

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.

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

Hon. Benjamin Brackett Downing, of Pittsfield..... in the *Berkshire, Hampshire and Franklin District*.
Hon. James E. Timilty of Walpole..... in the *Bristol and Norfolk District*.
Hon. Joan M. Menard of Fall River in the *First Bristol and Plymouth District*.
Hon. Mark C. Montigny of New Bedford.....in the *Second Bristol and Plymouth District*.
Hon. Robert A. O'Leary of Barnstable.....in the *Cape and Islands District*.
Hon. Steven A. Baddour of Methuen..... n the *First Essex District*.
Hon. Frederick E. Berry of Peabody..... in the *Second Essex District*.
Hon. Bruce E. Tarr of Gloucester..... in the *First Essex and Middlesex District*.
Hon. Susan C. Tucker of Andover..... in the *Second Essex and Middlesex District*.
Hon. Thomas M. McGee of Lynn.....in the *Third Essex and Middlesex District*.
Hon. Stephen J. Buoniconti of West Springfield.....in the *Hampden District*.
Hon. Gale D. Candaras of Wilbrahamin the *First Hampden and Hampshire District*.
Hon. Michael R. Knapik of Westfieldin the *Second Hampden and Hampshire District*.
Hon. Stanley C. Rosenberg of Amherst.....in the *Hampshire and Franklin District*.
Hon. Steven C. Panagiotakos of Lowell.....in the *First Middlesex District*.
Hon. Patricia D. Jehlen of Somerville in the *Second Middlesex District*.
Hon. Susan C. Fargo of Lincoln.....in the *Third Middlesex District*.
Hon. Kenneth J. Donnelly of Arlington.....in the *Fourth Middlesex District*.
Hon. Richard R. Tisei of Wakefield.....in the *Middlesex and Essex District*.
Hon. Cynthia Stone Creem of Newton.....in the *First Middlesex and Norfolk District*.
Hon. Karen E. Spilka of Ashland.....in the *Second Middlesex and Norfolk District*.
Hon. Anthony D. Galluccio of Cambridge..... in the *Middlesex, Suffolk and Essex District*.
Hon. James B. Eldridge of Acton.....in the *Middlesex and Worcester District*.
Hon. Scott P. Brown of Wrentham..... in the *Norfolk, Bristol and Middlesex District*.
Hon. Brian A. Joyce of Milton.....in the *Norfolk, Bristol and Plymouth District*.
Hon. Michael W. Morrissey of Quincy.....in the *Norfolk and Plymouth District*.
Hon. Therese Murray of Plymouth..... in the *Plymouth and Barnstable District*.
Hon. Marc R. Pacheco of Taunton..... in the *First Plymouth and Bristol District*.
Hon. Thomas P. Kennedy, of Brockton..... in the *Second Plymouth and Bristol District*.
Hon. Robert L. Hedlund of Weymouth In the *Plymouth and Norfolk District*.
Hon. John A. Hart, Jr., of Boston..... in the *First Suffolk District*.
Hon. Sonia Chang-Diaz of Boston..... in the *Second Suffolk District*.
Hon. Anthony Petrucci of Boston.....in the *First Suffolk and Middlesex District*.

Hon. Steven A. Tolman of Boston..... in the *Second Suffolk and Middlesex District*
Hon. Marian Walsh of Boston.....in the *Suffolk and Norfolk District*.
Hon. Harriette L. Chandler of Worcester.....in the *First Worcester District*.
Hon. Michael O. Moore of Millbury in the *Second Worcester District*.
Hon. Stephen M. Brewer of Barre.....in the *Worcester, Hampden, Hampshire and Franklin District*.
Hon. Jennifer L. Flanagan of Leominster.....in the *Worcester and Middlesex District*.
Hon. Richard T. Moore of Uxbridge.....in the *Worcester and Norfolk District*.

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

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

Prayer.

The following prayer was offered by Reverend Professor Peter J. Gomes of Plymouth:

Let us pray. O Lord, give thy blessing to the work of this Chamber and the work of this day. Sanctify the tasks in which we are engaged, and bless our efforts that they may bring forth in us the fruits of wisdom. Strengthen the faculties of our minds and dispose us to exert them for the furtherance of thy kingdom and the good of this Commonwealth. Teach us to seek after the truth, and enable us to gain it, and in knowing earthly things may we know thee and be known by thee. In the name of the God of our fathers and our children. *Amen.*

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

The National Anthem was sung by Oladuni Olidipo of Canton.

Order Adopted.

On motion of Ms. Murray,-

Ordered, That a committee be appointed by the Chair to wait upon His Excellency the Governor, Deval L. Patrick, His Honor Timothy P. Murray, Lieutenant-Governor of the Commonwealth, and the Honorable Council and the Constitutional officers and inform them that a quorum of the Senators-elect have assembled and are ready to be qualified.

Senators-elect Senators Rosenberg of Hampshire and Franklin, Brewer of Worcester, Hampden, Hampshire and Franklin, McGee of Essex and Middlesex, Tucker of Essex and Middlesex, Chang-Diaz of Suffolk and Knapik of Hampden and Hampshire were appointed the committee.

Subsequently, Mr. Rosenberg, for the said committee, reported that the committee had waited upon His Excellency the Governor, Deval L. Patrick, His Honor Timothy P. Murray, Lieutenant-Governor of the Commonwealth, and the Honorable Council, and the Constitutional officers and had conveyed to them the message of the Senate; and that the Governor had asked him to say that he would be pleased to attend forthwith upon the Honorable Senate, with the Honorable Council and the Constitutional officers, to administer the oaths of office. The report was accepted and the committee was discharged.

Soon after, His Excellency the Governor, Deval L. Patrick, His Honor Timothy P. Murray, Lieutenant-Governor of the Commonwealth, members of the Honorable Council, William Francis Galvin, Secretary of the Commonwealth, A. Joseph DeNucci, Auditor of the Commonwealth and Timothy p. Cahill, Treasurer and Receiver General, came in; and the Senators-elect then took and subscribed the oaths of office required by the Constitution and a law of the United States to qualify them for the discharge of their duties as Senators at twenty-seven minutes past eleven o'clock A.M.

The Governor briefly addressed the Senate.

His Excellency the Governor, Deval L. Patrick, His Honor Timothy P. Murray, the Lieutenant-Governor of the Commonwealth, the Honorable Council and the Constitutional officers then withdrew from the Chamber.

Order Adopted.

On motion of Ms. Menard, -

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

Mr. Hart placed in nomination for President, Ms. Murray of Plymouth and Barnstable, and Mr. Hart briefly addressed the Senate.

It was Margaret Thatcher who said "If you want something said, ask a man. If you want something done, ask a woman".

Therefore, as a father of four daughters, as a brother of four sisters, as a husband and a son, as someone who is proud of the prominence of women in our society, as a citizen of this great Commonwealth, and this morning as a member of this august body, I take enormous pride in nominating for the Presidency once again the 1st woman President of the Massachusetts Senate in its history, the distinguished lady from Plymouth, Senator Therese Murray.

Senator Murray has been an extraordinary and inspirational leader since being elected president in March of 2007 and under her leadership we have accomplished much. Senator Murray's signature piece of legislation is the Health Care Cost Control bill signed into law in 2008. But her imprints can be found in every major bill of the past several years: bills addressing children's mental health, heating assistance for veterans, renewable energy sources and efficiency, ocean management and protection, dairy farm preservation, commercial fishing revitalization, biotechnology, the motion picture industry and improvements in housing, education and transportation infrastructure.

Senator Murray is also a woman who is universally admired. I admire her for the wonderful and caring mother she is to her daughter, Lauren. I admire her for her bold run for office, 16 years ago, taking a chance to run for a seat here in the Senate and bringing her important voice to the issues she cares about so deeply.

I admire her for her leadership and demonstrated ability in bringing people together, in building consensus in the body, in the spirit of partnership, not partisanship.

I admire Senator Murray for her firmness. In order to be successful in politics, the old saying goes one should "Tell people what you stand for and, just as importantly, tell them what you won't stand for". We know what Senator Murray stands for. What she won't stand for, as we came to see over the course of the past few months, is a breach of the integrity of this historic institution. She took a strong stand against those who violated the public trust. And for that firmness, for that toughness, for standing tall, we, as a body, owe you a debt of gratitude.

I admire Senator Murray for what I witnessed at the BIO convention in San Diego last year. Just days after passing the nation's most comprehensive Life Sciences bill, Senator Murray could have basked in the glory as the toast of the town at all of the extravagant social affairs. Instead, she preferred to be in hotel conference rooms, with the Governor and Speaker, with rolled up sleeves convincing Biotech executives to come and do business here in Massachusetts. It was incredible to see. She didn't go to San Diego to revel or to bask in the sun, She went there to work. Because that's who she is.

I admire her for her preparedness. As we all know she prepares like no other and pays attention to every detail. If you are going to debate her on an issue you had better have your facts straight because she certainly will.

I admire her for the inspiration she provides for young women. Last year on a visit to Julie's Family Learning in South Boston, a state funded program for struggling, young, single mothers, Senator Murray filled the young women there with hope and inspiration through her own example. In an emotional moment she said to them, "You are me and I am you". Look at me, she said. I am no different than you are and through hard work and perseverance anything is possible. It was wonderful and for the young women there it was truly inspiring.

Mostly though, I admire her for her compassion for the underdog, for her tireless efforts on behalf of those less fortunate. For as FDR once said "The test of our progress is not whether we add to the abundance of those who have much. Rather it is whether we provide enough for those who have little." That, ladies and gentleman, has been the essence and the life work of Therese Murray. And it is ever so appropriate today.

Finally, we have extremely challenging times ahead. Layoffs, foreclosures, billion dollar deficits. But in the words of the eternal optimist Norman Vincent Peale, "No matter how dark things seem to be or actually are, raise your sights and see the possibilities. Always see them, for they are always there".

There is one person in this body who sees those possibilities, one person who has a vision for the future, who has demonstrated the capacity to lead us through difficult economic times before, one person who has that steady hand to guide us and lead us closer to those more hopeful and prosperous days. And therefore, one person who deserves to be reelected unanimously as the leader of this great body. Her name is Senator Therese Murray, the distinguished senator from Plymouth. Once again I proudly nominate Senator Therese Murray to be the President of the Massachusetts Senate in this new legislative session for the year 2009. Thank you.

The nomination of Senator Murray for President was seconded by Ms. Spilka, who also briefly addressed the Senate.

It is my honor and privilege to rise to second the nomination of a person who embodies the finest qualities of a public servant—Therese Murray—for President of the Massachusetts Senate.

I'd like to first take this opportunity on behalf of my colleagues to congratulate and welcome our new Senators. We look forward

to working with you.

I'd also like to recognize the Gentleman from South Boston for his fine praise of the Senate President, and echo his sentiments.

Madame President, two years ago, the eyes of history were upon you.

It was a moment of great significance. As a body, we all felt the importance of the action we were about to take—electing the first woman to be President of the Massachusetts State Senate.

In light of the challenges that we face as a Commonwealth, however, there was precious little time to spend thinking about our place in history.

What we needed was a leader for our time, someone who understood both the challenges and opportunities facing Massachusetts, someone who held a powerful commitment to support the vulnerable in our society as we hit hard times, and someone with the integrity and dedication equal to the great responsibility the office bestowed.

You were that leader two years ago, Madame President, and you are that leader today. And that is why it is with great pride and gratitude that I second your nomination to be Senate President.

With your strong sense of self, forged as the middle daughter in a tight-knit, hardworking family, baptized in the rough and tumble contact sport of Dorchester politics, and honed as an extremely effective and efficient Chair of the Senate Committee on Ways & Means, you have proven that while a job title can give you authority, it is character and conviction, combined with a solid dose of hard work, that truly creates a leader.

While the eyes of history have been upon you for the past two years, it is clear for all to see that your gaze has been firmly fixed on the future of the Commonwealth.

Since March 2007, you have led this body with your characteristic no-nonsense, straightforward and fair leadership.

Your tenure thus far has seen the resolution of a number of issues that have concerned the Commonwealth for a generation.

Your keen sense of fairness and caring led you to continue to advocate for issues of fundamental importance to the people of Massachusetts.

Now, through your courage and leadership, thousands of Massachusetts citizens have a fuller complement of civil rights thanks to your commitment to equal marriage.

Furthermore, another legislator who had such a large role to play in the creation and passage of our first-in-the-nation health care reform legislation could have easily rested on her laurels.

But your commitment to making health care truly accessible to our residents and making policy that was truly sustainable caused you to address the complex details of cost containment in yet another landmark piece of legislation just two years later.

You led us in passing a number of bills to invest in our economy and workforce development, including the momentous life sciences legislation, in which you once again positioned us as a leader among states.

And, building on a long career of caring for the vulnerable in our society and preparing the Commonwealth for a brighter future, you championed the passage of two long overdue bills that brought about profound and important changes for our children and their families—improving Children's Mental Health and the overhaul of our Child Abuse, Neglect and Foster Care laws.

Woodrow Wilson once said, "The ear of the leader must ring with the voices of the people."

This sentiment sums up perfectly the strength of your leadership, Madame President.

You have led by listening.

You listen with respect to all who come, no matter their position—constituents, advocates, organizations, Governors, Speakers and Senators.

In addition to your ability to listen to and understand the hopes and concerns of our residents, you have mastered the art of collaboration and compromise, as well as the facilitation of bringing people together to resolve differences.

You have continued to cultivate a Senate based on mutual respect and empowerment, where each of us feels we can—and do—make a difference in shaping debate and policy.

As a Swedish proverb states, however, “In calm water every ship has a good captain. Rough waters are truer tests of leadership.”

It is no secret that our body has experienced rough waters of late, and that the Commonwealth faces some formidable challenges in the coming years.

You have shown through your steady leadership and willingness to take decisive action at critical times that you will not be distracted from the business of the people.

I believe I speak on behalf of all of my colleagues when I say that your commitment first and foremost to service and to getting work done sets an excellent example for all of us, and makes us all really proud to be Massachusetts Senators.

“The work praises the man,” an Irish Proverb states, and in this case the work of the Massachusetts Senate praises the woman who leads it.

In the past two years, Massachusetts has come to know a leader that can be counted on to stay focused on the issues that matter the most to our residents, our families, and our communities, and who puts service before self.

You model the belief that to lead is to serve, and we are a better Senate and a better Commonwealth for it.

I would be remiss if I did not also mention that you have instilled a strong sense of collegiality, hard work, and dedication to service in your fine staff, all of whom are a pleasure to work with.

On a personal note, I am especially honored to second your nomination today, as your work as a leader is important to me as a woman, and equally to all of the female Senators, elected officials and women throughout the Commonwealth.

Your continued success as Senate President will serve as a beacon to women everywhere.

As Supreme Court Justice Sandra Day O’Connor said, “As women achieve power, the barriers will fall. As society sees what women can do, as women see what women can do, there will be more women out there doing things, and we’ll all be better off for it.”

Thank you, Madame President, for showing what women can do.

It has been an extraordinary two years for women in politics, and I am grateful for the opportunity to work closely with someone who so perfectly embodies the saying, “Some leaders are born women.”

Your spunk and style have made you a political pioneer, and makes me think of a great cartoon:

A boy and girl are playing together. The boy has on a stethoscope and is holding a doctor’s kit. He says, “I’ll be the doctor.” The girl says to the boy, “Okay. You can be the doctor. I’ll be the Secretary of Health and Human Services.”

In your case, of course, as Chair of Ways & Means, you completely revamped the Executive Office of Health and Human Services! By doing so, you made it more adept at serving the people who really rely on its programs.

I know that this spunk and attitude, combined with your focus, intelligence, and sense of humor will help you as we face a time of potentially unprecedented challenges in Massachusetts.

We have accomplished much and have come so far.

But we all know, tough times are here and here to stay for a while.

We need a steady hand at the helm, and I know of no one better suited to steer our ship through the powerful and stormy seas that are before us.

Therefore, it is my pleasure and honor to second the nomination of Therese Murray as President of the MA Senate, and I would hope that when the vote is taken that it would be unanimous.

Thank you.

Mr. Brown placed the nomination for President, of Mr. Tisei of Middlesex and Essex.

Mr. Brown briefly addressed the Senate.

Thank you Mr. President - In keeping with tradition, I am proud to nominate my friend, Richard R. Tisei, of Wakefield, the Leader of the Republican Caucus for the Office of President of the Senate.

As we gather here today to begin a new legislative session, we come to this historic Chamber carrying with us the best wishes from our families, friends and our constituents.

However, we also all share a sense of concern regarding the economy, health care and reform of State government and of the very serious ethical issues that have affected our body during the last few months. However, there is also a real sense of hope and an opportunity for real change—that is, the concept that the citizens of the Commonwealth will be the **number one** priority of the Senate and that they will be served to the greatest of our abilities through our continuous efforts to make their lives better during this legislative session.

Notwithstanding the very serious challenges facing us, we still carry with us the expectation that over the next two years we will set the highest moral standards and continue to set a record of accomplishment that we can all be proud of and that benefits every citizen of the Commonwealth.

For many of the newly elected Senators, you will soon cast your first votes. Due to Statewide economic instability, you will have to make some very serious choices that will dramatically affect the lives of the people that sent you here. Will you have the courage to take the tough vote? Will you vote against the “Special interests,” or will the citizens’ interests be your sole concern?

Soon we will all engage in the debate, the disagreement and the occasional rancor that constitutes a healthy republic.

In creating our system of government, our founding fathers made it a point to establish a number of checks and balances to ensure that that no one branch or for that matter no one party grew too strong or too overpowering.

They realized that the most dangerous tendency of government was to become unaccountable, unchallenged or develop a feeling of entitlement.

As a result, our founding fathers created safeguards, established protections and adopted rules to ensure that the majority was held accountable and that the voice of the minority was always heard.

Unfortunately there are **no** checks and balances here in MA. When there are no checks and balances, I fear that the citizens that rely on us to work toward good government initiatives will ultimately be the losers.

Today however, we have a chance to put in a check and balance. We have a way to ensure that there is accountability and that the voices of the citizens and the minority party are heard. That check and balance is the election of Richard Tisei as the President of the Senate.

For the past two years, Senator Tisei has honorably served as the Minority Leader of this chamber. During that time he has used just about every tool, tactic, rule, procedure, and legal maneuver available to him to lead the loyal opposition in this chamber and to also be there as a voice of the people and to serve as the check and balance that our forefathers envisioned.

He has the credentials to perform this role and for many years, and especially over the last two years, he has played an important role in the smooth operation of this Senate.

He has led by example, has been a mentor to me and others in the Chamber and has often asked the difficult and uncomfortable questions for which the citizens of the Commonwealth deserve answers.

He has made the Majority party explain and justify their initiatives, their spending and plans for the future of this great State. Most importantly he has ensured that the legislative process is open and inclusive for each and every member and is transparent for the citizens that send us here.

Sometimes you forget that Richard is the leader of a caucus of only five members. Yes, we hear the jokes, take it all in stride, but as you all know, when a ridiculous, unfair or expensive piece of legislation comes before us, Sen. Tisei can argue and present an opposition side with the best of them---and when he is in the debating ZONE, there is no one that can compete with him---and when that happens, our band of 5 seems like a vibrant group of 15 Senators. There are even the rare occasions when we actually sway the Majority party and help them see the light and vote with us on some issues. People often ask if I am or we are frustrated with our lack of numbers. While I would certainly like more Republican Senators, I have still found on many occasions that I/we

have been able to work across party lines for the benefit of the people's interests and not of self or party interest.

Be advised that during the next legislative session, we WILL have to work together to make VERY, very difficult choices and try to solve our fiscal crisis. Party affiliation is not going to be as important as it has been in the past. Our constituents are not going to care if we have a D or an R next to our names, but only if we have done the "right thing" and made the tough choices to help fix our great Commonwealth and its problems.

Well you can start making some of those changes now and cast your vote for Sen. Tisei for President of the Senate.

Sen. Tisei can defy the long odds when fighting for the ideals and principals of the citizens of the Commonwealth and over the past 2 years has incorporated the ideals and principals of our caucus into every major piece of legislation that has left this chamber. He can do the same thing for you.

And while the job he has been performing may be looked upon as confrontational in nature.....Richard has always been able to keep a good sense of humor and a spirit of cooperation that has made each and every one of us better, more effective public servants.

I remember working on Richard's first House race back in 1984. He had a vision of where to take this State then, and that vision has continued to this day. Throughout Richard's career, he has held fast to the highest principles of his office, and his party -- even though those principles that may not be considered fashionable.

Now, I am under no illusion that Richard Tisei will receive your vote today for Senate President. Nonetheless, I am proudly nominating him for that very position this morning. I know that it would take a turnaround of great magnitude - kind of like the Celtics going from last place to NBA Champs - to have you elect him as President today. However, I challenge you to take your first tough vote and vote for change, elect Richard Tisei as our next Senate President.

Once again, I am deeply appreciative of the opportunity to speak to you today and honored to nominate my good friend, Richard R. Tisei for President of the Senate.

Thank you.

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

Thank you Mr. President. As I look to the rostrum and see the distinguished Senator from Essex, I am tempted to change my mind and place your name in nomination. But I have regained my senses.

Welcome new members, family and friends. It is my honor and privilege to second the nomination of Senator Richard R. Tisei as Senate President.

Over the past two years with Senator Tisei as our Minority Leader, the five of us have formed into a cohesive unit willing to challenge the status quo by standing up for what we believe in. Without Senator Tisei's leadership as minority leader, it is unlikely that we as a body would have accomplished all we have over the past two years. As you all know, we live in the state that has the most lopsided legislature in the entire country. However, as our minority leader, Senator Tisei has guided and led us to a level of effectiveness beyond our numbers. Senator Tisei's leadership has helped us not only face the challenges of being outnumbered 8 to 1; his leadership has allowed this caucus to become a positive force and voice for change in the Commonwealth. The key attributes to Senator Tisei's leadership are ethics, character, knowledge and values. These strong principles have been followed by the caucus and have allowed us to create a shared vision for Massachusetts' future that will lead to prosperity, peace and responsible government. These strong principles have also allowed Senator Tisei to operate a successful business in these challenging times while serving as a full-time legislator, that experience will benefit the entire Commonwealth.

This type of leadership accompanied with these strong principles is exactly what this Commonwealth needs. Senator Tisei is a person we must all look to, to help provide solutions to the economic problems facing the Commonwealth.

On the floor of the Senate, Senator Tisei has been a champion for those in need of the services of our state government, those on the front lines of public safety, human service workers, small businesses, and of course the taxpayers of the Commonwealth.

Sen. Tisei has served the commonwealth for a very long period of time. It's a privilege to call you my leader and my friend. I heard from members to let Senator Tisei do for all of us what he has done for the minority caucus. I'm not going to quote Margaret Thatcher, Norman Vincent Peale, Franklin Roosevelt or even Senator Tolman from Brighton. There are many historical names I can quote. But the words that echoed around the world in 1980 from play by play announcer Al Michaels, who said 'Do you believe in miracles?' I'm proud to place in nomination our own Herb Brooks, the Herb Brooks of the Senate, Richard Tisei.

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

The roll was called at ten minutes past twelve o'clock noon, and the following named members voted for Therese Murray of Plymouth and Barnstable [**Yeas and Nays No. 1**]::

Baddour, Steven A.	McGee, Thomas M.
Berry, Frederick E.	Menard, Joan M.
Brewer, Stephen M.	Montigny, Mark C.
Buoniconti, Stephen J.	Moore, Michael O.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Chang-Diaz, Sonia	Murray, Therese
Creem, Cynthia Stone	O'Leary, Robert A.
Donnelly, Kenneth J.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Eldridge, James B.	Petrucelli, Anthony
Fargo, Susan C.	Rosenberg, Stanley C.
Flanagan, Jennifer L.	Spilka, Karen E.
Galluccio, Anthony D.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian ____ 35
Kennedy, Thomas P.	

The following named members voted for Richard R. Tisei of Middlesex and Essex:

Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. ____ 5
Knapik, Michael R.	

The Chair announced the results of the votes as follows:

Whole number of votes.....	40
Necessary for a choice.....	21
Therese Murray of Plymouth and Barnstable had.....	35
Richard R. Tisei of Middlesex and Essex had	5

The roll call having been completed at thirteen minutes past twelve o'clock noon, Ms. Murray was declared elected as President of the Senate.

Mr. Tisei moved that it be the sense of the Senate that the vote for Therese Murray for President should be made unanimous and that this expression of opinion be made a part of the records of the Senate.

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

Ms. Murray was escorted to the Chair by Senators Morrissey of Norfolk and Plymouth and Fargo of Middlesex.

The President then addressed the Senate as follows:

Thank you Mr. Leader, and thank you Senator Hart and Senator Spilka for your kind and encouraging words.

To the people of the Plymouth and Barnstable District, I want to say that I am proud to represent you as senator and as President of the Senate.

I am grateful to you for your ongoing support and the faith you placed in me once again with your vote on November 4th.

I am reminded every day that you sent me here to do an important job, and I will continue to uphold that commitment by working hard for you and for the Commonwealth.

I would like to thank Governor Patrick and Lt. Governor Murray. ...

I look forward to working with them, Speaker DiMasi and our colleagues in the House for a productive session.

And I want to thank the Constitutional Officers and Mayor Thomas Menino for their continued support.

I would also like to recognize some people who are with us in the chamber today:

The *new* Boston City Council President Michael Ross, thank you for being here today. ... And, of course, the outgoing President, my good friend, Councilor Maureen Feeney.

Former Senate President Robert Travaglini. ... Trav, thank you for everything.

A special thank you to my entire staff ... You're the best, and I can't thank you enough for the time and commitment you give to me, the Office of the President, and to all the members of the Senate.

Thank you to the Reverend Professor Peter J. Gomes of Plymouth, the Very Reverend Bryan K. Parrish of Duxbury and, of course, our wonderful singer, Oladuni Oladipo of Canton.

Most importantly, I want to thank my family and friends – some who are here today: My daughter Lauren; my sisters and brothers-in-law; my cousins, nieces and nephews;

And to my sister Ginger who couldn't be here today because of a new addition to our family ... her granddaughter – the first of a new generation ... Welcome, Erin Marie Farrell.

As I said the last time we were here – My family is my foundation, my barometer and the essence of who I am. ... I wouldn't be here today without you. Thank you.

To all of our returning senators: Welcome Back. ... And I'd like to formally welcome the newest members to our family here in the Senate and ask them to identify themselves as I say their names

Senator Sonia Chang-Diaz, Senator Kenneth Donnelly, Senator James Eldridge, Senator Jennifer Flanagan, Senator Thomas Kennedy, and Senator Michael Moore. ... Welcome.

Here we are again.

It's hard to believe nearly two years have passed since I first accepted the nomination of my colleagues to lead this esteemed body. I remain honored and humbled to be chosen by my peers, but it was never about me, and it never will be.

There are some observers who want me to talk more and grab the headlines. They wonder why I don't step into the glare of the spotlight or put myself at the mercy of the microphone.

Well, if they haven't gotten the message yet, let me be clear:

That's not how I choose to lead. ...

There are 39 other talented, capable individuals in this Senate, and I choose to stand with them, not have them stand in my shadow;

I choose to empower them and give credit where credit is due; I choose to foster a spirit of cooperation and decorum, not divisiveness;

I choose to work to work with my colleagues and let the fruits of our labor be our message and our reward.

It's not about me ... It's about us, and the work we do together to help make this Commonwealth a better place for everyone.

When I stood before you 22 months ago as the first woman Senate President in Massachusetts, and just the 16th woman ever elected to this body, I talked about some issues that are important to all of us...

Housing and healthcare, energy and education, and the need for new industries and support for our traditional ones.

It might have seemed a bit unusual to hear a new Senate President talking about farmers and fisherman.

But suburban legislators pay attention to these issues, and the entire Senate understood the importance of addressing these cornerstones of the Massachusetts economy.

Together we went on to pass important legislation to preserve and promote our dairy farms and minimize the burdens on our commercial fishing organizations.

Even today, we see the importance of this legislation with the latest example over the weekend of the hardships our fishermen face every day. ...

Let us have a moment of silence for the two Gloucester fishermen who died at sea on Saturday.

Our thoughts and prayers go out to them and their families.

Last session we also supported new industry, passing a comprehensive life sciences package to create jobs, help cure or prevent diseases, and establish a cutting-edge environment for our future economy.

We became a model for the nation with major reforms in energy and health care – passing the Green Communities Act to promote renewable energy while easing existing costs ...

And we put through a first-of-a-kind health care quality and transparency law to identify cost-drivers and hold health care providers and insurers accountable.

For education and housing, we approved two major bond bills that will allow capital improvements on campuses across the state and the production and preservation of affordable housing for low-income, disabled and elderly residents.

The list goes on and on with significant accomplishments for the environment, children and the mentally ill.

We passed nearly 100 major pieces of legislation and hundreds of smaller bills. In fact, more than 450 bills the Senate acted on last session have become law.

That is an accomplishment for which we all can be proud.

We've been through a lot together. And, at times, the Senate as a whole has been tested, especially in the last six months.

But the spirit and integrity of this great institution withstood those challenges.

I knew it would. ... And I believe we are stronger for it.

I can't tell you how happy I am to be with all of you today, ready to start a new session. ... We have a great challenge in front of us.

Like the rest of the nation and the world, Massachusetts is in the throes of a recession.

The Governor, with our support, has already addressed a budget shortfall of \$1.4 billion, and he'll be forced to make more adjustments.

These are never easy decisions. ...

But we must meet our constitutional obligation to balance the budget while making sure the services that residents rely on the most are the least affected.

As we walk together down this road, be mindful that there will be pain.

But we cannot lose sight of hope.

Just like the first settlers in Plymouth – the Pilgrims – who survived turbulent seas and a brutal first winter in 1620 to form this great Commonwealth and this nation, we must be resilient in this storm of economic uncertainty and look for answers

rather than focus on despair.

While our challenges cannot compare to those of the natives and first settlers, we can draw on their courage and conviction to get us through these difficult times ahead. We must use this challenge to identify new opportunity.

In some ways, we have already begun in earnest.

The health care and energy reforms now on the books will help clamp down runaway costs and make improvements in two major industries that are essential to our lives.

As the recession deepens, how worse off would we be without these two major accomplishments?

We are already focused on transportation, with work being done on serious reform proposals from the Senate, the House, and the Governor.

Transportation could be the defining issue of this legislative session, and I am encouraged by the array of ideas and the amount of discussion already taking place.

And we should remain encouraged.

The Commonwealth's diverse economy and strength in technology, research and education mean we're better suited to weather this storm than most states.

We can also look to a new administration in Washington, which is already planning a federal stimulus package that could help Massachusetts create jobs and grow the economy with millions of dollars for shovel-ready projects.

I know Governor Patrick is prepared to mobilize a plan that will take full advantage of this opportunity if it presents itself, and I congratulate him for leading on this important issue at this very critical time.

And there are opportunities we must make for ourselves.

If we're going to come out of these tough times leaner and stronger, then we must continue our call to action here in the Senate ...

Reform before Revenue.

We've got to look at every area of government and our economy to see where reforms and efficiencies can be made before we ask residents to pay additional taxes when they're already struggling.

If more revenue is needed after all reforms are implemented, then we must be able to show the public where that revenue will go and how it will be used.

Transparency and accountability must be our priorities ... The public deserves nothing less.

We have a lot of work to do in the Senate this session.

In addition to transportation reforms and the continuation of health care reform, we're going to look at changes in housing and lending practices and explore cost analysis in infrastructure spending and state government.

Our main objective is to remain active and not be tentative as we take the helm in these uncertain waters.

As long as we work hard every day, treat each other with respect, and remember that we are driven by the same guiding principle – to do what's best for the people of the Commonwealth – then we will steer our way through this storm and arrive at a safe harbor, stronger than when we started.

With that in mind, let us join together and reach across all aisles ... Democrat and Republican; Senate and House; Legislature and Administration.

If there was ever a time for all of us to meet on common ground, this is that time.

We will always have our disagreements – that is part of a healthy democracy. But let us always remember to do what is right.

If we are willing to do that, we will succeed.

Thank you to all of my colleagues here in the Senate.

The confidence and faith you have shown in me with your votes today mean more than I can say.

I will do all I can as President of this distinguished body to honor and respect your decision.

And, again, I offer the same to my constituents in the Plymouth and Barnstable District.

Your support during the last 16 years has been humbling and rewarding, and I am honored to serve you and all the people of the Commonwealth.

Thank you for helping me do the job I love to do. ...

Now, let's get to work.

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

Distinguished colleagues, invited guests, family members and friends, it is an honor and privilege to be here with you today to help usher in the opening of the 186th Session of the General Court.

The first thing I would like to do is to thank Senator Brown and Senator Hedlund for their kind words. Thank you also to my good friends Senator Tarr and Knapik for their support in re-electing me earlier this morning as their floor leader.

I also want to take this opportunity to congratulate the six new Senators that were sworn in today as the newest additions to this distinguished body.

I wish senators Chang-Diaz, Donnelly, Eldridge, Flanagan, Kennedy and Moore the very best as they begin their careers and public service – here - in this historic chamber.

I look forward to working with all of them and know that each will contribute their own unique style, talents and fresh ideas to this Senate over the next two years. So again congratulations to all of you.

I want to also take this opportunity to congratulate you, Madame President, on your well deserved re-election as Senate President.

I say well deserved, because you clearly have earned the respect and admiration of all of the members of this Senate – both Democrat and Republican – as a result of the way in which you have operated this body during your Presidency.

There is no doubt that you have faced a great number of unexpected and unprecedented challenges during your relatively short tenure as the leader of this chamber.

I know that I speak for all the members when I say that – to date – your presidency has reflected well upon this institution. Your steady hand, strong leadership and adherence to high ethical standards have guided us through some very difficult days.

Those leadership qualities will certainly be needed in the days ahead as we confront a whole litany of problems facing our commonwealth.

I also want to express my appreciation to you to you Madame President, for always providing the opportunity for a full and open debate here in the Senate.

Obviously, the minority party is vastly out-numbered in this chamber, and it would be very easy for the majority to attempt to marginalize us and exclude us from the decision-making process. But to your credit, Madame President, you have always made it a point to encourage each and every member of this Senate to bring forth their ideas, to participate in the debate and to contribute to the shaping of legislation regardless of one's philosophy or political party.

On a personal note, I want to thank you for the courtesy you have always extended to me and the other members of our caucus.

It is true that we don't always agree on the merits of every piece of legislation that comes before us, but what is important is that in this chamber we are all able to disagree with one another without becoming disagreeable towards one another.

At the end of the day, we have always been able to put our differences aside and work together in a positive manner to move this state forward. Now more than ever we are going to need to continue to share that willingness to work together and spirit of cooperation - in order to make it through the turbulent times that lie ahead.

We all know that the road before us is going to be extremely difficult. We are facing an economic meltdown that is unprecedented for our modern economy and a fiscal crisis that is one of the worst in most of our lifetimes.

There are a lot of people in this state that are hurting.

Some of our constituents have just lost their jobs, others their investments and entire life savings. Some are losing their homes and many others are just barely hanging on.

There is no doubt that this is indeed a very serious time and unfortunately, I think we all recognize that this crisis is far from over.

In that context, the decisions that we will make in the coming months will not only be critical in getting us through the short term crises—but will also have a profound impact on the long term future and viability of our Commonwealth.

When we gathered here two years ago, one of the things I talked about was the need to stop the exodus of residents leaving our state.

Two years later, flight out of Massachusetts continues to remain a problem because we continue to have one of the highest costs of living in the nation.

Now more than ever – making Massachusetts more affordable – needs to be a priority of this new legislature.

We also need to focus on making our state more competitive. Even before the current economic downturn, Massachusetts was already ranked 47th in the nation in terms of job creation.

And just last week a new half a billion dollar tax increase went into effect that will impact many businesses across the state.

I am concerned that this added burden on our state's largest employers, in the middle of a full-fledged recession, will only accelerate job loss and make it more difficult to create new jobs and be competitive when the recession is over.

Madame President, we want to work in partnership with you your members as well as our governor over the next two years to get this state economy back on track and our commonwealth headed in the right direction.

We want to make this state more affordable and competitive. Rather than increase taxes we want to reduce them and we want to keep tolls and fees down so that families can keep more of the money that they earn.

We want the focus of this new legislative session to be on creating a dynamic economic recovery plan that will attract new businesses and new jobs to our state rather than drive them away with new taxes and overly burdensome regulations.

In just two more weeks, Governor Patrick will be releasing his budget proposal for Fiscal Year 2010. We all agree that we are facing at least a billion dollar deficit.

Clearly, this is a time when we need to tighten our belts, prioritize and rethink what the core role of state government should be.

This is also a time to come up with some creative ways to ensure that the services that we do provide are delivered more efficiently and effectively.

Without a doubt, we are going to have to make a lot of hard choices over the next several months.

In order to succeed, we need to be bold in finding solutions that will benefit all of the residents of the Commonwealth, because they are looking to us for leadership.

Madame President I want to congratulate you again and wish you the best over the coming session.

We are prepared to work hand in hand with you to deal with the current fiscal crisis and to tackle all of the challenges that lie ahead.

If all of the members in this chamber work together, collectively, towards a common goal, and set aside our differences, we can get past these difficult times and make sure the Commonwealth will emerge on a stronger financial footing.

The residents of the Commonwealth are counting on us, and we cannot disappoint them.

On motion of Mr. Baddour, the address of the President, the nominating speeches and the remarks of the Minority Leader were ordered printed in the Journal of the Senate.

Election of Clerk.

Mr. Richard T. Moore moved that the Senate proceed to the election of a Clerk and that the President cast one ballot for William F. Welch of Milford as Clerk of the Senate; and this motion prevailed.

Accordingly, the ballot was cast and Mr. Welch was declared elected, and was then qualified by taking the oaths and affirmation as prescribed by the Constitution and also the following oath, which was administered by the President:

“Whereas, you WILLIAM F. WELCH, are chosen Clerk of the Senate of the Commonwealth of the Commonwealth of Massachusetts, you do swear that you will truly enter all the votes and orders thereof, and in all things relating to your office that you will act faithfully and impartially accordingly to your best skill and judgement. So help you, God.”

Swearing in of Senate Counsel.

The President announced that she has appointed Alice Moore of Westwood as Senate Counsel. Ms. Moore was escorted to the Rostrum by Ms. Walsh of Norfolk and Suffolk where she took and subscribed the oaths of office required by the Constitution and a law of the United States to qualify her for the discharge of her duties as Senate Counsel.

Orders Adopted

On motion of Mr. Panagiotakos,-

Ordered, That a committee be appointed to notify His Excellency the Governor, Deval L. Patrick, His Honor Timothy P. Murray, Lieutenant-Governor of the Commonwealth and the Honorable Council of the organization of the Senate; and that the Honorable Therese Murray of Plymouth and Barnstable had been elected President of the Senate, and William F. Welch of Milford had been elected Clerk of the Senate.

Senators Baddour of Essex, Walsh of Suffolk and Norfolk, Pacheco of Plymouth and Bristol, Candaras of Hampden and Hampshire, Donnelly of Middlesex and Hedlund of Plymouth and Norfolk were appointed the committee.

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

On motion of Mr. Downing,--

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

On motion of Ms. Creem,-

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

Sent to the House for concurrence.

On motion of Mr. Joyce,-

Ordered, that a committee be appointed to inform the House of Representatives of the organization of the Senate; and that the Honorable Therese Murray of Plymouth and Barnstable has been elected President of the Senate; and William F. Welch of Milford has been elected Clerk of the Senate.

Senators Chandler of Worcester, Morrissey of Norfolk and Plymouth, Petruccelli of Suffolk and Middlesex, Eldridge of Middlesex and Worcester, Flanagan of Worcester and Middlesex and Brown of Norfolk, Bristol and Middlesex were appointed the committee on the part of the Senate.

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

Communication.

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

Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

January 7, 2009.

To the Honorable Senate:

I have the honor to lay before you the returns of votes cast at the election held in this Commonwealth on the fourth day of November, 2008 for Senators in the General Court in the several districts, together with schedules showing the number of ballots which appear to have been cast for each person voted for.

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

Very Truly Yours,
William Francis Galvin
Secretary of the Commonwealth.

Order Adopted.

On motion of Mr. Montigny,-

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

Senators Panagiotakos of Middlesex, Jehlen of Middlesex, Michael O. Moore of Worcester and Tarr of Essex and Middlesex, were appointed the committee.

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

Hon. Benjamin Brackett Downing of Pittsfield..... in the *Berkshire, Hampshire and Franklin District*.
Hon. James E. Timilty of Walpole..... in the *Bristol and Norfolk District*.
Hon. Joan M. Menard of Fall River in the *First Bristol and Plymouth District*.
Hon. Mark C. Montigny of New Bedford.....in the *Second Bristol and Plymouth District*.
Hon. Robert A. O'Leary of Barnstable..... in the *Cape and Islands District*.
Hon. Steven A. Baddour of Methuen..... in the *First Essex District*.
Hon. Frederick E. Berry of Peabody.....in the *Second Essex District*.
Hon. Bruce E. Tarr of Gloucester..... in the *First Essex and Middlesex District*.
Hon. Susan C. Tucker of Andover..... in the *Second Essex and Middlesex District*.
Hon. Thomas M. McGee of Lynn..... in the *Third Essex and Middlesex District*.
Hon. Stephen J. Buoniconti of West Springfield.....in the *Hampden District*.
Hon. Gale D. Candaras of Wilbrahamin the *First Hampden and Hampshire District*.
Hon. Michael R. Knapik of Westfieldin the *Second Hampden and Hampshire District*.
Hon. Stanley C. Rosenberg of Amherst.....in the *Hampshire and Franklin District*.
Hon. Steven C. Panagiotakos of Lowell.....in the *First Middlesex District*.
Hon. Patricia D. Jehlen of Somervillein the *Second Middlesex District*.
Hon. Susan C. Fargo of Lincoln.....in the *Third Middlesex District*.
Hon. Kenneth J. Donnelly of Arlington.....in the *Fourth Middlesex District*.
Hon. Richard R. Tisei of Wakefield.....in the *Middlesex and Essex District*.
Hon. Cynthia Stone Creem of Newton.....in the *First Middlesex and Norfolk District*.
Hon. Karen E. Spilka of Ashland in the *Second Middlesex and Norfolk District*.
Hon. Steven A. Tolman of Boston.....in the *Second Suffolk and Middlesex District*.
Hon. Anthony D. Galluccio of Cambridge..... in the *Middlesex, Suffolk and Essex District*.
Hon. James B. Eldridge of Acton..... in the *Middlesex and Worcester District*.
Hon. Scott P. Brown of Wrentham in the *Norfolk, Bristol and Middlesex District*.
Hon. Brian A. Joyce of Milton..... in the *Norfolk, Bristol and Plymouth District*.
Hon. Michael W. Morrissey of Quincy..... in the *Norfolk and Plymouth District*.
Hon. Therese Murray of Plymouth..... in the *Plymouth and Barnstable District*.
Hon. Marc R. Pacheco of Taunton..... in the *First Plymouth and Bristol District*.
Hon. Thomas P. Kennedy of Brockton in the *Second Plymouth and Bristol District*.
Hon. Robert L. Hedlund of Weymouth.....in the *Plymouth and Norfolk District*.
Hon. John A. Hart, Jr. of Boston..... in the *First Suffolk District*.
Hon. Sonia Chang-Diaz of Boston..... in the *Second Suffolk District*.
Hon. Anthony Petrucci of Boston..... in the *First Suffolk and Middlesex District*.
Hon. Marian Walsh of Boston..... in the *Suffolk and Norfolk District*.
Hon. Harriette L. Chandler of Worcester..... in the *First Worcester District*.
Hon. Michael O. Moore, of Millbury in the *Second Worcester District*.
Hon. Stephen M. Brewer of Barre..... in the *Worcester, Hampden, Hampshire and Franklin District*.
Hon. Jennifer L. Flanagan of Leominster..... in the *Worcester and Middlesex District*.
Hon. Richard T. Moore of Uxbridge..... in the *Worcester and Norfolk District*.

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

Orders Adopted.

On motion of Mr. O'Leary,-

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

On motion of Mr. Berry,-

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

Senators Berry of Essex, Menard of Bristol and Plymouth and Tisei of Middlesex and Essex were appointed the committee.

On motion of Mr. Tisei,-

Ordered, That a convention of the two Houses be held at a quarter before twelve o'clock noon on Thursday, January 8, for the purpose of administering the oaths of office to the several Councillors-elect.

Sent to the House for concurrence.

Committee of the House.

Notice was received from the House of Representatives by a committee thereof, of the organization of that branch, the House having chosen Salvatore F. DiMasi of Boston as Speaker and Steven T. James of Boston as Clerk.

Prayer.

The following prayer was offered by Reverend Bryan K. Parrish of the Holy family Church of Duxbury.

Let us Pray. Oh God you are love and those who live in love live in God, and you live in them. In You we find love and unity, justice and peace. In You we find ourselves. During these days of economic uncertainty and turmoil in our world and in our country, we ask You to pour out Your blessing upon those entrusted with leadership and responsibility for the commonwealth of Massachusetts. Help these leaders to promote a culture of life and love of mutual respect and understanding, through their deliberations and actions, their choices and decisions. Help us to all to know in mind and in heart the incomparable value of every human life; created in good created in Your image, a reflection of Your love. At this moment in our nation's history we ask you O God to remove any trace of racism, narrow mindedness or discrimination from our culture and from our hearts. May the walls of prejudice which we place between ourselves crumble beneath the shadow of Your outstretched arms. Bless these leaders with wisdom and courage, with prudence and right judgment, with the gifts of listening well and speaking clearly. Guide them in the principled ways in truth and justice. Bless Senator Therese Murray with the knowledge and assurance of Your presence and guidance. May she and all gathered here do the right and do goodness and walk humbly with their God. Amen.

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

Order Adopted.

On motion of Mr. Galluccio,-

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

On motion of Mr. Timilty, *at twenty-two minutes before two o'clock P.M.*, the Senate adjourned to meet on the following day at a half past eleven o'clock A.M.