

**NOTICE:** While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Thursday, December 14, 2006.*

Met at six minutes past eleven o'clock A.M. (Mr. Havern in the Chair) having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Havern), members, guests and employees then recited the pledge of allegiance to the flag.

#### *Communication.*

A communication from of the University of Massachusetts Board of Trustees (under the provisions of Section 3 of Chapter 75 of the General Laws) relative to rules and regulations adopted by the Trustees of the University of Massachusetts in 2006 (received Monday, December 11, 2006) (copies having been forwarded to the Governor, the Commissioner of Administration and Finance and to the Chairs of the Joint Committee on Ways and Means),— **was placed on file.**

#### *Report.*

A report of the Massachusetts Technology Development Corporation (under the provisions of Section 7 of Chapter 40G of the General Laws) for the fiscal year ended June 30, 2006 (received Monday, December 11, 2006),— **was placed on file.**

#### *Petition.*

Mr. Moore presented a petition (subject to Joint Rule 12) of Richard T. Moore and Vincent A. Pedone for legislation to extend the deadline for mailing quarterly tax bills,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

#### *Committee Discharged.*

Ms. Murray, for the committee on Ways and Means, reported, asking to be discharged from further consideration of the Senate Bill to establish standards for consumer credit counseling (Senate, No. 2563),— **and recommending that the same be referred to the Senate committee on Ethics and Rules.**

**Under Senate Rule 36, the report was considered forthwith and accepted.**

### PAPERS FROM THE HOUSE.

A Bill clarifying the retirement status of a disabled Norwood police officer (House, No. 5327,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A Bill relative to horse and greyhound racing in the Commonwealth (House, No. 5291,— on House, No. 5221),— **having previously been read, was again laid before the Senate.**

**Mr. Moore moved that the rules be suspended to allow the matter to be considered forthwith; but objection was made**

**thereto by Mr. Creedon.**

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

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—  
Resolutions (filed by Messrs. Knapik and Buoniconti) “congratulating the Chicopee Comprehensive High School Colts, 2006 West-Central Division II-A Super Bowl Champions”;

Resolutions (filed by Mr. Moore) “honoring the Bartlett Junior-Senior High School Boys’ Varsity Soccer Team on winning the 2006 Massachusetts Division III State Championship”; and

Resolutions (filed by Mr. Timilty) “congratulating Ruth Helen Shain Isenberg.”

**PAPERS FROM THE HOUSE.**

*Engrossed Bills.*

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

Regulating exemptions for cooperative corporations under the Community Preservation Act (see Senate, No. 2725);

Authorizing the town of Belmont to establish an other postemployment benefits trust fund (see House, No. 5076);

Relative to the terms of certain bonds to be issued by the Commonwealth (see House Bill, printed in House, No. 5237);

Authorizing the town of Wenham to grant certain licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5333);

Authorizing the town of Winchester to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 5334); and

Relative to credit unions (see House, No. 5357).

A Bill authorizing the town of Belmont to place a certain question relative to the sale of all alcoholic beverages on the town’s election ballot (House, No. 5273,— on House, No. 5074) [Local approval received],— **was read.**

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

*Matters Taken out of the Orders of the Day.*

There being no objection, the following matters were taken Out of the Orders of the Day and considered as follows:

The House Bill relative to the appointment of retired police officers as special police officers in the town of Millis (House, No. 4318),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: An Act authorizing the appointment of retired police officers as special police officers in the town of Millis”.**

The House Bill relative to life insurance companies (House, No. 4973),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Belmont to place a certain question relative to the sale of wine and malt beverages on the town’s election ballot (House, No. 5274),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act authorizing the town of Belmont to place a certain question relative to the sale of wines and malt beverages on the town’s election ballot”.**

The House Bill providing for recall elections in the town of Hatfield (House, No. 5286),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill regulating the issuance of second-hand motor vehicle licenses within the city of Revere (House, No. 5317),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act regulating the issuance of second hand motor vehicle licenses in the city of Revere”.**

The House Bill relative to the granting of special licenses for the sale of alcoholic beverages in the town of Belmont (House, No. 5275),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill relative to town meeting procedures in the town of Burlington (House, No. 5287),— **was read a second time. Pending the question on ordering the bill to a third reading, Mr. Havern moved that the bill be amended in subsection (g), in the third paragraph, in the second sentence, by striking out the figure “25” and inserting in place thereof the following figure:— “20”; and by adding the following section:—**

SECTION 2. This act shall take effect upon its passage.”.

**The amendment was adopted.**

**The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment, its title having been changed by the committee on Bills in the Third Reading to read as follows: An Act revising referendum town meeting procedures in the town of Burlington”.**

**Sent to the House for concurrence in the amendment.**

*Reports of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Tatiana Lara-Melendey, an employee of the Department of Mental Retardation (House, No. 5336),— **ought to pass.**

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

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Lori Mazanec, an employee of the Trial Court of the Commonwealth (House, No. 5343),— **ought to pass.**

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill regulating sex offender registration name changes (Senate, No. 958),— **ought to pass, with an amendment substituting a new draft entitled “An Act further regulating sex offender registration” (Senate, No. 2765).**

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

**The bill (Senate, No. 2765) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill providing automobile insurance special investigators with access to the Department of Motor Vehicle photographs (Senate, No. 1969),— **ought to pass, with an amendment substituting a new draft entitled “An Act providing providing automobile insurance special investigators with access to registry of motor vehicle photographs” (Senate, No. 2766).**

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

**The bill (Senate, No. 2766) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

**PAPER FROM THE HOUSE.**

*Engrossed Bill.*

An engrossed Bill increasing the number of licenses for the sale of alcoholic beverages in the city of Boston (see Senate Bill, printed as House, No. 5341) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the Acting President Mr. Havern) and laid before the Governor for his approbation.

*Recess.*

There being no objection, at a quarter before twelve o’clock noon, the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at ten minutes past two o’clock P.M., the Senate reassembled, the President in the Chair.

The Senator from Worcester, Hampden, Hampshire and Franklin, Mr. Brewer, offered the following prayer:

Lord, our God, Thou hast given us a land of plenty. Nowhere on the face of the earth are Thy blessings more bountiful and more evident than here in the United States of America. Recreant indeed would we be if we did not pause to thank Thee, to glorify Thee, to praise Thee; and these Thy servants do here in the Senate, unshamed, pray to Thee, the God of all nations, of all people.

The noblest blood of America’s manhood has been spilled for the defense of our heritage; and our heritage is founded, secured, take all its meaning from the existence of our God, and the divine right He has in all the affairs of man. May God save the Commonwealth and may God bless our two departing colleagues who are now going from five figure salaries to six figure salaries.

*Remarks of Senator Robert A. Havern.*

The gentleman from Pittsfield represents towns including Otis, Monroe, and Sheffield. This isn’t a district; this is an outfield for the Cleveland Indians. I told him there are only two people at most who could name all the towns in your district. He said, “...One

of them is not me.”

I think he’s one of the best-liked members of the Senate. It’s hard for some of us to like a guy with that much hair. He is one of the best-liked people in the chamber, and now taking a new job out West. We always say we’re going to keep in touch, but we never do. He’s one of the cheeriest people I know. That kind of passion that kind of fun doesn’t exist that much.

He is a bachelor. A lot of the women in Boston will be sad. He used to live with a woman, and she threw him out. She said you’ve got to get out of here, grow up. He looked at her and said, Mom!

He is clearly going to be missed by all of us. He’s one of the few guys I know that when he talks about something it’s with total sincerity. I’m going to miss him; the process is going to miss him. You’ve got to come back once in a while because you’re one of the best guys we’ve ever had here.

*Farewell Remarks of Senator Andrea F. Nuciforo, Jr.*

Senator Havern, thanks for your kind and generous introduction.

We all know that Senator Havern has a great sense of humor, and I gained an appreciation for that humor early on.

Bob, you may remember back in 1998, in my first term here, we had a debate relating to the Northeast Dairy Compact. Then Senate President Tom Birmingham had an outside section to the budget that year that would have repealed the dairy compact, much to the chagrin of the dairy farmers that I represent.

As Birmingham used to say to me, I’m the only Senator that represented more cows than people.

I opposed the measure, and went around the chamber, trying to line up the votes to knock out the Senate president’s outside section. Needless to say I came up a few votes short.

After the vote was over, I said to Bob “I lost that vote — I’m really disappointed.”

And this is when I learned to appreciate Bob’s sense of humor. Senator Havern said to me: “Oh yeah? Think how disappointed you’d be if you had won.”

So Bob, thanks for the kind words.

Thanks also to Senate President Travaglini.

Trav, thanks for your love for this institution. You’ve treated the presidency with respect, and you’ve treated the members, including me, like family. Thank you for building friendship and camaraderie in the Senate. I appreciate your service, and the hard work of your staff and what you’ve all done for the members.

Thanks also to our good friend Terry Murray, our chair of ways and means. I had the pleasure this year of traveling with her to Russia — all those stories are protected by the KGB — not to be repeated here. They will remain in Russia, of course.

She and her terrific staff have helped to make all my budget dreams come true over the last few years — Terry, thanks for your dedication and hard work there. Of course, I’ll be even more grateful next year if the line item for the Berkshire Middle District Registry of Deeds shows a nice increase. I’ve still got your phone number, and I’ll see you in St. Petersburg next year.

Thanks to family and friends that have joined me here today. I’d also like to say a special thank you to my staff who are here today — Heather Viola, Patrick Quirk, Dan Collins, Teah Quinn, Chris Stack and my chief of staff, Andrew Schuyler.

In the ten years I’ve been in the State House, I’ve spent a lot of time talking about my hometown, the great city of Pittsfield. I’ve talked about that city here, on the floor of the Senate, in caucus, in the hearing rooms and in the corridors outside this chamber.

The reason I have is because Pittsfield, and its history and its people, are what motivated me to come here to the state house in the first place.

Pittsfield is a middle-class city of 44,000 people smack in the middle of Berkshire County. For many years, it was a GE town. 10,000 people worked at GE Pittsfield in the 1960s. We weren’t unique — I’m sure Senator McGee, who had GE in Lynn, and Senator Antonioni who had GE in Fitchburg, understand what I’m talking about.

Our city, and the GE plant, supported my family and my friends and neighbors. And the communities that sprouted up around GE gave me all of the opportunity that I could ever have asked for — terrific public schools, a great and large family, and a vibrant

and economically robust community.

I knew, as a young boy growing up in Pittsfield, that I wanted to give back to the city that had given me and my family so much. And I believed then, and I still believe now, that getting into politics and public life was a way to do just that.

Now, I've been in the state house a million times. But there are 2 visits here — the first time I came here, and the day I was sworn in for the first time — that really stand out in my mind.

The first time I came here, I was 9 years old. There were 4 of us. I was here with my brother John, my uncle Tom, and my father. I remember looking around and seeing people from all over the commonwealth come together here to air their differences, and resolve social and budgetary and economic and cultural issues of the day. This was a place of action and debate and discussion.

The state house felt important to me, and I wanted to be a part of what was happening here.

That memory — that lasting impression that I gained as a young boy — stayed with me into 1996.

That was the year that my predecessor, Jane Swift of North Adams, announced that she would not be seeking reelection to the State Senate. From the moment I read that announcement in the Berkshire Eagle, I knew I would be a candidate, and I never doubted that I would win.

Unfortunately, other people, namely my opponents, did doubt that I would win. That meant that we needed to get to work. And work we did.

I sat down with an 8½ x 14 piece of paper, and made a list of every person that I knew — kids I went to elementary school with, guys I played soccer with, people I went to college with or worked with, my family, friends, neighbors — everyone I knew. Over the next week or so, my brothers and sisters and friends found contact information for all of these people. And for every one of them, we asked them for a lawn sign in their yard, a bumper sticker on their car, a kind word, a check, and a vote. And not necessarily in that order.

The election came down to people — who had the best organization. And it was us, and we won a 4-way primary and a 3-way general election.

Now that brings me to my second most memorable visit to the statehouse — January 1, 1997, the day I was sworn in for the first time.

I was walking in to the Senate chamber, around that wooden rail right there. A gentleman — one of the court officers — tapped me on the elbow, and introduced himself. It was Joe Foley — I know that many of you here remember Joe Foley, who worked here in the blue suit for about 35 years.

Joe said “Senator, I’ve been waiting for you to get here, and I have a gift for you.”

He gave me a gift — this book right here. As you can see, this book is titled “Public Officers of Massachusetts 1965-66”.

I thumbed through the book. It has pictures of some of the great politicians in Massachusetts history —

US Senator Leverett Saltonstall

State Senator Joe Moakley

The great Senate President Maurice Donahue

An ambitious new state representative Michael Stanley Dukakis

And a fresh-faced representative from South Boston William Michael Bulger.

But Joe Foley turned my attention to page 63 — there was a picture of Andrea F. Nuciforo, Berkshires District, Pittsfield, MA.

Joe said to me — that a few years after he started as a court officer here, my father came in as a freshman state senator, and that the two became friendly. Joe said: “your dad was kind and decent, and a man of his word. I hope and expect that you will be the same.”

Those words, by Joe Foley, have stuck with me ever since. I know that I was given a good reputation — it was given to me as a gift — and I felt then, and feel today, an obligation to preserve and enhance that.

People back home sent me here for a reason: to represent them, and fight for their interests. I’ve done that to the best of my ability.

When I came here in 1997, no priority was more important to the people of the Berkshires than the improvement of our downtowns — for purposes of improving our economic fortunes, as well as for boosting our community morale.

With help from all of you members of the senate, we did improve our downtowns. In the Berkshires, we can see tangible results of that:

- \* \$6 million for the restoration of the Colonial Theatre in Pittsfield — Senator Brewer and Senator Murray, and the Senate President have all been to the Berkshires to see the final product there, and the difference that has made to downtown Pittsfield.

- \* Millions of state dollars to support our flourishing cultural venues, from Massmoca in North Adams to the Mahaiwe performing art center in Great Barrington.

- \* Hundreds of thousands of dollars for streetscape improvements in downtown Pittsfield and other communities.

- \* \$5 million or more for brownfields remediation on the GE site in Pittsfield and scores of other former industrial sites in the Berkshires.

- \* Money for law enforcement to clean up a few troubled neighborhoods.

We got the job done — we were committed to bringing our downtowns back, and preparing for new ideas and new investments. We're seeing the results of our work in Pittsfield and throughout Berkshire County right now.

But even more important than that, in 1997 the Berkshires, and Pittsfield and North Adams in particular, needed a state senator that would really believe in a bright future for our cities and towns. Someone that believed that we could rise again, and fulfill the legacy of hope and prosperity and optimism that we carried with us from a generation earlier. Good schools — strong hospitals and clinics — fair economic opportunity — interesting museums and cultural offerings. We wanted to believe in a positive future.

We have that now — walking through Pittsfield or North Adams today, you will meet people that believe in our downtowns that have embraced that optimism, and are genuinely excited about what the next ten years will bring.

I am now on my way to a new adventure. I'll continue my public service at the registry of deeds in Berkshire County, and I'll be focusing on matters that have a more local flavor.

I'll be separated by geography and distance from you, my colleagues and friends, but you will remain in my memory and in my heart.

Of course, what I'll miss most will be the humor that comes with this place.

I recall, for example, Senator Creedon calling one of our late-night caucuses in the president's office "a culinary united nations." He said ". . . We've got an Italian Senate President serving Chinese food and French wine to a bunch of Irishmen."

I remember Senator Berry — he's the equivalent of a late-night talk show host in the caucus — in 2003, on the floor of the senate. It was after we had done overrides on at least 100 of our then-new governor's vetoes. Fred stood up and said: "Mr. President, I move that when the Senate adjourns, it adjourn in memory of Mitt Romney."

I also remember, during our debate on gay marriage, that the comedian Lenny Clarke paid us a visit. He told us that, much to his surprise, he got more marriage proposals that night in the Great Hall than he had had in the last 20 years.

These are just a few of my many fond memories, and I'll miss the camaraderie and friendship we've developed over the years.

Thank you for your kindness, and for the privilege of working with you. I know and trust that the interests of the people of the commonwealth are in good hands with you. God bless, do good work here, and please keep in touch.

*Remarks of Senator Michael R. Knapik.*

Mr. President today is the day we bid farewell to our friend and colleague, the distinguished Minority Leader, Brian P. Lees of East Longmeadow. It has been 18 years since he first entered this chamber and there is only one among us who recalls serving this body in a time before Brian Lees — that being the Dean of the Senate, Senator Berry.

One can view the past 100 years in this Chamber as having been bookmarked by two Republican Senate Leaders who hailed from Western Massachusetts — the first, Calvin Coolidge of Northampton who served as Senator from 1912-1915 — the other being the gentleman we honor today who for 14 of the past 18 years has served as Minority Leader.

Much has been written about Calvin Coolidge over the years, and we recall him being referred to as “Silent Cal”. Brian Lees, on the other hand, was no Silent Cal!

In fact, for the past two decades he has been the de facto Governor of Western Massachusetts. Not a project, not an initiative, not an idea came to fruition without the involvement of Brian Lees. From the State Office Building in Springfield, to the Basketball Hall of Fame, to the Hampden County House of Correction to the gleaming MassMutual Center to Riverfront development in his city of Springfield, none of it would have occurred without Brian’s leadership. The North End Bridge, the South End Bridge, the Memorial Bridge — all great spans over the CT River would be rehabilitated on his watch. Money for Springfield during its time of need, resources for STCC, the Soldiers Home, and the hospitals of greater Springfield were always high on his agenda. And there are so many more examples of Brian working hard for our region.

But the bricks and mortar only tell part of the story. To tell you Brian was beloved in Western Mass would be an understatement. Annually, his Golden Gathering would attract over 2,000 senior citizens and would become the largest Elder event in all the four Western Counties. They came to see Brian and his box lunches and his door prizes. He was smart in that regard, everyone left with something and they were sure to return the next year.

For nearly 20 years, he held his annual Surprise Birthday party every July at the Hu Ke Lau in Chicopee — another 600 would come, listen to speeches and sing Happy Birthday to the guest of honor. Everything with Brian always seemed larger than life — his district, his outreach, and the way he advocated for his constituents and his concern for the citizens of First Hampden-Hampshire who placed their trust and faith in him for 18 years. We know he did them proud and all of us in the Western Delegation know, in Brian, we had a model for public service.

This past fall the voters of Hampden County did Brian proud by electing him Clerk of Courts. He received over 5,000 write-in votes during a primary campaign which lasted about two weeks. He went on to win the general election in November and will soon have new responsibilities and new duties as he continues his public service career.

As Brian takes his new oath of office on January 3 in the city of Springfield, we will be taking our oaths of office here in this Chamber, and to my right will sit a different Senator. And our debates in the future will be different and the character of this body will be different and the relationships among members will be different. That, of course, is only to say that without Brian, things WILL be different.

As we look around this Chamber, we can recall the oratorical exertions of the Minority Leader whether querying the Majority Leader over allocations at Salem State College — his alma mater, or referencing the gentle lady from Horseneck Beach, or debating the chair of Ways and Means with fury and passion. The Chairman of the Lawyers caucus would not be spared nor would the Chair of the Committee on Commerce and Labor, and Economic Development and Tourism and other things in defense of Evacuation Day.

To listen to the debate with Brian and the Gentleman from the land of Johnny Appleseed was always a favorite, as was listening to the answers from the learned and sage Chairman of the Judiciary. As we recall, Brian often reminded us he was the only non-lawyer on that Committee and HE represented the people — which by the way was not a bad thing. To look around the room, Mr. President, we are reminded of the sparring with the Chairman of the AFL-CIO caucus on matters concerning the working men and women of the Commonwealth and not to forget the impassioned defense of that other Major holiday — Bunker Hill Day by the Senator from Cambridge.

The Grand Poo-Bah of the Blackstone Valley! Who did more to promote tourism in central Mass than Senator Lees. Having been dubbed an official junior ranger of the Blackstone was a singular accomplishment in the career of the Minority Leader.

The Senator to my left, of course, was known best perhaps by his other title, Mrs. Montigny’s son. Mrs. Montigny, Brian would assure us, agreed with him on matters of state more than she did with her own son. And, even you, Mr. President, did not escape the gentle and respectful nudging of our colleague. Those were generally followed up by a brief conversation to the side of the rostrum.

I can assure my colleagues that you were not alone in receiving Brian’s friendly attention. Whenever, we would hear, “Mr. President, under Rule 13-B, I request a Republican caucus” — the five of us would quickly huddle, ask if it was a real caucus or a lunch caucus or if one of us was about to be dressed down for something we had done. Each of us on numerous occasions would prove to be the object of the Leader’s attention and with the proper motivation and encouragement were always set straight.

But what was the point of all this? It was Brian at his best. It was Brian fully embracing this great democracy of ours, exhorting us, his colleagues, to understand, be accountable, and be responsible for our actions. To debate. To question. To vote. Sometimes it seemed as if Brian was the leader of 26 or 36 members. When Brian was at his best, we were at our best.

You would often hear Brian at the end of session speeches tell us all to imagine how difficult it is to stand up to speak on an

issue, say your piece, and then know you were going to lose the vote — virtually every time. Even if you were right.

But it was the debate that mattered. He always found a way to ensure his ideas and principles were incorporated into every piece of legislation that left this chamber.

He helped to author workers' compensation legislation, unemployment insurance reform, as well as the majority of the economic development initiatives in the 1990's which made Massachusetts more competitive. This past year, he placed himself on the Health Care Reform Conference Committee, because he knew the success of this landmark bill was critical to the future of our state.

Over 18 years, he was the trusted advisor and confidant of four Governors, three Senate Presidents and three Speakers, easily working across party lines for the betterment of our great Commonwealth.

We will turn the page shortly on 2006 and on the distinguished Legislative Career of the gentleman from East Longmeadow.

We will not soon forget the respect and civility and decency which characterized his public service nor his endearing manner.

And next year, there will be someone new to ask the familiar questions, who is the sponsor of this amendment... what does it do... and what will it cost the taxpayers of the Commonwealth? Yes, it sure will be different next year.

Like Calvin Coolidge, before him, Brian Lees will return to his hometown to start the next phase of his life and career, and while it is clear Brian Lees was no Silent Cal... he was, to be sure, our friend, and we will miss him. Godspeed Brian Lees.

*Remarks of Senator Therese Murray.*

Since 1989, this Chamber has been graced with the presence of the distinguished Minority Leader, the Senator from Hampden and Hampshire, Brian P. Lees — often referred to as Brian P. Leader.

To give the body a perspective of just how long the Senator's tenure in the Massachusetts Senate has spanned, since Senator Lees has taken office we have seen:

- The development of the first world wide web page — with thanks to Al Gore
- The entire Seinfeld series Filmed
- The collapse of the Soviet Union

All events that I am sure the Minority Leader will somehow be able to take credit for achieving.

In 1993, when I first encountered him, Senator Lees had just taken on the role as the voice of the Grand Old Party.

There were 10 of them then. Senator Swift would carry most of the debate, as she was always prepared, and when he wasn't paying attention there would be subtle yell — Brian— Rule 13B. And of course, there was Senator Rauschenbach who would be directed by the minority leader to debate at length — for hours and hours —sometimes going to the next morning just to delay a vote.

Senators Hahn, Sprague, Chase. He led them all with the power of four Governors behind him.

And while their numbers are now smaller, anyone in the building can hear the distinguished minority leader's voice when he rises from his chair and asks that age old question, "Mr. President, Can the sponsor explain to me what this bill does and what it will cost the taxpayers of the Commonwealth?"

Senator Lees' accomplishments in this body are too numerous to mention, but of particular note to me are the thoughtful, meaningful, landmark amendments that he has filed as part of our budget process: expanding St. Patrick's Day and Patriots Day holidays across the state, Blackberry wireless devices and fuel-efficient Mini-Coopers.

There are few in this room— actually I don't think there is any one — that hasn't been the subject of the Minority Leader's wit and humor:

- Sen. Antonioni — I think we will all be happy to let Johnny Appleseed rest in peace once Senator Lees has left this Chamber.
- Sen. Creedon — you can now retire as chairman of the powerful but fictitious Lawyers Caucus.
- Senator Pacheco and Senator Tolman can relax with the rest of the AFL caucus.
- Sen. Hart — everyone but the distinguished Minority Leader knew that the proper name of his committee was the Economic Development and Emerging Technologies Committee, not some run-on name that engulfs

everything under the sun.

- Sen. Montigny — you will no longer have to explain who Brian P. Lees is to your mother and why this guy is claiming that she is somehow his ally.
- Mr. President — you will be able to enjoy watching the Yankees get defeated in silence. Kelly and Andrew won't have to pretend they like him more than you.
- Roget's Thesaurus — this book will get a rest because it won't be used to look up words like "emperor" or "sultan" or "Grand Pooh Bah". So finally, the gentleman from the Blackstone Valley will be rightfully referred to as "Senator Moore".

For all of the humor that Senator Lees has brought to this Chamber, his legacy is much more than that. Spanning nearly 20 years, his advocacy on behalf of workers, small businesses and the residents that live west of Boston will echo throughout these halls long after he has said goodbye.

He took on a daunting task in this body — the voice of the minority party. Building a consensus within his vast caucus — which used to be able to fit in a telephone booth, but now can rest comfortably atop his "fancy" new desk in the Hampden Clerk of Courts office (or a space in the corner of the hallway in the Court) — was one of the Minority Leader's many talents.

Standing up and speaking out on virtually every bill that came before us, he used his position to ensure that the people of Massachusetts heard from all sides of an issue.

He always did this with grace, conviction and with his interests at heart — I mean the interests of the people of the Commonwealth at heart.

Whether he was with you or not and there were many times we were not on the same page, he was able to reach across party lines, put partisanship aside, and do what we are all elected to do — legislate.

On a personal note, and I know many of us feel this way — Senator Lees is as good a friend as he is a legislator. And while I know that I will continue to get voicemails scolding me for not having my cell phone on, it will be a loss not to see Senator Lees on a regular basis.

We will miss the drama, the quick wit, the great monologues punctuated with arms waving and glasses in hand — pointing to the offending member or President.

There are so many words that can describe the Senator from Hampden and Hampshire, but I think that the words "public servant" best portray Senator Brian P. Lees.

Although we all know that the new Minority Leader will do a stellar job, I think that everyone agrees that the Grand Old Party won't be much of a party without Brian P. Lees.

Thank you for your service and dedication to your constituents and the people of the Commonwealth of Massachusetts. We wish you the very best of luck in your new role as Clerk of Courts for Hampden County. But we have no money for a new desk or office.

Thank You, Senator Lees for your friendship and your service.

*Farewell Remarks of Senator Minority Leader Brian P. Lees.*

As a member of the Lawyers Caucus, I want to thank you for giving me the opportunity to speak one last time in this Senate Chamber that has provided so many memories. Mr. President, I thought for a moment that perhaps you might take this last opportunity away after so many sessions in which I asked time and again, "How much will this cost the taxpayers of Massachusetts and what will it accomplish?"

I am fairly sure I could not answer either question as to my remarks today. I can only promise that my thoughts will be genuine and from the heart.

I took a walk around the State House this morning and was thinking back to when I first arrived on the scene in the late 1980's. I spent many days just remembering how to get from my office way upstairs on the 5th floor to the committee hearing rooms in the other part of this great building. Maneuvering through the vault-like hallways those first few days, I had never been in this building before and came with a little bit of trepidation, a handful of loyal staff, some core beliefs about the role of government and the bedrock principle that "one person can make a difference."

It hasn't always been easy — particularly for those who had to put up with my constant call for public debate and for roll calls on the issues of the day — but I feel that I made a small impact.

It's amazing how much in Massachusetts has changed but also how much has stayed the same since 1988. The Governor when I came had just run for President and was clearly the most unpopular politician in the state. The governor today is running for President and is clearly the most unpopular politician in the state.

The first issue I debated and voted on when I got here was gay rights (putting sexual orientation in statute). The last issue I am going to debate and vote on here is gay rights (should gay couples be allowed to continue to marry).

1st day I sat next to Freddy — "...just follow my lead he said." Freddy Berry got up, walked away, and sat in another chair.

There were no computers then, we got one typewriter. The office I went in to was extremely messy and dirty. The minute we got it clean, Senate President Bulger came in and said, you're moving to the fifth floor.

I've been elected eight other times since then, and it's been a wonderful experience.

Went from new kid on block and the 40th out of 20 in here to the seasoned politician to 2nd in seniority out of 40.

Mr. President in reviewing my time here I realized on many days I spoke more than 50% of the time we were in session and asked for nearly 75% of all roll calls in the last 14 years.

You were right; Good God was I a pain in the ass.

Of all the breaks and recesses — I asked for over 80% using Rule 13B and other tactics.

Just think if I wasn't here we could prorogue in about June of every year.

I have mentioned Amesbury, Salem State, Westvaco, Mrs. Montigny, my radio show, the Blackstone Valley, Dick Moore, "...give me a break", Ed Brooke way too many times.

I have prided myself over the years being the only one of the 4 leaders the President, Speaker, or House Minority Leader to never have a press person and sent out very few press releases.

One reason could be in my 1st term and one of my 1st accomplishments. It was getting a much needed street light at a very busy intersection in the middle of my district. Sent out the release, got the ABC and NBC affiliates to come, daily newspaper, 2 radio stations and a weekly paper to show up.

Much fanfare. I turned the switch to go from green to red. 1st car stopped nicely — 2 seniors. Next car proceeded to wave to me — smashed into 1st car, 3rd car etc.

Ambulance etc., etc., couldn't get out of there fast enough.

Press tickled me the next day but I knew it could be worse so I really kept to a minimum those releases. After that — I just showed up when asked and if anything went wrong I just said it was Senator Melconian's event.

During these past 18 years much has happened in the Senate and in my life some good some not so good.

- \* 5 Governors
- \* 3 Presidents
- \* 3 Speakers
- \* 3 US Presidents
- \* Thousands of bills
- \* Over 50 tax cuts
- \* Overhaul entire government

My father saw me sworn in 18 years ago unfortunately passed away.

My wife saw me sworn in and is here today.

All joking aside Mr. President, it has been my great honor working on behalf of the great of the First Hampden and Hampshire District, I tried to demonstrate firsthand that it was possible to disagree without being disagreeable. As I leave this role for a new and challenging one I would ask that you remember one thing you and I strived for every day — and that was treat everyone in here equally.

It is, I believe, our most important legacy. I urge public officials all across America to pick up the heavy but worthy mantle that we have practiced that of cooperative problem-solving.

Let's remember that we have so much more that unites us as a nation and commonwealth than the petty politics of highlighting our differences. People from Springfield to Salem, Hampden to Haverhill, and East Longmeadow to East Boston, all want the same things: good schools, a safe neighborhood and a fiscally sound government that stays out of their backyards and bedrooms and concentrates on problems of a truly public nature like allowing an economy to grow jobs.

A great leader of this state, former Governor Bill Weld, once said that "Liberals often don't see the problems, and conservatives don't see the promise, of government." He's as right now as when he said it long ago.

We need, as a group, to take off our political blinders and see things from the other point of view. Public servants do a public disservice when they ignore the great 65% who conflict with their base of support.

We are elected to represent all of the people in our districts... not just the ones who look like us or vote like us or go to the same parties.

I believe those of us in this Senate have always practiced those principles and I am honored and humbled to have just been a bit player with all my colleagues over the years.

There are so many people I want to thank Mr. President. I have cut my comments down because it's the people and relationships here that have made my time here so enjoyable and memorable. I will never forget working with folks like:

- \* Mike Dukakis
- \* Bill Weld
- \* Paul Cellucci
- \* Jane Swift
- \* Shannon O'Brien
- \* Mary Padula
- \* Bill Bulger
- \* Henri Rauschenbach
- \* Paul White
- \* Bob Ceisteiz
- \* Tom Birmingham
- \* Biff McLean
- \* Paul Harold
- \* Jack Brennan
- \* Charlie Flaherty
- \* Mike Creedon (break down door)

While many often refer to us as the upper branch, never having come from the House, I always kind of thought of us as equal to my House Colleagues.

So, too:

- \* Sal DiMasi
- \* Brad Jones
- \* Bobby DeLeo
- \* Todd Smola
- \* Jim Welch
- \* Don Humason
- \* Cheryl Rivera
- \* Mike Kane
- \* Ron Mariano... to name only a few.

Thank you, for all you have done for me.

Mr. President, as I look around this room, I see so many friends I don't know where to start.

Special recognition: Clerks  
Court Officers  
Senate Personnel (Ellen)  
Senate Counsel (David Sullivan)

President's Staff

All Staff — once was one can't run without you.

Governor's office (John O'Keefe, Matt Grew, Beth Myers, Eric Fernstrom)

My staff dwindling:

Former staff (Mike Caljou)

Doug Shea

Zak Greiner (now work for Richard Tisei)

Dan Connelly (now work for Terry Murray)

Press:

Frank Philips

Scott Lehigh

Janet Woo

Colleen King

Kevin McNicolus

Dan Ring

Cure Stevens

District Staff:

Brian Dolaher (10 years)

Lois Scibelli (18 years)

Christina Thompson (23 years)

I'll get in trouble if I start — without mention everyone — as I think of all of you as my close friends and family — I don't have much. Can't forget the Republicans who made me their leader for the last 14 years.

Of course closest colleagues:

Sen. Tisei

Sen. Tarr

Sen. Hedlund

Sen. Brown

Honorary member Senator Baddour

Closest friends:

Myman Wood

Mike Wallace

Rachel Bonavita

Dan Curran

Diane Moes (was absent swearing in)

Alex Calcagno

Debbie Joelson

Remiss 2 colleagues — a special recognition: Fun, mentors couldn't have done this job and been elected without them.

Rep. Tom Petrolati

Mike Knapik

Steve Buoniconti

And to you Mr. President and our crew (Joan Menard, Terry Murray, Freddie Berry) what can I say — it's been a blast. I've never met anyone like and probably won't ever again.

Some dictionaries put a picture next to a description. In my dictionary your picture would be next to the word loyal, dedicated friend.

I do, however, have one confession to make — one I am ashamed, embarrassed and even reluctant to admit, When I was younger and in the Little League — Oh well, a picture says a thousand words.

And finally, to all of you here today, my job was easy to do every day because of one person. I met her in the 9th grade. My wife, Nancy.

In closing, it has been my honor to work in this Senate, a Senate where American President Calvin Coolidge also served. Let me end my remarks by quoting from President and Senator Coolidge. Commenting on the same fundamental belief that one person can make a difference, Coolidge gives us all advice to keep in mind during those many times that we all feel like giving up and abandoning the battle of what we believe is right. Coolidge said:

“Nothing in the world can take the place of Persistence. Talent will not; nothing is more common than unsuccessful men with

talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent.

The slogan "Press On" has solved and always will solve the problem of the human race."

Thank you for allowing me the opportunity to put these words into action on behalf of my neighbors. I will miss you all very much. God bless you all.

*Remarks of Senator Richard T. Moore.*

If this Senator were to follow Coolidge and become governor of the Commonwealth, only then would we see the true meaning of the phrase 'God Save the Commonwealth.'

I am pleased to see the sainted Nancy Lees. Sen. Lees has spent so many late nights in Boston, sometimes working, sometimes taking nourishment with his friends. A friend of hers once asked if she was worried about him chasing the women. She said, No, I'm not worried at all; dogs chase cars they can't drive.

Senator Moore then read a poem touching on the Minority Leader's passing into the afterlife.

**PAPER FROM THE HOUSE.**

*Engrossed Bills.*

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

Authorizing the town of Arlington to issue certain temporary loans in anticipation of bonds (see Senate, No. 2579, changed);  
Relative to the taxation of forest, farm, and recreation land (see Senate, No. 2683);  
Providing for recall elections in the town of Canton (see House, No. 4387);  
Designating December 15 as bill of rights day (see House, No. 4600); and  
Relative to the town manager of the town of Weston (see House, No. 4861).

A Bill establishing a sick leave bank for Paula Phelan, an employee of the Massachusetts Department of Industrial Accidents (House, No. 5339,— on petition),— **was read.**

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

*Reports of a Committee.*

By Ms. Murray, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Carol Denault, an employee of the Department of Mental Health (House, No. 5342),— **ought to pass.**

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

By Ms. Murray, for the committee on Ways and Means, that the Senate Bill authorizing the state retirement board to grant a certain pension to James R. Johnson (Senate, No. 2750),— **ought to pass, with an amendment substituting a new draft entitled "An Act authorizing the state retirement board to grant an accidental disability retirement to James R. Johnson" (Senate, No. 2767).**

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

**The bill (Senate, No. 2767) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

*Order Adopted.*

On motion of Mr. Moore,—

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Ms. Fargo, at a quarter before four o'clock P.M., the Senate adjourned to meet again on the following Monday at eleven o'clock A.M.