

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.

Monday, October 18, 2004.

Met at one minute past eleven o'clock A.M. (Mr. Hart in the Chair).

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

Communication.

A communication was received from the Honorable Brian P. Lees, Minority Leader of the Senate announcing the appointment of Senator Bruce E. Tarr to the Special Commission established (pursuant to Section 364 of Chapter 149 of the Acts of 2004) to make an investigation and study relative to the feasibility of constructing a mental health facility in central Massachusetts (received in the Office of the Clerk of the Senate on Friday, October 15, 2004).

The communication was placed on file.

Petitions.

Petitions were presented and referred, as follows:

By Mr. Baddour, a petition (subject to Joint Rule 10) of Steven A. Baddour for legislation relative to the special commission on the equity of fares between modes of transportation;

By Mr. Creedon, a petition (subject to Joint Rule 10) of Robert S. Creedon, Jr. and Thomas P. Kennedy for legislation relative to disability or death caused by certain conditions of cancer; and

By Mr. Tarr, a petition (subject to Joint Rule 12) of Bruce E. Tarr and Bradley H. Jones, Jr. for legislation to establish a sick leave bank for James E. Vesey, an employee of the Boston Municipal Court;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

PAPER FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5107) of Anthony J. Verga and Bruce E. Tarr (by vote of the town) relative to the granting of all alcoholic beverages licenses to be drunk on the premises by the town of Rockport,— **was referred, in concurrence, to the committee on Government Regulations.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Berry) “congratulating Judith C. Callaghan Oleks”;

Resolutions (filed by Ms. Chandler) “congratulating Thomas Dolan”;

Resolutions (filed by Mr. Morrissey) “recognizing the Manet Community Health Center for its 25 years of commitment to the Quincy community”;
Resolutions (filed by Ms. Resor) “on the occasion of the one hundredth anniversary of the Carnegie Library Building”;
Resolutions (filed by Ms. Resor) “congratulating the Evangelical Congregational Church of Westborough on the occasion of their two hundred and eightieth anniversary”; and
Resolutions (filed by Ms. Wilkerson) “honoring Martha M. Clayborne.”

Engrossed Bill Returned by Governor.

The engrossed Bill authorizing cities, towns and regional districts to send certain information to registered voters (Senate, No. 2221) (which on Thursday, October 7, 2004, had been laid before the Governor for his approbation) was returned, unsigned, with her objections thereto in writing, by Her Honor the Lieutenant-Governor, Acting Governor, on Friday, October 15, 2004 at twenty-five minutes past four o'clock P.M. [for message see Senate, No. 2495].

The message (Senate, No. 2495) was read, and, on motion of Ms. Resor, referred to the committee on Bills in the Third Reading.

Matters Taken Out of the Orders of the Day.

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

The House Bill relative to pre-marital testing (House, No. 75),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Adams to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises to Ericfly, Inc. (House, No. 4984),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Adams to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises to Nicholas Enterprises, Inc. (House, No. 4985),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPER FROM THE HOUSE.

The Senate Bill relative to banks and banking (Senate, No. 2045, amended),— came from the House passed to be engrossed, in concurrence with amendments in section 10, in line 6, by striking out the words “chartered by any of the above” and inserting in place thereof the following: “or any other entity which by its charter may engage only in activities substantially equivalent to those authorized for a limited purpose trust company”; and by adding the following section:

“SECTION 25. Section 114A of chapter 140 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the word ‘unions’, in line 4, the words:— or any subsidiary of the foregoing.”.

The rules were suspended, on motion of Ms. Resor, and the House amendment was considered forthwith.

Mr. Nuciforo presented a motion that the Senate concur with the House amendment *with a further amendment*, in section 13, by striking out the text, in lines 29 to 43, inclusive, and inserting in place thereof the following text:—

“Section 2. The main office of a bank shall be in the town specified in its charter or in its agreement of association, or in such other town to which the office has been lawfully moved or to which it may be moved as provided in this section. The location of the main office of a bank may be changed to a point in the town of its location with the written consent of the commissioner. With the approval of the board of bank incorporation and upon the vote of two-thirds of the incorporators or members and the approval of its board of trustees or board of directors present at a meeting called for the purpose, a bank may change the location of its main office to another town within the commonwealth by appropriate amendment of its charter or of its agreement of association, a copy of which amendment shall be filed immediately with the secretary of state.”;

In section 18, by inserting after the words “ ‘Gramm-Leach-Bliley Act of 1999’.” the following sentence:— “Notwithstanding any general or special law to the contrary, this chapter does not authorize a bank or a subsidiary or affiliate of a bank to sell title insurance.”;

In section 23 by inserting word, “person”, in line 17, the following words:— “, other than an attorney licensed to practice law in the commonwealth,”; and

By adding the following section:—

“SECTION 26. Notwithstanding anything to the contrary contained in this act, a person lawfully engaged in the business of providing trust and fiduciary services in the commonwealth on January 1, 2004 may continue to engage in that business if the person obtains a certificate pursuant to section 9A of chapter 172 of the General Laws within 1 year of the effective date of this act.”

The amendment was adopted.

The House amendment, as amended, was then adopted.

Sent to the House for concurrence in the further amendment.

Reports of Committees.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marian Walsh, John Hynes, Robert K. Coughlin, Jarrett T. Barrios, J. James Marzilli, Jr., and other members of the General Court for legislation relative to charities in Massachusetts.

Senate Rule 36 was suspended, on motion of Ms. Resor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Jarrett T. Barrios, Kathi-Anne Reinstein and Robert A. DeLeo for legislation to establish a sick leave bank for Brian Bowman, an employee of the Department of Correction.

Senate Rule 36 was suspended, on motion of Ms. Resor, 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.

Severally sent to the House for concurrence.

Petition.

On motion of Ms. Resor, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Shannon, (accompanied by bill) of Charles E. Shannon for legislation relative to the penalties for illegal weapons possession,— **and the same was referred to the committee on Criminal Justice.**

Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Knapik,—

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.

On motion of the same Senator, at seven minutes before twelve o'clock noon, the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.