to manage this crisis in an honorable way. I call upon each of you to work with me to find solutions that test the limits of our creativity, and that restore faith in the ability of elected officials to rise to the occasion.

I will call upon each of you, my colleagues, to work with me in collaboration to meet these challenges. We are all a family in Massachusetts. When any group suffers or is diminished, we all suffer and are diminished. As leaders of the Massachusetts family, we in the Senate must ensure that all members of our greater family are cared for.

I did not reach this pinnacle in my life simply to look back on where I have been. Although I will never forget where I came from, I intend to command a broader view, a vision as it were, of what we can do to lift everyone who needs help in the Massachusetts family. We are all lucky to be where we are, all of us. And I, for one, know that I am the luckiest man in the world. Let’s see if we can spread some of that luck to those who are down on theirs.

On motion of Ms. Menard, the address of the President and the nominating speeches thereto, were 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:

Thank you all for this opportunity to speak. As the leader of a vastly outnumbered Republican caucus, it is an honor that I by no means take for granted. It is also something that I owe in no small part to the past leaders of this body, Tom Birmingham and William Bulger, who showed great generosity with such indulgences during their tenure, and I know that generosity will continue with President Travaglini.

Allowing the minority equal time and the chance to compel roll call votes during floor debate is an important part of the public accountability that serves as a cornerstone in any healthy democracy.

At the outset, I would also like to take this opportunity to thank my colleagues within the Republican caucus for their support today and over the past few years. I am also humbled by Senator Tisei’s and Senator Knapik’s kind words, and it is truly an honor to serve with them.

I also want to thank my wonderful staff and all those who work for the Senate — the staff of my colleagues, Senate counsel, court officers and the Clerk and his staff. And, especially, I would like to thank my wife Nancy, who is here today, for her support.

Even though I was shockingly vanquished again today in my race for the Senate Presidency, it is with great pleasure that I offer my warmest congratulations to our new leader of this body Robert Travaglini, my good friend — and — as of 10 minutes ago — now joins Henri Rauschenbach, Dan Curran, Rachel Bonavita and Richard Tisei as one of my best friends.

If I could offer one piece of advice, Mr. President, I would advise you to be ever cognizant of how you got here in the first place. I can guarantee — that you — will be well served by looking behind as well as ahead of you.

The amicable, collegial approach with which you have confronted past issues gives me great confidence as we face the future. In fact, that approach is exactly what this body will need as we roll up our sleeves to meet this daunting era together. I hope you have read the owner's manual, Mr. President, because we have a long and arduous trip ahead of us. But don't worry, if you ever have any doubts, I'd be happy to steer you in the Republican . . . I mean right direction.

Many have said, Mr. President, that you are assuming an unenviable position during this time of challenging revenues, but I disagree with that assessment. While further cuts to certain services and programs and the restructuring of government will undoubtedly be wrenching, we must, after all, remember that with challenge comes opportunity.

This new session offers the best chance in a long time of overcoming the special interests and institutional inertia that have undermined worthwhile reform efforts. We should all be thankful for the blank slate that a new Governor, a new Senate President, and the need for an innovative approach to government have combined to give us — and ultimately — our constituents — the taxpayers of Massachusetts.

Our nation's greatest leaders, men like Washington, Jefferson, Lincoln and Roosevelt, met the daunting circumstances of their times, not with an inherited blueprint for success, but with a recognition that new paths must be forged to guide our country through the forest of challenges that they faced.

Likewise, we as a legislative body find ourselves in a similar position. In scarcity, our state has an unprecedented opportunity to become stronger and more efficient by forging new paths of our own. My colleagues, I urge you to ponder that for just a moment. Think about the prospect before us to develop solutions to systemic problems, and consider the importance of working together as we begin this most important task.

And there is no reason to believe that we are not capable of great accomplishments. Looking around the chamber today, I am struck by what a blessed group this is. Taken together, the brainpower, the work ethic, and the depth of social concern are overwhelming. Nevertheless, whether or not we will be able to come together and truly see even our own special interests with a new sense of openness, is the question that I

believe will make the difference between our success or failure when this chapter in our state's history is written.

Solving the problems before us will require a humility for which politicians are not well known. But as Theodore Roosevelt once wrote, "We can all best help ourselves by joining together in the work that is of common interest to all." And, in order to do this, we will need to draw heavily on such inspiring examples of that classic American "can-do" spirit in the coming months.

We can and we must rededicate ourselves to making Massachusetts an attractive place to live, work, and yes, do business.

In the elections this fall, the voters gave us clear ideas about how we can go about doing that. On Question 1 and the mandate of the new administration, they told us that higher taxes are not the answer. That is a message that must be respected in spite of the legislative challenges before us, because those challenges impact our constituents on an even greater level in these difficult times.

The broader and, I believe, more important message in all of this — is a call for a new era of accountability. Gone is the easy answer of levying new taxes in order to reconcile state accounts. The voters want real, meaningful reform in the way Massachusetts does business.

Amidst crisis, we are fortunate to be able to answer their call. With an economy poised for growth, a great team in place, and an appetite for reform born of necessity, we have every advantage moving forward. We are in an enviable position, Mr. President, and I look forward to joining with you and the rest of my colleagues to do what is necessary.

Thank you.

On motion of Mr. Tisei, the above statement and the nominating speeches for Senator Lees were 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 according to your best skill and judgement. So help you, God."

Election of Sergeant-at-Arms.

Mr. Berry moved that the Senate proceed to the election of a Sergeant-at-Arms and that the election be by acclamation for Kevin W. Fitzgerald of Boston, as Sergeant-at-Arms on the part of the Senate, and this motion prevailed.

Accordingly, Kevin W. Fitzgerald was declared elected on the part of the Senate.

Orders Adopted.

On motion of Mr. Hart,

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 Mrs. Sprague,—

Ordered, That a committee be appointed to notify Her Honor the Lieutenant-Governor, Acting Governor, Jane M. Swift and the Honorable Council of the organization of the Senate; and that the Honorable Robert E. Travaglini of Suffolk and Middlesex had been elected President of the Senate, and Patrick F. Scanlan of Salem had been elected Clerk of the Senate.

Senators Glodis of Worcester, Moore of Worcester and Norfolk, Nuciforo of Berkshire, Hampshire and Franklin, Resor of Middlesex and Worcester, Tucker of Essex and Middlesex and Hedlund of Plymouth and Norfolk were appointed the committee.

Subsequently, Mr. Glodis, 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. Hart,—

Ordered, That the Clerk be directed to notify the House of Representatives of the election, on the part of the Senate, of Kevin W. Fitzgerald of Boston, as Sergeant-at-Arms of the General Court.

On motion of Mr. Barrios,—

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. Tolman,—

Ordered, that a committee be appointed to inform the House of Representatives of the organization of the Senate; and that the Honorable Robert E. Travaglini of Suffolk and Middlesex has been elected President of the Senate; and Patrick F. Scanlan of Salem has been elected Clerk of the Senate.

Senators Creedon of Plymouth and Bristol, Creem of Middlesex and Norfolk, Antonioni of Worcester and Middlesex, Chandler of Worcester, Jacques of Norfolk, Bristol and Middlesex, and Tisei of Middlesex and Essex were appointed the committee on the part of the Senate.

Subsequently, Mr. Creedon, 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 1, 2003.

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 fifth day of November, 2002 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. Tucker,—

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

Senators Havern of Middlesex, Joyce of Norfolk, Bristol and Plymouth, O'Leary of Cape and Islands, and Hedlund of Plymouth and Norfolk, were appointed the committee.

Subsequently, Mr. Havern, 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, Hampshire and Franklin District.

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

Hon. Mark C. Montigny of New Bedford
.....
in the Second *Bristol and Plymouth District.*

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

Hon. Steven A. Baddour of Methuen
.....
.....in the First *Essex District.*

Hon. Frederick E. Berry of Peabody
.....
.....in the Second *Essex District.*

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

Hon. Susan C. Tucker of Andover
.....
.....in the Second *Essex and Middlesex District.*

Hon. Thomas M. McGee of Lynn in the Third
.....
.....*Essex and Middlesex District.*

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

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

Hon. Michael R. Knapik of Westfield
.....i
n the Second *Hampden and Hampshire District.*

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

Hon. Steven C. Panagiotakos of Lowell

.....in the First *Middlesex District*.

Hon. Charles E. Shannon of Winchester

.....in the Second *Middlesex District*.

Hon. Susan C. Fargo of Lincoln

.....in the Third *Middlesex District*.

Hon. Robert A. Havern of Arlington

.....in the Fourth *Middlesex District*.

Hon. Richard R. Tisei of Wakefield

.....in the *Middlesex and Essex District*.

Hon. Cynthia Stone Creem of Newton

.....in the First *Middlesex and Norfolk District*.

Hon. David P. Magnani of Framingham

.....in the Second *Middlesex and Norfolk District*.

Hon. Steven A. Tolman of Boston

.....in the *Second Suffolk and Middlesex District*.

Hon. Jarrett T. Barrios of Cambridge

.....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. Brian A. Joyce of Milton

.....in the *Norfolk, Bristol and Plymouth District*.

Hon. Michael W. Morrissey of Quincy

.....in the *Norfolk and Plymouth District*.

Hon. JoAnn Sprague of Walpole
.....
.....in the *Bristol and Norfolk District*.

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

Hon. Marc R. Pacheco of Taunton
.....
.....in the First *Plymouth and Bristol District*. Hon. Robert S. Creedon, Jr., of
Brockton
.....
in the Second *Plymouth and Bristol District*.

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

Hon. John A. Hart, Jr., of Boston
.....
.....in the First *Suffolk District*.

Hon. Dianne Wilkerson of Boston
.....
.....in the Second *Suffolk District*.

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

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

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

Hon. Guy W. Glodis of Auburn
.....
.....in the Second *Worcester District*.

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 was considered forthwith and accepted.

Orders Adopted.

On motion of Mr. Berry,—

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

Senators Berry of Essex, Shannon of Middlesex, Murray of Plymouth and Barnstable and Lees of Hampden and Hampshire, were appointed the committee.

On motion of Ms. Wilkerson,—

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 Mr. Rosenberg,—

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

On motion of Ms. Walsh,—

Ordered, That a convention of the two Houses be held at a quarter before twelve o'clock noon on Thursday, January 2, for the purpose of administering the oaths of office to the Governor-elect, Lieutenant-Governor elect, and the several Councillors-elect.

Sent to the House for concurrence.

Renditions of *God Bless America* and *America the Beautiful* were performed by Ms. Vanessa Salvucci.

Recess.

There being no objection, at nine minutes before one o'clock P.M., the President declared a recess subject to the call of the Chair; and at twenty-five minutes before two o'clock P.M., the Senate reassembled, Mr. Berry in the Chair.

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 as Speaker and Steven T. James of Boston as Clerk.

At twenty minutes before two o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.