

**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, held on the first Wednesday, being the fourth day of January, in the year two thousand and twelve, and the two hundred and thirty-sixth of the independence of the United States of America, a quorum of the members of the Senate, elected for a term of two years at an election held on Tuesday next after the first Monday of November in the year 2010, assembled at three minutes past twelve o'clock noon, in the Senate Chamber, and were called to order by the Honorable Therese Murray, President of the Senate.

#### *Distinguished Guests.*

There being no objection, the President handed the gavel to Ms. Spilka for the purpose of an introduction. Ms. Spilka then introduced, in the rear of the Chamber, the Hopkinton High School Girls' Lacrosse Team. They were being recognized for winning the 2011 Division II State Championship. The team was accompanied by Head Coach Jody Dolan, Coach Jack Mills and Representative Carolyn Dykema. Coach Joan Bannon was also recognized. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, the President handed the gavel to Mr. Kennedy for the purpose of an introduction. Mr. Kennedy then introduced, in the rear of the Chamber, John Byrne and Carolyn McLaughlin Byrne who were visiting from Roscommon and County Donegal, Ireland. They are cousins of Senator Kennedy. The Senate welcomed them with applause and they withdrew from the Chamber.

### PAPERS FROM THE HOUSE.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at a certain town meeting in the town of Abington (House, No. 3843),-- **referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill relative to the retirement of Penny Harvey (House, No. 3828,-- on House, No. 3730), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

At the request of the Senate President, the members, staff and guests joined her in reciting the Pledge of Allegiance to the Flag.

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

Blessed and Everlasting Father, Thy gracious providence is our shield in the darkness of the night and our strength in the struggles of each new day. We acknowledge that Thou alone art invincible in strength and infallible in wisdom. At the beginning of this Senate session we beg Thy grace and favor that the splendor, the richness, the beauty and the freedom of the spirit of God may be reflected in all the aspirations and endeavors of this body.

In the newness of this moment, in the dawning of a new year, welcoming all Senators...among all things new, may there come to us all, O God, a newness of vision, new and brighter hope for tomorrow. Help us to capture anew the reality of faith and to bow in unswerving devotion to Thy cause, and link our will in joyful fidelity to Thy commandments...then the strength of Thy everlasting arms will guide us into the unknown.

Today we share our joy for the safe return of our friend and colleague, Senator Michael Rush. We also remember, with respect and sadness, our heroic firefighters – John D. Davies of Worcester and James Michael Rice of Peabody – who answered with courage their last alarm. We pray, God, that thou will give protection to the men and women on the front lines, both at home and overseas; that thou will give comfort to the ones who have lost those they love; and that thou will provide this body with the wisdom to safely guide our Commonwealth through the challenges ahead. Amen.

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

*Order Adopted.*

On motion of Mr. Hart,--

*Ordered*, That a committee be appointed to inform the House of Representatives that the Senate is now assembled and ready to proceed to business.

Senators Michael O. Moore, DiDomenico, Downing, Clark and Ross were appointed the committee.

Subsequently, Mr. Michael O. Moore for the committee, appointed by the Senate to inform the House that the Senate was ready to proceed to business, reported that it had attended to its duty. The committee was discharged.

*Order Adopted.*

On motion of Mr. Baddour,

*Ordered*, That the Clerk begin printing a Journal of the Senate, as authorized by Senate Rules 6, and that the daily reading thereof be dispensed with; that, under authority of Section 10 of Chapter 5 of the General Laws, such copies of the journal of the entire session as the committee on Ethics and Rules shall determine be printed and bound with customary appendices and an index; and that a certified copy thereof be deposited with the Secretary of the Commonwealth as the Official Journal of the Senate.

**The order was considered forthwith and adopted.**

*Committee of the House.*

The President welcomed a committee of the House of Representatives that arrived to declare that the House of Representatives was now assembled and ready to proceed to business.

#### **PAPER FROM THE HOUSE**

Emergency Preamble Adopted.

An engrossed Bill authorizing Holyoke Community College to borrow funds for the acquisition and renovation of certain real property in the city of Holyoke (see Senate, No. 1901, amended), 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 23 to 0.**

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

*Report of a Committee.*

Bt Mr. Brewer, for the committee on Ways and Means, that the Senate Bill to prevent fiscal abuse in educational collaboratives (Senate, No. 2085),-- **ought to pass, with an amendment substituting a new draft entitled “An Act relative to improving accountability and oversight of education collaboratives” (Senate, No. 2101).**

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

**The bill (Senate, No 2101) was then ordered to a third reading.**

*Order Adopted.*

Mr. Brewer offered the following order, to wit:

*Ordered*, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill relative to improving accountability and oversight of educational collaboratives (Senate, No. 2101), shall be placed in the Orders of the Day for a third reading on Tuesday, January 10, 2012.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M. on Friday, January 6, 2012. All such amendments shall be third-reading amendments, but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

**Under the rules, referred to the committee on Ethics and Rules.**

**Subsequently, Mr. Berry, for the said committee, reported, recommending that the order ought to be adopted. The order was considered forthwith and adopted. The bill (Senate, No. 2101) was then placed in the Orders of the Day for a third reading on Tuesday, January 10, 2012.**

*Matter Taken Out of the Orders of the Day*

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The House Bill authorizing a ballot question in the town of Arlington relative to the granting of additional licenses for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3648),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

**PAPERS FROM THE HOUSE**

A Bill authorizing the city of Quincy to abate certain fiscal year 2010 real property taxes (House, No. 3447,-- on petition) [Local approval received],-- **was read.**

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

A petition (accompanied by bill, House, No. 3866) of Chris Walsh for legislation to establish a sick leave bank for Robert T. Martin, an employee of the Department of Revenue,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Public Service.**

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted in concurrence, as follows, to wit:

*Ordered*, That a committee of members of the Senate and House of Representatives be appointed to wait upon His Excellency the Governor, Deval L. Patrick, His Honor the Lieutenant-Governor, Timothy P. Murray, and the Honorable Council and inform them that the two branches of the General Court are now assembled and ready to proceed to business.

**There being no objection, the order was considered forthwith and adopted, in concurrence.**

The President then appointed Senators Hart, Rush, McGee, Chang-Diaz and Knapik to said committee on the part of the Senate.

Notice was received from the House that Representatives Haddad of Somerset, Miceli of Wilmington, Wolf of Cambridge, Keenan of Salem, Peterson of Grafton, Humason of Westfield, Sullivan of Fall River, Golden of Lowell, Wong of Saugus, Linsky of Natick, Peake of Provincetown, deMacedo of Plymouth and Farley-Bouvier of Pittsfield were appointed to the committee on the part of the House.

Subsequently, Mr. Hart, for the committee appointed by the Senate to inform His Excellency the Governor, His Honor the Lieutenant-Governor and the Honorable Council that the Senate was ready to proceed to business, reported that it had attended to its duty. The committee was discharged.

**PAPERS FROM THE HOUSE**

*Engrossed Bills.*

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

Authorizing Holyoke Community College to borrow funds for the acquisition and renovation of certain real property in the city of Holyoke (see Senate, No. 1901, amended); and

Authorizing the town of Great Barrington to continue the employment of Fire Chief, Harry Jennings and Deputy Fire Chief, Edward G. McCormick (see House, No. 3450).

*Remarks of Senator Michael F. Rush*

Madam President, thank you and through you to the members:

Words could never accurately describe my happiness to be home!

In Oliver Wendell Holmes poem Homesick in Heaven, it is written, "Where we love is home, Home that our feet may leave, but not our hearts" truer words have never been written. It has been a long journey from Boston to Baghdad and back.

But I have to say Madam President, as challenging at times as it has been, it is absolutely true what they say; the toughest job in the military is being a military spouse. My wife Mary is my hero! She was extraordinary in her support in every way possible despite some long, lonely and worried filled days. She did an unbelievable job raising our 16 months old daughter Ciara. Thank you Mary and Ciara for your love and support, I could never have done it without you.

My Mom is here and she is amazing. She had a terribly difficult year with my dad's death and my deployment but her strength and faith during adversity is truly inspiring to me. Thank you mom.

TO MY STAFF: In my physical absence, the work you did was truly outstanding. John Regan is remarkable! The people in the District received extraordinary service and John, Ann, Rachel and Ashley, made that happen with pride and professionalism that reflected the very best face of government in a difficult situation. Thank you for being there for me.

TO MY COLLEAGUES IN GOVERNMENT: Members here in this chamber ensured that my voice was heard all the way from Baghdad both forcefully and effectively throughout the legislative and budget process. To the City Councilors, Selectmen, Town and County Officials, Congressman Lynch and Mayor Menino, thank you for your overwhelming support. Thanks to the Minority Leader for his support and friendship and a very special thank you Madame President who with your Leadership Team and staff were outstanding to me personally and professionally in every way and ensured that the residents whom I represent were always top priority and that their voices were heard in my absence, thank you.

I want to acknowledge just a few of my colleagues who went above and beyond in helping my staff during my deployment – the gentleman from the 1st Suffolk District, Mr. Hart whose guidance and counsel was a source of insight into the day-to-day operations of the Senate. – I thank you and your staff

Our colleague who Chaired the Veterans Committee in my absence – Who continues to be a strong voice and advocate for veterans here in the Commonwealth -- the gentleman from the 3rd Essex and Middlesex District, Mr. McGee – I thank you

And finally my friends in the House – the entire Boston Delegation, but especially the gentlemen from West Roxbury, Dedham, Norwood, and the Dean of the House. You were my eyes and ears in the District and although I was not here, you consistently acknowledged that our office continued to work diligently on our constituent's behalf with you as a total team effort. – Thank you, I will forever be grateful

To the citizens of the Suffolk and Norfolk District: Boston, Dedham, Norwood, and Westwood, from the bottom of my heart, I say thank you. For your understanding, encouragement and support while I was miles from home and family and for the incredible notes, emails, and care packages. The concept of the citizen soldier and citizen sailor was conceived right here in the days of the Revolutionary War and continued through every armed conflict. Our military today is a complete volunteer force and because of that, there is no draft into military service by those who do not choose to join. Since 9/11, our nation's Reserve and Guard Force has changed from a Strategic Force to an Operational Force which means that when a local policemen, firefighters, doctors, nurse, small business owners or legislator are temporarily called to active duty the average citizen may experience some inconvenience in their lives but I suggest that any inconvenience far outweighs any alternative.

As a Navy Intelligence Officer, I completed combat training and was boots on the ground in Iraq, assigned to the (CJSOTF) Combined Joint Special Operations Task Force, working with Army Special Forces, as well as Soldiers, Sailors and Airmen on a Military Transition Team. Our Team was assigned to Iraq Counter Terrorism Forces and our mission was to train, advise and assist the Iraqi Military to keep the Iraqi people safe and to ensure a strong Democratic partner in the Middle East. The work we did was both exciting and extremely meaningful.

The Iraqi Officers I worked with every day were just like you and I. They love their country and want to provide a safe and stable environment where liberty and prosperity is the rule and not the exception. They were impressed with the United States, our dedication, hard work, commitment, ability to adapt in difficult situations and get results; I was fortunate to make some great Iraqi friends.

To my Team Mates/Shipmates: Being stationed in a combat zone is challenging and stressful in many different ways. I lived and worked with some of the finest and most capable individuals that this country has, true heroes, many whom have been to Iraq many times and I was privileged and humbled by them. Thank you to my Colonel and Deputy, Jeremy, John Mark, Steve, Ronnie, Wes, Joe, Mike, Dane, Jimmy, Tim, Frank, Chief Way, Sergeant Major and General T for your friendship, support and mentorship.

To the Families of those American's who made the ultimate sacrifice: There was not a single day on deployment that I did not think of those women and men who went to Iraq and Afghanistan as well as veterans throughout our nations history who travelled abroad and paid the ultimate sacrifice and their families whom they never returned home to. I would like to take a moment of silence to remember those fallen and their families at this time.

To my fellow Veterans here in the Commonwealth of Massachusetts: President George Washington said "the willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their nation".

The challenges that face our veterans and their families today consist of homelessness, unemployment, physical and mental health issues, such as PTSD, and support for our military families. It is our job to build upon what we have already accomplished in veterans services here in the Commonwealth. Providing the resources necessary and ensuring that our veterans are aware of the benefits that they are entitled to will secure our standing in the nation as a leader in providing for the care of our men and women in uniform and their families.

In Conclusion: Madam President, during my deployment I experienced things that I will remember for the rest of my life. I have seen the lights of Baghdad from a Blackhawk helicopter, Convoyed across Route Irish and worked on a Team tasked with stopping terrorism. But I can state unequivocally today that the memory that will live clearest in my mind is ascending the escalator at Logan

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

*Moment of Silence.*

At the request of Mr. Rush, the members, guests and staff stood in a moment of silence and reflection to the memory of those veterans who sacrificed their lives in Afghanistan.

*Order Adopted.*

On motion of Mr. Berry,--

*Ordered*, That when the Senate adjourns today, it adjourn to meet again tomorrow 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 Peabody Firefighter James M. Rice.

*Adjournment in Memory of James M. Rice*

The Senator from Essex, Mr. Berry, moved that when the Senate adjourns today, it adjourn in memory of Peabody Firefighter James M. Rice.

James M. Rice died heroically while battling a fire in Peabody on Friday, December 23, 2011 at the age of 42. He had been a devoted member of the city's Fire Department for 11 years.

Born in Saugus, he grew up in Peabody where he attended local schools. He graduated from St. John's Prep in 1987, and then earned a degree in marketing from Bentley College.

Jim is fondly remembered as a person with a very giving spirit, and who always had a smile on his face. He was committed to community service and served as Treasurer with the Peabody Firefighter's Relief Association. His greatest pleasure was spending time with family and friends.

He is survived by his loving wife, Amy Rice of Peabody, with whom he shared 16 years of marriage, as well as three children, Alyssa, Katelyn, and Ryan.

Accordingly, as a mark of respect to the memory of James M. Rice, at four minutes past one o'clock P.M., on motion of Mr. Hart, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.