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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, July 2, 2007.

Met according to adjournment at one o'clock P.M. (Mr. Rosenberg in the Chair).

Distinguished Guest.

There being no objection, the President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty introduced Matt McCue of Mansfield. Despite recent surgery to remove cancer, Matt achieved his goal in becoming an Eagle Scout.

Reports.

The following reports were severally read and placed on file:

A report from the Massachusetts Housing and Shelter Alliance (pursuant to line item 4406-3010 of the FY07 state budget, Chapter 139 of the Acts of 2006) submitting its update to the preliminary report, Home and Healthy for Good: A Statewide Pilot Housing First Program (received Thursday, June 28, 2007); and
A report of the Special Commission on Ambulatory Surgical Centers & Medical Diagnostic Services (pursuant to Section 105 of Chapter 139 of the Acts of 2006) submitting its report along with recommendations for legislation (received Friday, June 29, 2007).

The following reports were severally read and sent to the House for its information:

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Plymouth County Correctional Facility (received Thursday, June 28, 2007); and
A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of MCI Cedar Junction (received Friday, June 29, 2007).

Petitions.

Petitions were presented and referred as follows:

By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 2283) of Stanley C. Rosenberg and Ellen Story (by vote of the town) for legislation to authorize local voting rights for all categories of permanent resident aliens residing in Amherst [Local approval received];

Under Senate Rule 20, to the committee on Election Laws.

By Ms. Murray, a petition (accompanied by bill, Senate, No. 2282) of Therese Murray and Jeffrey D. Perry (by vote of the town) for legislation to authorize the Mashpee Water District to enter into a certain agreement with the town of Sandwich [Local approval received];

**Under Senate Rule 20, to the committee on Municipalities and Regional Government.
Severally sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Knapik, a petition (subject to Joint Rule 12) of Michael R. Knapik and Rosemary Sandlin for legislation to authorize the Department of Capital Asset Management and Maintenance to grant certain easements in the towns of Russell and Montgomery over lands held for conservation and recreation purposes; and

By Mr. Timilty, a petition (subject to Joint Rule 12) of James E. Timilty, Stephen M. Brewer, Louis L. Kafka, Richard J. Ross and other members of the General Court for legislation to provide for a moratorium on the issuance of comprehensive permits and establishing a special commission to investigate the use and effectiveness of the comprehensive permit law;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Ms. Candaras, for the committee on Mental Health and Substance Abuse, on petition, a Bill providing for a study of the central intake for the placement of substance abusers in treatment facilities (Senate, No. 1138);
Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Ms. Candaras, for the committee on Mental Health and Substance Abuse, on petition, a Bill to establish a public guardianship commission (Senate, No. 1116);
Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Timilty, for the committee on Municipalities and Regional Government, on petition, a Bill amending the charter of the city of Somerville to provide for an operations manager of waterworks and 311 director (Senate, No. 2165) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill to create a municipal hearing officer to hear appeals of violation notices issued in the city of Somerville in accordance with G.L.C., 40 SS 21D (Senate, No. 2166) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill relative to health inspectors of the city of Somerville (Senate, No. 2168) [Local approval received];

By the same Senator, for the same committee, on petition, a Bill amending the charter of the city of Somerville (Senate, No. 2169) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill pertaining to off-duty work details or special details performed by public employees in the city of Somerville (Senate, No. 2170) [Local approval received];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Joint petition (accompanied by bill, House, No. 4124) of Jay R. Kaufman and others (by vote of the town) relative to the minimum seating capacity of restaurants applying for licenses for the sale of alcoholic beverages in the town of Arlington;
To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4121) of Lida E. Harkins and Scott P. Brown (by vote of the town) for legislation to authorize the town of Needham to construct and maintain a common sewer line through the Farley Pond Conservation Area; and
Petition (accompanied by bill, House, No. 4122) of Lida E. Harkins and Scott P. Brown (by vote of the town) that the town of Needham be authorized to use a portion of the Ridge Hill Reservation as a senior center;

Severally to the committee on Municipalities and Regional Government.

Joint petition (accompanied by bill, House, No. 4123) of Jay R. Kaufman and others (by vote of the town) for legislation to authorize Daniel Wesinger of the town of Arlington to take a civil service examination for the position of fire fighter in said town;

To the committee on Public Service.

There being no objection, the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at four minutes before two o'clock, P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith, and adopted, as follows:—
Resolutions (filed by Mr. Baddour) “recognizing the public interest in supporting the National Conference of State Legislatures” (Senate, No. 2284).

PAPER FROM THE HOUSE.
Committee of Conference Report.

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill making appropriations for the fiscal year 2008 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4001) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2250, reported, in part, a "Bill making appropriations for the fiscal year 2008 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements" (House, No. 4141) — **came from the House, and was read.**

The rules were suspended, on motion of Mr. Panagiotakos, and the report was considered forthwith.

After remarks, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at twenty-nine minutes before three o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 60**]:

YEAS.

| | |
|--------------------------|-------------------------|
| Antonioni, Robert A. | Knapik, Michael R. |
| Augustus, Edward M., Jr. | McGee, Thomas M. |
| Baddour, Steven A. | Menard, Joan M. |
| Barrios, Jarrett T. | Montigny, Mark C. |
| Berry, Frederick E. | Moore, Richard T. |
| Brewer, Stephen M. | Morrissey, Michael W. |
| Brown, Scott P. | Murray, Therese |
| Buoniconti, Stephen J. | O'Leary, Robert A. |
| Candaras, Gale D. | Panagiotakos, Steven C. |
| Chandler, Harriette L. | Spilka, Karen E. |
| Creedon, Robert S., Jr. | Tarr, Bruce E. |
| Creem, Cynthia Stone | Timilty, James E. |
| Downing, Benjamin B. | Tisei, Richard R. |
| Hart, John A., Jr. | Tolman, Steven A. |
| Havern, Robert A. | Tucker, Susan C. |
| Hedlund, Robert L. | Walsh, Marian |
| Jehlen, Patricia D. | Wilkerson, Dianne — |
| Joyce, Brian A. | 35. |

NAYS — 0.

PAIRED

YEAS NAYS.

| | |
|------------------|---|
| Pacheco, Marc R. | Rosenberg, Stanley C. (present)— 2. |
|------------------|---|

ABSENT OR NOT VOTING.

| | |
|-----------------|--------------------------|
| Fargo, Susan C. | Resor, Pamela— 2. |
|-----------------|--------------------------|

The yeas and nays having been completed at twenty-six minutes before three o'clock P.M., the report was accepted, 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 Senate Bill authorizing the town of Rehoboth to grant a license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2270) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

The Senate Bill authorizing the town of Ashburnham to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2271) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**
Sent to the House for concurrence.

The House Bill relative to the school department of the town of Tewksbury (House, No. 4117, changed),— **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill to continue the safe placement of newborn infants (Senate, No. 2177, amended),— **was considered.**
After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at six minutes before three o'clock P.M., on motion of Ms. Spilka, as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 61**]:

YEAS.

| | |
|--------------------------|-------------------------|
| Antonioni, Robert A. | Knapik, Michael R. |
| Augustus, Edward M., Jr. | McGee, Thomas M. |
| Baddour, Steven A. | Menard, Joan M. |
| Barrios, Jarrett T. | Montigny, Mark C. |
| Berry, Frederick E. | Moore, Richard T. |
| Brewer, Stephen M. | Morrissey, Michael W. |
| Brown, Scott P. | O'Leary, Robert A. |
| Buoniconti, Stephen J. | Panagiotakos, Steven C. |
| Candaras, Gale D. | Rosenberg, Stanley C. |
| Chandler, Harriette L. | Spilka, Karen E. |
| Creedon, Robert S., Jr. | Tarr, Bruce E. |
| Creem, Cynthia Stone | Timilty, James E. |
| Downing, Benjamin B. | Tisei, Richard R. |
| Hart, John A., Jr. | Tolman, Steven A. |
| Havern, Robert A. | Tucker, Susan C. |
| Hedlund, Robert L. | Walsh, Marian |
| Jehlen, Patricia D. | Wilkerson, Dianne — |
| Joyce, Brian A. | 35. |

NAYS — 0.

ABSENT OR NOT VOTING.

| | |
|-----------------|---------------------------|
| Fargo, Susan C. | Resor, Pamela — 3. |
|-----------------|---------------------------|

Pacheco, Marc R.

The yeas and nays having been completed at two minutes be-fore three o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

The House Bill to reduce the stress on local property taxes through enhanced pension fund investment (House, No. 4125),— was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Hart moved that the bill be amended in section 2, in the proposed paragraph (c½), in the first paragraph, by striking out the second sentence and inserting in place thereof the following sentence:— “Any system found by the commission to have a funded ratio of less than 60 per cent and an average rate of return during the previous 10 years that is at least 2 percentage points less than that of the PRIT fund rate of return over the same period shall be declared underperforming by the commission.”

After debate, the amendment was *rejected*.

Messrs. Tolman, Buoniconti, Hart, McGee and Ms. Walsh moved that the bill be amended, in section 2, in proposed paragraph (c½), in the first paragraph, by striking out the fifth sentence and inserting in place thereof the following 2 sentences:— “A transfer and control of a system’s assets pursuant to this paragraph shall continue until the system’s funded ratio exceeds 65 per cent and the system has participated in the PRIT Fund for at least 5 years. At that time, the system may then exercise the procedures for revocation in accordance with paragraph (c).”

After remarks, the amendment was **adopted**.

Mr. Downing moved that the bill be amended by striking out section 4 and inserting in place thereof the following:—

“SECTION 4. Notwithstanding any general or special law to the contrary, a pension system established pursuant to chapter 32 or chapter 34B of the General Laws that would be deemed underperforming under paragraph (c1/2) of subdivision (8) section 22 of said chapter 32 may voluntarily transfer ownership and control of all of its assets to the pension reserves investment management board established pursuant to section 23 of said chapter 32, hereinafter referred to as the PRIM board. The decision to voluntarily transfer ownership and control of all of its assets to the PRIM board shall be made by the retirement board of each system, subject to the approval of the board of selectmen in a town, the mayor in a city, the city manager in a city with Plan D or Plan E form of government, the county commissioners in a county and, for a regional system, subject to the approval of the regional retirement board advisory council. After the decision to participate has been approved, the decision to participate shall not be revoked for 5 years. A system that would be deemed underperforming pursuant to said paragraph (c1/2) of said subdivision (8) of said section 22 choosing to exercise its right to voluntarily transfer its assets pursuant to this section shall transfer its assets before October 1, 2007.”; and by striking out section 6 and inserting in place thereof the following:—

“SECTION 6. Sections 1, 2, 3 and 5 shall take effect on October 1, 2007.”

After remarks, the amendment was **adopted**.

Mr. Morrissey moved that the bill be amended by inserting after section 2 the following 2 sections:—

“SECTION 2A. Section 23 of said chapter 32, as so appearing, is hereby amended by striking out, in line 453, the words ‘the PRIM board’ and inserting in place thereof the following words:— a retirement system board or staff.

SECTION 2B. Said section 23 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 460, the words ‘the PRIM’ and inserting in place thereof the following words:— a public retirement system.”

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended by inserting after section 2 the following new section:—

“SECTION 2A. Section 23 of said chapter 32, as so appearing, is hereby amended by striking out clause (ii) of paragraph (g) of subdivision (2).”

After remarks, the amendment was **adopted**.

Mr. Morrissey moved that the bill be amended by inserting after section 2 the following section:—

“SECTION 2A. Said section 23 of said chapter 32, as so appearing, is hereby further amended by striking out clause (iii) of paragraph (g) of subdivision (2).”

After remarks, the amendment was **adopted**.

Mr. Downing moved that the bill be amended, in section 2, in proposed paragraph (c½), by striking out the third paragraph and inserting in place thereof the following paragraph:—

“A system ordered by the commission to transfer its assets under this section may appeal for an exemption to a 5-member review board which shall consist of the executive director of the PRIM board or his designee, the secretary of administration and finance or his designee, a member selected by the state treasurer from a list of 3 names submitted by the Massachusetts Association of Contributory Retirement Systems, 2 members of municipal employee unions to be appointed by the governor, 1 of whom shall be a member of the Professional Firefighters Association of Massachusetts. The system shall file written notice of its appeal with the secretary of administration and finance not later than 30 days after receiving the commission’s order to transfer its assets. The review board may establish rules for its own procedure, but such rules shall not be required to comply with chapter 30A. The review board may grant an exemption from the transfer requirement of this section if its rate of return has exceeded the PRIT Fund rate of return for the previous 2 years or if the system’s rate of return was affected by other extenuating circumstances. The review board may also consider the system’s management costs, its risk return ratio and any other factors it deems appropriate. The grant of an exemption shall require the concurrence of at least 4 of the 6 members or their designees. A system may seek judicial review of the review board’s decision to deny an exemption in the manner provided in section 14 of chapter 30A.” After remarks, the amendment was **adopted**.

Ms. Walsh and Messrs. Downing, Hart and McGee moved that the bill be amended by inserting after section 5 the following section:—

“SECTION 5A. Notwithstanding any general or special law to the contrary, the public employee retirement administration commission shall provide each local contributory retirement system with a memorandum providing the financial position of the system in regard to the mandatory transference of assets required under section 22 of chapter 32 of the General Laws. The commission shall provide the memorandum to each system on January 1 and July 1 of each year.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes past three o’clock P.M., on motion of Ms. Walsh, as follows, to wit (*yeas 35 — nays 0*) [**Yeas and Nays No. 62**]:

YEAS.

| | |
|--------------------------|-------------------------|
| Antonioni, Robert A. | Knapik, Michael R. |
| Augustus, Edward M., Jr. | McGee, Thomas M. |
| Baddour, Steven A. | Menard, Joan M. |
| Barrios, Jarrett T. | Montigny, Mark C. |
| Berry, Frederick E. | Moore, Richard T. |
| Brewer, Stephen M. | Morrissey, Michael W. |
| Brown, Scott P. | O’Leary, Robert A. |
| Buoniconti, Stephen J. | Panagiotakos, Steven C. |
| Candaras, Gale D. | Rosenberg, Stanley C. |
| Chandler, Harriette L. | Spilka, Karen E. |
| Creedon, Robert S., Jr. | Tarr, Bruce E. |
| Creem, Cynthia Stone | Timilty, James E. |
| Downing, Benjamin B. | Tisei, Richard R. |
| Hart, John A., Jr. | Tolman, Steven A. |
| Havern, Robert A. | Tucker, Susan C. |
| Hedlund, Robert L. | Walsh, Marian |
| Jehlen, Patricia D. | Wilkerson, Dianne — |
| Joyce, Brian A. | 35. |

NAYS — 0.

ABSENT OR NOT VOTING.

Fargo, Susan C. Resor, Pamela — 3.
Pacheco, Marc R.

The yeas and nays having been completed at twenty-three minutes past three o'clock P.M., the amendment was adopted.

Ms. Walsh and Messrs. Hart, Tolman and McGee moved that the bill be amended by inserting after section 5 the following section:—

“SECTION 5A. Notwithstanding any general or special law to the contrary, local retirement boards shall consider the annual cost-of-living adjustments to be a priority.”

After remarks, the amendment was **adopted**.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended by striking out the title and inserting in place thereof the following title:— “An Act Mandating Management of Certain Municipal Pension Funds.”

After remarks, the amendment was *rejected*.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendments and with the amendments previously adopted by the Senate.

Sent to the House for concurrence in the amendments.

The House Bill relative to certain playground land in the town of Provincetown (House, No. 3754) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time.**

Pending the question on passing the bill to be engrossed, on motion of Mr. O'Leary, the bill was recommitted to the committee on Bills in the Third Reading.

Remarks of Senator Stanley C. Rosenberg.

Senator Rosenberg addressed the Chamber to bid farewell to Senator Jarrett T. Barrios who is departing the Senate.

During his remarks commending the good works of Senator Barrios during his tenure in the Senate, Senator Rosenberg read the following poem by Langston Hughes which he thought analogously portrayed the departing Senator. The poem is as follows:

Freedoms Plow
When a man starts out with nothing,
When a man starts out with his hands
Empty, but clean,
When a man starts to build a world,
He starts first with himself
And the faith that is in his heart —
The strength there,
The will there to build.
First in the heart is the dream —
Then the mind starts seeking a way,
His eyes look out on the world,
On the great wooded world
On the rich soil of the world,
On the rivers of the world.
The eyes see there materials for building,
See the difficulties, too, and the obstacles.
The mind seeks a way to overcome these obstacles.
The hand seeks tools to cut the wood,
To till the soil, and harness the power of the waters.
Then the hand seeks other hands to help,
A community of hands to help —
Thus the dream becomes not one man's dream alone,
But a community dream.
Not my dream alone, but our dream.
Not my world alone,
But your world and my world,
Belonging to all the hands who build.
A long time ago, but not too long ago,

Ships came from across the sea
Bringing the Pilgrims and prayer-makers,
Adventurers and booty seekers,
Free men and indentured servants,
Slave men and slave masters, all new –
To a new world, America!
With billowing sails the galleons came
Bringing men and dreams, women and dreams.
In little bands together,
Heart reaching out to heart,
Hand reaching out to hand,
They began to build our land.
Some were free hands
Seeking a greater freedom,
Some were indentured hands
Hoping to find their freedom,
Some were slave hands
Guarding in their hearts the seed of freedom,
But the word was there always:
Freedom.

Remarks of Senator Dianne Wilkerson.

Madam President I rise today with the most difficult of tasks — that of saying farewell to a friend and colleague — the Senator from Middlesex, Suffolk and Essex, Mr. Barrios.

I do so with pride and mixed emotions. Most of you I suspect were not aware that I share what I am sure may be the oldest relationship with the Senator from Cambridge. I met him around this time 15 years ago in the summer of 1992 when he walked into my campaign office to volunteer on my very first campaign for office, that for State Senate. He was even thinner than he is now if you can imagine but with the same boundless energy. My first impression was that he was a “hottie.” We had a very matter of fact first conversation in which he asked me several questions and then informed me that he came to volunteer. Jarrett became my LGBT coordinator which if you know my district you know is a very huge portion of my constituency. He joined a campaign team that included Doug Rubin who was my field director and Ron Marlow. During that time I came to learn from him that he was going on to law school in Washington D.C., planned on returning to Massachusetts and that he would one day run for office.

Well, as many have come to learn about the gentleman from Cambridge, he did everything he said he was going to do.

Jarrett was elected to the House of Representatives in 1998 and then to the State Senate in 2002. Jarrett’s coming to the State Senate was a high moment for me because prior to his coming, I had served as the only person of color in this body for 11 years. It was very difficult in those first several years because I often felt the enormous responsibility placed on me by not only my constituents, but many from across this state who expected me to champion issues of importance for them. When Senator Barrios came to this body, he took on issues such as immigration, emergency room interpreter services, in-state tuition, transit fare fairness, witness protection, the Shannon grants, the fight to ban assault weapons, GPS tracking for batterers who violate orders of protection just to name a few. His energy is dizzying and one is often left exhausted just talking to him.

Jarrett is one of those rare persons who can drive you crazy, get on your absolute last nerve and yet if you’re picking teams he’s the first one you pick for your team. Why, because you know he is going to work the hardest, he is extremely bright and he will always come prepared. This past Saturday, I was at an event in the Back Bay where Jarrett was being honored and you can imagine my surprise when he was introduced as the person who did more for eliminating health disparities in the Commonwealth than anyone else, I’m sitting there thinking, well that’s funny, I’m the Senate chair of the commission to eliminate health disparities, what do I know?

Jarrett, this has truly been a journey, it is not possible to leave on a higher note. When you think of our charge to leave the world a better place than we find it, you have met that challenge and then some. Massachusetts is indeed a different place for your having served in the Senate. While most of us in this Senate can take pride in the part we played on protecting our constitution from having discrimination inserted in that most precious document, I know what that meant to you and, more importantly, what it meant for you to play the important role you did.

In the tradition of the former Senator from Brockton, some of you may remember his farewell comments when he did the 10 reasons why he knew it was time to go. I, too, thought of doing something cute to mark this moment like the top ten reasons why Jarrett is leaving the Senate. But it occurred to me that if the first reason is \$250,000.00 you really don’t need nine more. Blue

Cross/Blue Shield Foundation will be well equipped to deliver on its mission to insure health care for every citizen in this Commonwealth, regardless of race, ethnicity or income with you at the helm. I know I speak for all of the members, and citizens of this Commonwealth when I say that this place will not be the same without you, I will miss you greatly my friend.

Querido compañero, este poema es para ti:

Caminante, son tus huellas el camino, y nada más; caminante, no hay camino, se hace camino al andar. Al andar se hace camino, y al volver la vista atrás se ve la senda que nunca se ha de volver a pisar. Caminante, no hay camino, sino estelas en la mar.

Antonio Machado

Mi hermano, Dios te bendiga!

TRANSLATION

Dear “brother”, this poem is for you:

Traveller, the only path is your footsteps, there is no other.

Traveller, there is no certain path, you make the path as you go. As you go, you make the path and stopping to look behind, you see the path that your feet will never travel again.

Wanderer, there is no path — only foam trails in the sea.

Thank you Madam President.

Farewell Speech
Senator Jarrett T. Barrios, Middlesex, Suffolk and Essex

Monday, July 02, 2007.

In his story “Library of Babel,” Argentinian Jorge Luis Borges writes about a world that is, quite literally, a library. “It is a world where each of us in it inhabit hexagonal galleries with shelves of books, each has stairs to the next gallery.”

For Borges, these book-filled rooms are metaphor for life. The story becomes a metaphor for how the decisions we make open — and close — doors for us.

What is life like in this infinite library? Over the course of a day, life is spent eating, sleeping, and breathing, celebrating and mourning all life’s ceremonies, all crammed in and around days spent reading book after book, surrounded by more books, with stairs leading to even more books.

What does it mean to live in this library, this babel of books? The aged narrator of Borges story gives us a hint: “Like all men of the Library, I have traveled in my youth. I have journeyed in search of a book, perhaps of the catalogue of catalogues; now that my eyes can scarcely decipher what I write, I am preparing to die perhaps a few leagues from the gallery in which I was born.”

For every book we read, there is an infinity of others left unopened. For every choice we make, an infinity of others left on the shelf, perhaps to peruse and digest later, or disdain, discard, or leave unread.

Where Borges ends, my story — today — begins. The library is our lives, these long-lined shelves, our actual and possible experiences, beginning in our cradle, and ending in our grave.

Everything in our own stories — everything comes from our experience. In the words of the irrepressible Don Quixote: “There is no proverb but what is true, because they are all sentences drawn from experience itself, the mother of all sciences.” [Quixote to Sancho, on ‘knowing’ Mambrino’s helmet sat on the back of the barber.]

My first book in life — my first memory — was my ‘abuela’, my grandmother singing Spanish lullabies. There were lots of other books along the way, like 2nd grade, when Bluzette Garcia rolled out her playdoh, “Jarrett I love you this much, but I love Manuel Fernandez this much.”

Not all were happy in retrospect. There was the time I sat in the high school library late one afternoon, alone, hiding behind a bookshelf so no one would see me take the book off the shelf, the book about Dave Kopay, a biography about this NFL all-pro who happened to be gay — the only person in the world I could find who — in 1984 — would talk about being like me.

With all this talk of books, I guess it’s fair to ask: Are we only the sum of the books we find on the shelf?

The day I decided to run for State Representative in July of 1997, I couldn't find a book on the shelf about how to do it. There was no story on the shelf for someone with a name like Barrios in a state like Massachusetts.

The day I was sworn in, I'd only been in the State House once before—for a protest of Gov. Weld's cuts to the AIDS budget. There was no book there, no advice dispensing tome.

I daresay some of you — some of the women in this chamber, some of the men perhaps, too — have found your own shelves empty at times when wisdom of others' experience could have been critical for your success. What did you do? The same thing I did.

You wrote your own book. And in so doing, you had something to leave on the shelf for the next Wilkerson, for the next Murray, the next Patrick.

The freedom to write our own future is the greatest gift whose reward we still reap, the gift of our founding fathers. It is the democracy promised us, the freedoms we enjoy, the promises we profess to keep: "one nation, under God, with liberty and justice for all."

In this chamber, we get lots of practice spinning tales, debating, arguing, making our history. But these gifts of our democracy don't mean that writing it will be easy for all of us. It's easy to forget sometimes that there are lots of folks never to be found around this table, or found around other tables like this one.

Through the antique lens of this storied chamber, the many colors of our nation's patriotism can often look monochromatic. The names of those who live as patriots, like the name Army Specialist Alex Jimenez and his wife Yaderlin Jimenez, have become difficult to pronounce.

Remembering God and Country not as possessions of a few who happened to spout their views on the radio talk shows, but as the inheritance — and responsibility — of all of us can be difficult.

With so much to do everyday, it can be easy to forget, but advancing this democracy is our challenge. Perhaps our greatest challenge, it is also our Country's foundational ideal.

The question is: How do we make it so? How do we achieve our democracy?

In a library infinite in its possibilities, we know we won't find this answer by looking on the shelf. We — in all our many colors and credos — have to write the book. And we write it by embracing Quixote's mother of all sciences, "all sentences drawn from experience itself."

To every resident of our Commonwealth issues the challenge that they get involved in all that goes on today. To experience, to learn, to translate through our deeds these words of our foremother, Emma Lazarus:

Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning...
"Keep, ancient lands, your storied pomp!" cries she
With silent lips. "Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door!"
This is our America. And it is not to be found on a map — or for that matter in a book.

America is everything we do to keep faith with Emma Lazarus and the beautiful woman she writes about, she who sits astride our shores, our great statue of Liberty.

America is the book you wrote the day you decided to run for office, or the day your child learned the Pledge of Allegiance. It is the day these halls filled with neighbors demanding the right to vote on marriage — and the rejection of the indignity.

Achieving America is all this, but not only this. It also requires that we honor those whose path towards democracy might have started somewhere else, someplace with no book or map or story of America.

America is Patricia Oliveira of Everett, Massachusetts. Brazilian by birth, academic star of Everett High School, daughter of a

bagel-maker, 22 year-old Patricia wants more than anything to achieve her America. For three years now — since the day of her graduation — she has worked lobbying all of us so that she has the right to go to Bunker Hill Community College at the same cost as my children and yours. She has paid taxes and learned all the arguments and works with an ethic that would make any parent proud.

America is the day you learn these words in our Nation's history: that these truths are self-evident, that all men and women were created equal, with unalienable rights, life and liberty and the pursuit of happiness or a simple education.

America is the day we learn these words and believe that they mean all men and women. All of us. Patricia, too. That is our America.

You know the funny thing about books? There's only one way to read them. Front to back. The pages only go forward, not back. And so you might not find yourself in Chapter One, but there's always another chapter, and if you're not there, you can write the next one.

And in a place like America, if you write that chapter, if you live that life, a life not only admiring of the operations of our world but also one which remains steadfast in opposition to all its degradations, steadfast in support of a Declaration of Independence that gives all of us liberty, in America — we call that progress.

Progress. Why? It's like a book. Once you've read the book, you can't unread it.

In our America, a person made equal can't be made unequal. A couple who has married, can't have their marriage undone at the ballot box. A child whose academic success has earned them entrance into the unfurling opportunities of college and promise can't be turned away ... not in our America.

Although my district is the home to Bunker Hill and the path of Paul Revere, I suspect the Senate President would still claim bragging rights as the district home to the most history in our Commonwealth. Her district being the first settlement in this great Commonwealth. Her district the home of the pilgrims.

Pilgrims came, blessed with the abundant new land, and they stayed. As the chapters in our state and nation count forward, our complexion grows deeper, our accent more varied. As that first chapter of the pilgrim's experience, those newer chapters can't be unread either. Like the pilgrims, this America is here to stay.

My nine years in the legislature have let me witness this evolution, in my district and here in this Chamber. It has been a great honor to serve with each and every one of you. Thank you for being part of this pilgrim's progress.

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

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill making appropriations for the fiscal year 2008 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4141), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 31 to 0.

The bill was signed by the President and sent to the House for enactment.

Recess.

There being no objection, at six minutes past four o'clock P.M., the President declared a recess subject to the call of the Chair; and, at seventeen minutes before five o'clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Engrossed Bills.

An engrossed Bill making appropriations for the fiscal year 2008 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4141) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-six minutes before five o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 32 — nays 0*) **[Yeas and Nays No. 63]:**

YEAS.

| | |
|--------------------------|-------------------------|
| Antonioni, Robert A. | Knapik, Michael R. |
| Augustus, Edward M., Jr. | McGee, Thomas M. |
| Baddour, Steven A. | Menard, Joan M. |
| Barrios, Jarrett T. | Montigny, Mark C. |
| Brewer, Stephen M. | Moore, Richard T. |
| Brown, Scott P. | Morrissey, Michael W. |
| Buoniconiti, Stephen J. | O'Leary, Robert A. |
| Candaras, Gale D. | Panagiotakos, Steven C. |
| Chandler, Harriette L. | Spilka, Karen E. |
| Creedon, Robert S., Jr. | Tarr, Bruce E. |
| Creem, Cynthia Stone | Timilty, James E. |
| Downing, Benjamin B. | Tisei, Richard R. |
| Havern, Robert A. | Tolman, Steven A. |
| Hedlund, Robert L. | Tucker, Susan C. |
| Jehlen, Patricia D. | Walsh, Marian |
| Joyce, Brian A. | Wilkerson, Dianne — |

32.

NAYS — 0.

PAIRED

YEAS NAYS.

| | |
|------------------------------------|-----------------------|
| Rosenberg, Stanley C. (present) | Pacheco, Marc R. — 2. |
|------------------------------------|-----------------------|

ABSENT OR NOT VOTING.

| | |
|---------------------|--------------------|
| Berry, Frederick E. | Hart, John A., Jr. |
| Fargo, Susan C. | Resor, Pamela — 4. |

The yeas and nays having been completed at twelve minutes before five o'clock P.M., the bill was passed to be enacted and it was signed by the President.

An engrossed Bill relative to the school department of the town of Tewksbury (see House, No. 4117, changed) (which originated in the House), 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 President and laid before the Governor for his approbation.

Reports of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill relative to making provisions for the management and operation of the Wallace Civic Center and Planetarium in the city of Fitchburg (Senate, No. 2209),— **ought to pass.**

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. Sent to the House for concurrence.

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer for legislation to further regulate the purchase and sale of mercury-related products. **Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer, Robert A. Antonioni and Harriette L. Chandler for legislation relative to death benefits to surviving spouses of firefighters and other emergency personnel. **Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer for legislation to establish a sick leave bank for Thomas D'Intinosanto, an employee of the Department of Mental Retardation. **Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.**

By Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer for legislation to include three additional members on the advisory commission on travel and tourism. **Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Tourism, Arts and Cultural Development.**
Severally sent to the House for concurrence.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4129) of David M. Torrissi and others that the Division of Capital Asset Management and Maintenance be directed to convey a certain parcel of land located in the city of Lawrence to said city,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.**

Order Adopted.

On motion of Ms. Menard,—

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

Moment of Silence.

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of Army Staff Sergeant Daniel A. Newsome of Chicopee.

Adjournment in Memory of Army Staff Sergeant Daniel A. Newsome.

The Senator from Hampden and Hampshire, Mr. Knapik, and the Senator from Hampden, Mr. Buoniconti, presented a request that when the Senate adjourns today, it do so in memory of Army Staff Sergeant Daniel A. Newsome.

Army Staff Sergeant Daniel A. Newsome, 27 years old, a lifelong resident of Chicopee, was killed by an improvised explosive device in Baghdad on June 27th. He was assigned to the 1st Battalion, 8th Cavalry Regiment, 2nd Brigade Combat Team, 1st Cavalry Division, Fort Hood, Texas. He graduated from Chicopee Comprehensive High School in 1998, where he joined the Army through its delayed entry program before graduating. Staff Sergeant Newsome was serving his second tour of duty in Iraq, and also spent a year in Kosovo as a peacekeeper. Three weeks ago he was able to return home to Chicopee for his mid-tour leave. He is survived by his mother and stepfather, Joanne and Eric Ritter, his wife, Karen Newsome, and his young son, all of Chicopee.

It would be a fitting tribute to Sergeant Newsome and his family if this order could be printed in the journal of the Senate.

Accordingly, as a mark of respect to the memory of Army Staff Sergeant Daniel A. Newsome of Chicopee, at eight minutes before five o'clock P.M., on motion of Mr. Knapik, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.