

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.

Tuesday, July 24, 2007.

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

Distinguished Guest.

There being no objection, during the consideration of the Orders of the Day, the President handed the gavel to Mr. O'Leary for the purpose of an introduction, Mr. O'Leary along with Senate President Murray then welcomed young artists from Cape Cod. The artists are part of a collaboration with the Cape Cod Museum of Art where the high school students had the opportunity to work with the Museum and its professionals to learn about the industry and to create the art that's now on display in Senator O'Leary's office.

Communication.

A communication from the Honorable Richard R. Tisei, Senate Minority Leader, under the provisions of Chapter 268A of the General Laws,— **was placed on file.**

Petitions.

Ms. Resor presented a petition (accompanied by bill, Senate, No. 2297) of Pamela P. Resor and James B. Eldridge (by vote of the town) for legislation relative to the group insurance program of the town of Boxborough [Local approval received],— **and the same was referred, under Senate Rule 20, to the committee on Public Service. Sent to the House for concurrence.**

Petitions were presented and referred, as follows:

By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer for legislation to designate a certain bridge in Barre to be named after Severino D'Annolfo;

By Mr. Brown, a petition (subject to Joint Rule 12) of Scott P. Brown for legislation to grant further access for handicapped parking;

By the same Senator, a petition (subject to Joint Rule 12) of Scott P. Brown for legislation to increase punishment for crimes against a child; and

By Mr. O'Leary, a petition (subject to Joint Rule 12) of Robert A. O'Leary, Edward M. Augustus, Jr., Richard T. Moore, Michael W. Morrissey and other members of the General Court for legislation relative to public health and food safety; **Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

PAPER FROM THE HOUSE.

A joint petition (accompanied by bill, House, No. 4173) of Jennifer M. Callahan (by vote of the town) that the town of Bellingham be authorized to establish certain revolving funds,— **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at a quarter past 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.

Communications.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 24, 2007.

Mr. William Welch, Clerk
Massachusetts State Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

On Tuesday, July 17, 2007 I was absent from the Senate Chamber during formal session due to a prior commitment.

Had I been present, I would have voted in the affirmative on S-2261, H-4144 and H-3753, I would respectfully request that this letter be published in the Journal of the Senate.

Thank you in advance for your assistance in this matter.

Sincerely,
HARRIETTE L. CHANDLER,
State Senator,
1st Worcester District.

On motion of Mr. Pacheco, the above communication was ordered printed in the Journal of the Senate.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 20, 2007.

Mr. William F. Welch
Clerk of the Senate
Room 335, State House
Boston, MA 02133

Dear Mr. Clerk:

On Thursday, July 19, 2007, I was unable to remain for the entirety of the Formal Senate Session. In my absence two roll call votes were taken. Please note that had I been present, I would have Voted Affirmatively on the following matters:

H-4110, An Act to Reduce the Reliance on Property Taxes through Municipal Health Care Conference Report.
H-3954, An Act Relative to Municipal Real Estate Tax Notices.

It would be appreciated if this could be printed in the Senate Journal. Thank you.

Respectfully,
MARIAN WALSH,
State Senator,
Suffolk and Norfolk District.

On motion of Mr. Panagiotakos, the above communication was ordered printed in the Journal of the Senate.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to the disability retirement of Neil Sullivan, a firefighter for the city of Melrose (Senate, No. 2241);
Authorizing the town of Belmont to establish another postemployment benefits trust fund (House, No. 1441);
Authorizing the town of Weymouth to make conveyance and sale of certain water supply land (House, No. 1975); and
Authorizing the town of Orleans to lease certain town land (House, No. 3990);

Were severally read a second time and ordered to a third reading.

The Senate Bill relative to providing benefits for permanent functional loss and disfigurement under the Worker's Compensation Act (Senate, No. 2165),— **was read a second time and, after remarks, ordered to a third reading.**

The Senate Bill relative to welfare reform (Senate, No. 2295),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Ms. Creem and Ms. Spilka moved that the bill be amended, in section 6, by striking out s 3B and inserting in place thereof the following section:—

“Section 3B. The department shall make payments or shall assure that payments are made for child care services to families receiving assistance in which a parent or other relative caring for a dependent child needs child care services in order to work or to participate in any of the education, training, community service or other employment services or family well-being plan activities authorized by section 2II or 3. A former recipient, whether or not he has received assistance for the 24-month period allowed by section 2G, who is employed and who meets the financial eligibility requirements established by the department in regulations, shall be eligible to receive transitional child care for services for a period of 1 year following termination of benefits.”

After debate, the amendment was adopted.

Ms. Creem, Ms. Spilka and Ms. Jehlen moved that the bill be amended, in section 3, in subsection (b) of proposed section 2 of chapter 118 of the General Laws, in the second sentence, by adding the following words:— “unless the commissioner determines that a higher value should be allowed to accommodate the transportation needs of persons with disabilities or to promote economic stability”.

After remarks, the amendment was adopted.

Ms. Spilka and Ms. Creem moved that the bill be amended, in Section 4, in proposed section 2H of chapter 118 of the General Laws, by adding the following subsection:—

“(h) The department of transitional assistance shall review cases and collect data relative to the children and families whose cases have been closed due to the termination of benefits pursuant to subsection (d). In conducting the review, the department may work with other departments including, but not limited to, the department of public health, the department of social services, the department of housing and community development and the department of public utilities. The review shall include, but not be limited to, an investigation of a family's: housing status; the health, education, child care and well-being of each child; health status; employment status; changes in use of emergency food pantries or other emergency services; changes in food security status; changes in access to a working telephone; and experience with utility shutoffs. In conducting the review, the department shall contact a family whose case was closed pursuant to said subsection (d) within 2 months after the closing and again 6 months after the closing and shall conduct a home visit where the information cannot be obtained by telephone. To the extent possible, the review shall be conducted in a confidential manner. The department shall file a written report, annually, on the results of the case reviews and data collection with the joint committee on children, families and persons with disabilities and the house and senate committees on ways and means.”; and by inserting after section 17 the following section:—

“Section 17A. The first annual report required to be filed by the department of transitional assistance pursuant to subsection (h) of section 2Id of chapter 118 of the General Laws shall be filed with the joint committee on children, families and persons with disabilities not later than April 15, 2008.”

After debate, the amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended, in lines 436 and 438, by striking out the word “may” and inserting in place thereof, in each instance, the following word:— “shall”.

The question on adoption of the amendment was determined by a call of the yeas and nays at eighteen minutes past three o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 8 — nays 30*) [**Yeas and Nays No. 69**]:

YEAS.

Baddour, Steven A.
Brown, Scott P.
Hedlund, Robert L.
Knapik, Michael R.

Morrissey, Michael W.
Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R. — **8.**

NAYS.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Berry, Frederick E.
Brewer, Stephen M.
Buoniconti, Stephen J.
Candaras, Gale D.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Jehlen, Patricia D.
Joyce, Brian A.

McGee, Thomas M.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
O’Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Petrucelli, Anthony
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **30.**

The yeas and nays having been completed at twenty-two minutes past three o’clock P.M., the amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved to amend the bill (Senate, No. 2295), in section 4, by inserting after proposed section 2H the following section:—

“Section 2I. No aid shall be paid under the program, funded solely by the commonwealth, to a recipient who is not a citizen of the United States or is not a qualified alien permitted to receive state assistance as defined in section 431 of Public 104-193.”
After remarks, the amendment was **adopted**.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended by adding the following section:—
“SECTION 20. This act shall expire on January 1, 2012.
The amendment was *rejected*.

Ms. Spilka and Ms. Creem moved that the bill be amended, in section 4, in proposed Section 2H of chapter 118 of the General Laws, by striking out subsection (d) and inserting in place thereof the following subsection:—

“(d) The commissioner may provide that a recipient subject to the work requirement who, without good cause and within a reasonable time after having received a referral under subsection (f) is not meeting the work requirement as specified in his employment development plan shall be required to meet with his caseworker to review the obligations and reasons for not meeting those requirements and the department shall facilitate the occurrence of the meeting by taking reasonable steps to accommodate any health, transportation and other barriers the recipient faces. If after meeting with his caseworker and after being given a reasonable period of time to comply, the recipient has not fulfilled the obligations without good cause, the department may reduce the family’s assistance by the recipient’s portion of the grant. If within a reasonable period of time after this reduction sanction takes effect the recipient continues to not fulfill these obligations without good cause, the recipient may be required to meet with his caseworker again. The employment development plan may be reassessed and amended as a result of these meetings. If after a reasonable period of time after the second meeting, the recipient is still not fulfilling these obligations without good cause, the recipient’s case worker shall file a report with the local office manager detailing the efforts to work with the recipient to assist him in fulfilling the work requirement as specified in his employment development plan, the reasons offered by the recipient for his inability to fulfill the plan and why the case worker believes there is not good cause.

After the report has been reviewed and approved by the office manager, the department may terminate all assistance. For recipients who have experienced a reduction or termination of assistance, the department shall provide full assistance when the recipient has complied with the work program for 2 consecutive weeks.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-nine minutes before four o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 32 — nays 6*) [**Yeas and Nays No. 70**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconti, Stephen J.	O'Leary, Robert A.
Candaras, Gale D.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petrucelli, Anthony
Creem, Cynthia Stone	Resor, Pamela
Downing, Benjamin B.	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 32.

NAYS.

Baddour, Steven A.	Knapik, Michael R.
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 6.

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

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended, in section 6, in proposed section 3I of chapter 118, in subsection (c), by inserting after the first sentence the following 3 sentences:— "The report shall also include the number of recipients who are deemed to be in compliance with the work activity requirement by participating in an activity under section 2H, an itemized list of the number of recipients receiving aid under each of the activities and the cost to the commonwealth of providing benefits for each of the activities. The report shall also include information on the percentage of persons receiving aid under this chapter who are in compliance with the work activity, not in compliance or exempt under either state or federal law, with percentages for each of the corresponding exempt categories. The report shall also include a plan to increase the state's work participation effort and current efforts to accomplish this goal."

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

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended, in section 4, in proposed section 2H of chapter 118, in the second sentence, by adding the following words:— " , but in approving those activities, the commissioner shall take into account the potential costs to the commonwealth and the sustainability of those costs".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at eighteen minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 8 — nays 30*) [**Yeas and Nays No. 71**]:

YEAS.

Baddour, Steven A.	Morrissey, Michael W.
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R. — 8.

NAYS.

Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.

Brewer, Stephen M.
Buoniconti, Stephen J.
Candaras, Gale D.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Jehlen, Patricia D.
Joyce, Brian A.

Moore, Richard T.
O’Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Petrucelli, Anthony
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **30.**

The yeas and nays having been completed at thirteen minutes before four o’clock P.M., the amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended, in SECTION 4, in proposed section 2F of chapter 118, in subsection (b), by the following paragraph:—

“The department shall promulgate regulations to implement a lifetime limit on receipt of benefits for a recipient that is comparable to federal law limits. A recipient who has received state or federal benefits prior to the effective date of this chapter shall have the receipt of those benefits counted against the lifetime limit but not more than 24 months of benefits shall be counted. The limit on state lifetime benefits shall not exceed the federal limit by more than 25 per cent.”

Pending the question on adoption of the amendment, Mr. Knapik moved to amend the amendment (Tisei, et al) by striking out the text and inserting in place thereof the following text:—

“The departments shall implement regulations to provide a policy of full-family sanctioning, so called, for any recipient who repeatedly fails to comply with their work requirements. Such sanction may include the termination of all benefits being paid to a recipient. No recipient shall be permitted to not be in compliance on there separate occasions and maintain any benefits”.

The further amendment was *rejected*.

The pending amendment (Tisei, et al) was considered; and after debate, the question on adoption of the pending amendment was determined by a call of the yeas and nays at four minutes before four o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 6 — nays 32) [**Yeas and Nays No. 72**]:

YEAS.

Baddour, Steven A.
Brown, Scott P.
Hedlund, Robert L.

Morrissey, Michael W.
Tarr, Bruce E.
Tisei, Richard R. —**6.**

NAYS.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Berry, Frederick E.
Brewer, Stephen M.
Buoniconti, Stephen J.
Candaras, Gale D.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.

McGee, Thomas M.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
O’Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Petrucelli, Anthony
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Timilty, James E.
Tolman, Steven A.

Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.

Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **32.**

The yeas and nays having been completed at one minute past four o'clock P.M., the amendment was *rejected*.

Mr. Brown moved that the bill be amended, by inserting after section 17 the following section:—

“Section 17A. An appeal process shall be concluded within 1 year from the date of the first appeal.
After remarks, the amendment was *rejected*.

The pending amendment (Tisei, at al) was then considered; and it was *rejected*.

Mr. Panagiotakos moved that the bill be amended, in section 19, by striking out the figure “2006” and inserting in place thereof the following figure:— “2005”.
The amendment was *rejected*.

The question on passing the bill, as amended, to be engrossed was determined by a call of the yeas and nays at twenty-five minutes past four o'clock P.M., on motion of Ms. Spilka, as follows, to wit (*yeas 32 — nays 6*) [**Yeas and Nays No. 73**]:

YEAS.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Buoniconti, Stephen J.
Candaras, Gale D.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.
Hart, John A., Jr.
Havern, Robert A.
Jehlen, Patricia D.
Joyce, Brian A.

McGee, Thomas M.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Petrucelli, Anthony
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **32.**

NAYS.

Brown, Scott P.
Hedlund, Robert L.
Knapik, Michael R.

Tarr, Bruce E.
Timilty, James E.
Tisei, Richard R. — **6.**

The yeas and nays having been completed at twenty-nine minutes past four o'clock P.M., the bill was passed to be engrossed with the amendments. [For text of **Senate amendments**, see **Senate, No. 2298**, printed as amended.]
Sent to the House for concurrence.

The Senate Bill relative to employer assisted housing and responsible lending (Senate, No. 2296),— **was read a third time.**

Pending the question on passing the bill to be engrossed, Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended by inserting after section 1 the following section:—

“SECTION 1A. Chapter 23B of the General Laws, as so appearing, is hereby amended by adding the following section:—

Section 30. The director of housing and community development shall establish a closing costs assistance program for income-eligible first-time home buyers. The department, subject to appropriation, shall issue grants to qualifying home buyers up to

\$2,500 for the purpose of assisting in paying closing costs and other similar fees associated with the purchase of a home. The grant may not exceed greater than 100 per cent of the documented closing costs in any transaction. The department shall adopt any regulations necessary to carry out the purpose of this section. Income-eligible first-time home buyers, for purposes of this section, shall be defined as any person, or persons for those purchasing a home jointly and who have an income of 90 percent of the median area income as estimated by the U.S. Department of Housing and Urban Development for metropolitan statistical areas or less.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twelve minutes before five o’clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 6 — nays 32*) [**Yeas and Nays No. 74**]:

YEAS.

Brown, Scott P.	Montigny, Mark C.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 6.

NAYS.

Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 32.

The yeas and nays having been completed at seven minutes before four o’clock P.M., the amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended by inserting after section 2 the following section:—

“Section 2A. Section 1 of chapter 62 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

(p) “Qualified mortgage insurance”, private mortgage insurance, as defined in 12 U.S.C. 4901, or commonly referred to as insurance that reimburses a mortgage lender if the buyer defaults on the loan and the foreclosure sale price is less than the amount owed the lender.

SECTION 2B. Paragraph (a) of Part B of section 3 of said chapter, as so appearing, is hereby amended by inserting after subparagraph (15) the following subparagraph:—

(6) (i) An amount equal to premiums paid or accrued for qualified mortgage insurance by the taxpayer during the taxable year in connection with acquisition indebtedness with respect to a primary residence.

(ii) The amount under clause (i) shall be reduced, but not below zero, by 10 per cent of such amount for each \$1,000 that a person’s adjusted gross income for the taxable year exceeds \$100,000.

(iii) Clause (i) shall not apply relative to any mortgage insurance contracts issued before January 1, 2007.”

Pending the question on adoption of the amendment, the President made a ruling on the following amendments 2 and 3, as follows:

The Massachusetts Constitution says: “All money bills shall originate in the house of representatives....”

The parliamentary precedents of the Senate require the President to observe with meticulous care the constitutional prerogatives of the House of Representatives.

Without waiting for a point of order to be raised, she must see that the Senate does not originate a “money bill” in violation of the Constitution. A pending Senate amendment that would convert into a “money bill” a bill that was not a “money bill” when the house passed it is out of order.

The pending amendments before the Senate, if adopted, would thus convert the bill into a “money bill”. Therefore, the amendments are not in order.

The amendments were severally laid aside.

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

“SECTION 2A. Chapter 36 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 12A the following section:—

Section 12B. If a beneficial or fiduciary interest in a residential mortgage is transferred by sale, acquisition or any other means, the entity acquiring the interest shall cause to be filed with the registry of deeds where the property is located notice of the interest and shall provide notice thereof to the mortgagor in writing. Failure to do so shall preclude foreclosure.”

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

Mr. Joyce moved that the bill be amended, in section 10, proposed section 9 of chapter 255F of the General Laws, by adding the following sentence:—

“Nothing herein shall be construed so as to create a private cause of action.”

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

Mr. Joyce moved that the bill be amended, in section 4, in line 65, by inserting after the words “commonwealth shall make” the following words:— a subprime.”; and in said Section 4 by striking out the words:— “: (i) the loan meets all of the standard underwriting criteria for a conventional mortgage loan as established by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation and is rate “A” paper under those criteria; or (ii)”.
The amendment was **adopted**.

Ms. Jehlen moved that the bill be amended by inserting after section 14 the following section:

“SECTION 14A. Notwithstanding any general or special law to the contrary, the terms of a contract between a tenant and the owner of residential property shall not be terminated by operation of law by foreclosure of the owner’s mortgage.”

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

Mr. Morrissey, Ms. Wilkerson and Mr. Montigny moved that bill be amended by inserting after section 7 the following 3 sections:—

“SECTION 7A. The General Laws are hereby amended by inserting after chapter 239 the following chapter:—

CHAPTER 239A. JUDICIAL HEARING BEFORE RESIDENTIAL FORECLOSURE OF A MORTGAGE.

Section 1. For the purposes of this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

- (a) “Foreclosure action”, a process under chapter 244 or otherwise where a lender seeks to exercise its rights under a mortgage on residential property securing a loan that is in default. A lender shall obtain a conditional judgment as part of the process of a foreclosure action.
- (b) “Homeowner”, a person who has an ownership interest in residential real property subject to a mortgage which is the subject of a foreclosure action, and who has owned and occupied such property as his principal residence for a continuous period of not less than two years immediately preceding the commencement of such foreclosure action.
- (c) “Lender”, a person who makes or holds mortgage loans in the ordinary course of business and who is the holder of any first mortgage on residential real estate which is the subject of a foreclosure action.
- (d) “Protection from foreclosure”, a court-ordered restructuring of a mortgage debt designed to eliminate an arrearage in payments on such debt and to provide a period not to exceed six months during which foreclosure is stayed.
- (e) “Restructured mortgage debt”, the adjustment by a court of a mortgage debt to give protection from a foreclosure action.
- (f) “Underemployed person”, a person whose earned income during the 12-month period immediately preceding the commencement of the foreclosure action is (i) less than \$50,000; and (ii) less than 75 per cent of his average annual earned income during the 2 years immediately preceding such 12-month period,
- (g) “Unemployed person”, a person who is unemployed ‘for purposes of chapter 151A.

Section 2. (a) Not less than 25 days prior to a lender seeking a preconditional judgment order under section 4, the homeowner shall receive a notice from the lender that states in plain and simple English the following:

- (1) facts sufficient to identify the mortgage and the parties thereto including, but not limited to, the name of the present holder of the mortgage, the original mortgagee, the lender which intends to foreclose, a servicer or agent acting on his behalf and the name, address and working telephone number of the entity responsible for responding to inquiries by the residential mortgage debtor;
 - (2) the nature of the default claimed;
 - (3) the availability of section 3;
 - (4) the availability of section 4;
 - (5) the availability of any other methods to cure the default as provided by law or contract and what performance, including what sum of money, if any, shall be tendered to cure the default;
 - (6) the means by which the residential mortgage lender intends to foreclose, if the default is not cured, together with a reasonable estimate of the date on which such foreclosure might occur;
 - (7) that the residential mortgage debtor may be evicted from the property following a foreclosure sale;
- (b) A homeowner who receives notice under this section, shall make application for protection from foreclosure under section 3 or request a hearing under subsection (b) of section 4 within 25 days of receipt of service under this chapter.
- (c) No preconditional judgment order shall be entered unless the court is satisfied from pleadings or affidavits on file with the court that the homeowner against whom the foreclosure action is commenced has received the notice required by this section.
- (d) If a homeowner against whom the foreclosure action is commenced did not receive the notice required by this section at the prescribed time, the court, upon its own motion or upon the written motion of such homeowner, may issue an order staying the foreclosure action for 15 days during which period the homeowner may apply to the court for protection from foreclosure by submitting an application together with a financial affidavit or request a hearing under subsection (b) of section 4.

Section 3. (a) Subject to subsection (b), a homeowner who is underemployed or unemployed against whom a foreclosure action is brought may make application, together with a financial affidavit, to the court having jurisdiction under section 4 if: (1) the mortgage being foreclosed encumbers the residential real property, which property has served as his principal residence, for a period of not less than 2 years; (2) the homeowner has not had a foreclosure action commenced against him in the preceding 7-year period; and (3) the homeowner has not received an emergency mortgage assistance loan and has not applied for emergency mortgage assistance for 2 years before the application.

(b) If the residential real property which is the subject of a foreclosure action is owned by more than 1 person: (1) no homeowner shall be deemed an unemployed person or an underemployed person for the purposes of section 3 unless the aggregate earned income of all the homeowners of the residential real property which is the subject of such foreclosure action during the 12-month period immediately preceding the commencement of the foreclosure action is less than \$50,000 and less than 75 per cent of the average aggregate annual earned income during the 2 years immediately preceding the 12-month period for all such homeowners; and (2) all homeowners of the property other than the homeowner making application in accordance with subsection (a) shall file a financial affidavit in connection with such application.

(c) The court shall determine the eligibility of such homeowner for protection from foreclosure pursuant to the provisions of Section 3.

(d) In determining the eligibility of a homeowner for protection from foreclosure under the provisions of sections Section 3, the court may consider any relevant facts and shall consider:

- (1) The likelihood that the homeowner will be able to make timely payments on the restructured mortgage commencing at the end of the restructuring period.
- (2) The presence of any substantial prejudice to the Lender or any subordinate lienor or encumbrancer, which would result from a restructuring of the mortgage debt.

(e) If it determines that a homeowner who is an underemployed person is eligible for protection from foreclosure, the court in its discretion may order the restructuring of the mortgage debt of such homeowner so as to eliminate any arrearage in payments on the mortgage debt and may allow a restructuring period not to exceed six months. If it determines that a homeowner who is an unemployed person is eligible for protection from foreclosure, the court shall order the restructuring of the mortgage debt to eliminate any arrearage in payments on the mortgage debt and shall order a restructuring period not to exceed six months.

(f) As a condition to the granting of a restructuring order, the court may order the homeowner to pay to the lender during the restructuring period an amount not to exceed twenty-five per cent of his net income per month as a means of demonstrating the homeowner's good faith effort to reduce his mortgage indebtedness. For purposes of this section, "net income" shall include any unemployment benefit received by the homeowner.

(g) At the conclusion of the restructuring period, the new mortgage debt shall be computed based upon a composite rate of interest. The composite rate of interest shall be a weighted average of the original mortgage interest rate as to the principal balance and the prevailing interest rate as to all sums added to the principal balance to establish the total restructured mortgage debt, except that in the case of a flexible rate, variable rate or similar adjustable rate mortgage note, the provisions of the underlying mortgage note for the re-determination of the interest rate on the mortgage shall continue to apply and remain in full force and effect during the remainder of the term of the mortgage.

(h) In determining the restructured mortgage debt, the court shall add the following to the existing principal balance of the mortgage debt: (1) All interest then due the lender and any interest that will be earned to the end of any restructuring period, including interest on any payments advanced by the lender during the restructuring period, such interest to be computed at the

rate provided in the mortgage note, (2) real property taxes, (3) premiums for Federal Housing Administration, Veterans' Administration and private mortgage insurance, and (4) court costs, legal fees and any other sums the court determines to be due under the terms of the mortgage indebtedness by the court. The court shall then apply the composite interest rate as provided in subsection (c) of this section to such total restructured debt over the remaining term of the loan.

(i) If the court determines the equity the homeowner has in the property and hears testimony from an appraiser produced by the Lender in connection with such determination, (1) the reasonable cost of the appraisal and the appraiser's appearance as a witness shall be part of the court costs to be added to the principal balance pursuant to subdivision (4) of subsection (a) of Section 3(i) if a restructuring order is granted and (2) the reasonable cost of said appraiser's appearance as a witness shall be part of the taxable costs of the action, in addition to the taxable costs for such appraisal and the appraiser's appearance as a witness at a subsequent hearing for a judgment of foreclosure if such order is not granted.

(j) The amount of the mortgage debt at the end of any period of restructuring shall in no event exceed either the amount of the original mortgage debt or ninety per cent of the fair market value of the property as determined by an accredited real estate appraiser at the time of restructuring, whichever is greater. The provisions for restructuring the mortgage debt and staying the foreclosure shall apply only if the debt as restructured would not exceed such amount. Any sums added to the existing mortgage debt as a result of a restructuring order shall accrue interest at prevailing market rates after the conclusion of the restructuring period, which rate shall be either fixed or variable depending upon the underlying mortgage note.

(k) If the court approves the application for protection from foreclosure and restructures the mortgage debt, the foreclosure action shall be stayed for the restructuring period. If, for a period of three months following the end of the restructuring period, there are no farther proceedings to continue the foreclosure proceedings based upon a default on the mortgage as restructured, the foreclosure action shall be dismissed. The restructured mortgage debt shall have the same priority as if it had been advanced at the time the mortgage was delivered.

Section 4. Lender must file an affidavit with the court, Opportunity for hearing on Conditional Judgment.

(a) Prior to seeking a conditional judgment under Chapter 244 of the General Laws, a Lender must obtain a pre-conditional judgment order from the housing court in the county where the property to be foreclosed upon sits. If there is no housing court in the county, the Lender must obtain the pre-conditional judgment order from the district court for the county where the property to be foreclosed upon sits.

(b) In order to obtain a pre-conditional judgment order from the court, a Lender shall file an affidavit signed under the pains and penalties of perjury stating or otherwise proving the following elements:

That the Lender owns a mortgage secured by the homeowner's real property; The mortgage was issued in accordance with the terms, conditions and legal requirements in effect at the time the mortgage was issued; and
The homeowner is in default on the mortgage.

(b) In an action for a lender to obtain a pre-conditional judgment order, a homeowner shall have the right to request a hearing on the pre-conditional judgment order. The hearing shall proceed as follows:

The homeowner must request a hearing on the pre-conditional judgment order within 10 days of receiving notice pursuant to Section 2(a) of this chapter;

At a hearing on the pre-conditional judgment order, all parties in interest shall have the opportunity to present evidence to prove or disprove the truthfulness of the affidavit required by subsection (a) above. The burden shall be upon the Lender to prove the truthfulness of the affidavit required under subsection (a) above.

The court must find by order whether or not the Lender has satisfied its obligations under subsection (a) above.

Section 5. (a) The provisions of Chapter 239A shall be read in conformity with other provisions of the Massachusetts General Laws. However, if there is a conflict between the provisions of Chapter 239A and any other provision of Massachusetts General Laws, including but not limited to Chapter 244, the provisions of Chapter 239A shall govern.

(b) The provisions of Chapter 239A shall be read in conformity with the Massachusetts Declaration of Rights and the United States Constitution. However if there is a conflict between any provision of Chapter 239A and Massachusetts Declaration of Rights or United States Constitution, that shall not affect the applicability of the remainder of the Chapter.

SECTION ____ Chapter 244 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out section 3 in its entirety, and inserting in place thereof the following new section:—

Chapter 244: Section 3. Declaration by mortgagees; conditional judgment

Section 3. The mortgagee in an action for possession must present the court with a pre-conditional judgment order pursuant to Chapter 239A of the General Laws and may declare on his own seisin, stating that it is in mortgage; and if the court finds upon verdict or otherwise that the plaintiff is entitled to possession of the land for breach of condition, it shall upon motion of either party award a conditional judgment.

SECTION ____ Chapter 244 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out section 11 in its entirety, and inserting in place thereof the following new section:—

Chapter 244: Section 11. Mortgages containing power of sale; court order for sale

Section 11. If a conditional judgment has been entered upon a mortgage containing a power of sale, the court shall, instead of issuing a writ of possession, at the request of the plaintiff order the property to be sold pursuant to such power so long as the plaintiff has also met all of the requirements in Chapter 239A of the General Laws. The plaintiff shall thereupon execute the power and do all things required by it or by the court.

After debate, on motion of Ms. Wilkerson, the amendment was rejected, by a vote of 4 to 18.

Ms. Wilkerson moved that the bill be amended, in Section 10, in subsection (b) of section 3 of the proposed chapter 255F of the General Laws by striking out the words “and (ii) provide evidence that the applicant has received a passing grade on the residential mortgage lending course examination administered by the board of residential mortgage lending within such 2 year period” and inserting in place thereof the following words:—“(ii) provide evidence that the applicant has received a passing grade on the residential mortgage lending course examination administered by the board of residential mortgage lending within such 2 year period; and (iii) if requested by the commissioner, provide all documentation related to any mortgage transaction or mortgage application sought or processed within the 2 years prior to such application.”

The amendment was **adopted**.

Ms. Wilkerson moved that the bill be amended by inserting after section 3 the following section:—

“SECTION 3A. Section 56 of said chapter 183, as so appearing, is hereby amended by striking out, in lines 8 and 18, the figure “36” and inserting in place thereof, in each instance, the following figure:— “12”.

The amendment was *rejected*.

Mr. Joyce, Ms. Walsh, Ms. Candaras, Ms. Creem, Ms. Fargo and Messrs. O’Leary and Panagiotakos moved that the bill be amended by inserting after section 14, the following:—

“SECTION 14A. The commissioner of banks shall adopt rules and regulations relative to the lending practices relative to reverse mortgages. The commissioner shall adopt such regulations on or before July 1, 2008.”

The amendment was **adopted**.

Messrs. Panagiotakos and Buoniconti and Ms. Tucker moved that the bill be amended by striking out Section 7 and inserting in place thereof the following section:—

“SECTION 7. Chapter 244 of the General Laws, as so appearing, is hereby amended by inserting after section 14 the following 2 sections:

Section 14A. (a) After a breach of condition of a mortgage loan secured by residential property in the commonwealth, a mortgagee or holder of the mortgage shall not proceed against the mortgaged premises under a power of sale unless the mortgagee or holder of the mortgage gives the mortgagor the notice required by this section.

(b) The notice shall be in writing and shall be mailed, postage prepaid, by certified mail with return receipt requested, to the mortgagor at his last address then known to the mortgagee, at least 90 days before exercising any rights under a power of sale.

(c) The notice shall conspicuously state the rights of the mortgagor upon default in substantially the following form: The heading shall read: “Notice of Intent To Foreclose and Right To Cure.” The body of the notice shall read: “You are now in default on a mortgage loan transaction dated _____. This mortgage loan is secured by property located at _____. This loan was originated by (name of mortgagee), assigned to _____ (if applicable) and is being serviced by _____ (if applicable). The mortgage broker/mortgage originator for this mortgage loan transaction was _____. You may cure your default by paying all sums due on the mortgage loan on or before (a date which is at least 90 days after the notice has been mailed). If you pay this amount within the time allowed, you shall no longer be in default and may continue on with the transaction as though the default had not occurred. You may contact the mortgagee or the mortgagee’s agent at (telephone number of mortgagee or mortgagee’s agent) in order to obtain the amount due to cure the default on your mortgage loan. If you do not cure your default by the date stated above, (name of mortgagee) may begin foreclosure proceedings against you, and you may lose your property.”

(d) A copy of this notice shall be filed with the commissioner of banks and shall include the rate of interest on the loan and whether it is a variable or fixed rate of interest. The filing fee for the notice shall be determined annually by the secretary of administration and finance under section 313 of chapter 7.

(e) No attorney’s fees or other fees or charges other than per diem interest may be charged to the mortgagor during the mortgagor’s 90-day right to cure. If the residential property securing the mortgage loan is sold at a foreclosure sale, the mortgagee shall notify the commissioner of banks, in writing, of the date of the foreclosure sale and the purchase price obtained at the sale, and shall include a copy of the notice required under this section.

Section 14B. The commissioner of banks shall maintain a foreclosure database that shall include, but not be limited to, foreclosure activity by mortgage lenders, mortgage holders and mortgage servicers, as well as the mortgage brokers and loan originators who placed these mortgage loans in the commonwealth, including information relative to the original mortgagee and any subsequent assignee. Based on the information received, the commissioner shall produce a report, at least annually, to track developments and trends of mortgage foreclosures on residential property in the commonwealth including, but not limited to, an analysis of the pre-foreclosure notices submitted to the commissioner compared to the final foreclosure notices, and any trends or

patterns relative to the geographic location of the residential properties and interest rates. The report shall be available to the public upon request, and the commissioner shall make it available in any other manner that he may choose.”;

In section 8, in the proposed section 35A of chapter 244 of the General Laws, by striking out subsection (c) and inserting in place thereof the following subsection:—

“(c) To cure a default prior to acceleration, a mortgagor may be required to pay any charge, fee or penalty attributable to the exercise of the right to cure a default that is deemed reasonable by the division of banks.”;

In section 10, in subsection (a) of section 3 of the proposed chapter 255F of the General Laws, by adding the following sentence:— “Criminal history record information provided to the division under this section shall be confidential and the division may use such records only to determine if the applicant is eligible for licensure.”;

In said section 10, in said section 3 of said proposed chapter 255F, by striking out subsection (b) and inserting in place thereof the following subsection:—

“(b) An applicant shall: (i) have completed a residential mortgage lending course, as determined by the commissioner, during the 2 year period immediately preceding the date of the application; and (ii) provide evidence that the applicant has received a passing grade on such residential mortgage lending course examination within such 2 year period.”;

By inserting after Section 10, the following 2 sections:—

“SECTION 10A. Chapter 266 of the General Laws is hereby amended by striking out section 33, as so appearing, and inserting in place thereof the following section:—

Section 33. (1) Whoever, with intent to defraud, obtains for himself or for another by a false pretence the making, acceptance or endorsement of a bill of exchange or promissory note, the release or substitution of collateral or other security, an extension of time for the payment of an obligation, or the release or alteration of the obligation of a written contract, or (2) whoever, with intent to defraud, by a false statement in writing respecting the financial condition, or means or ability to pay, of himself or of any other person, obtains credit from any bank or trust company or any banking institution or any mortgage lender as defined in section 1 of chapter 255E or any retail seller of goods or services accustomed to give credit in any form whatsoever shall be guilty of larceny and, if the value of the benefit described in clause (1) or the dollar amount of credit obtained exceeds \$250, shall be punished as if he had stolen property of a value exceeding \$250 as provided in clause (1) of section 30.

SECTION 10B. Said chapter 266 is hereby further amended by striking out section 34, as so appearing, and inserting in place thereof the following section:—

Section 34. Whoever, with intent to defraud and by a false pretence, induces another to part with property of any kind or with any of the benefits described in section 33 shall be guilty of larceny and, if the dollar amount of the credit obtained or the value of the benefit lost exceeds \$250, shall be punished as if he had stolen property of a value exceeding \$250 as provided in clause (1) of section 30.”;

In Section 13, by inserting after the words “under chapter 255F” the following words:— “and from filing fees collected under section 14A of chapter 244 of the General Laws”; and

By striking out section 15 and inserting in place thereof the following section:—

“SECTION 15. Sections 1 to 9, inclusive, and sections 11 and 14 shall take effect on January 1, 2008. Section 10 shall take effect seven months after the effective date of this act.”

The amendment was **adopted**.

The question on passing the bill, as amended, to be engrossed was determined by a call of the yeas and nays at twenty-seven minutes past five o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 75**]:

YEAS.

Antonioni, Robert A.
Augustus, Edward M., Jr.
Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Brown, Scott P.
Buoniconti, Stephen J.
Candaras, Gale D.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Downing, Benjamin B.
Fargo, Susan C.

McGee, Thomas M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
O’Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Petrucelli, Anthony
Resor, Pamela
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.

Hart, John A., Jr.
Havern, Robert A.
Hedlund, Robert L.
Jehlen, Patricia D.
Joyce, Brian A.
Knapik, Michael R.

Tisei, Richard R.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS — 0.

ANSWERED “PRESENT”.

Menard, Joan M. — 1.

**The yeas and nays having been completed at a half past five o'clock P.M., the bill was passed to be engrossed with the amendments. [For text of Senate amendments, see Senate, No. 2299, printed as amended.]
Sent to the House for concurrence.**

Report of a Committee.

By Mr. Petrucci, for the committee on Municipalities and Regional Government, on the joint petition, a Bill to transfer the care and custody of a portion of Cameron School conservation land from the conservation commission to the council on aging (printed as House, No. 4165). [Local approval received],— **was read.**

**There being no objection, the rules were suspended, on motion of Mr. Berry, 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.**

PAPERS FROM THE HOUSE.

The Senate Bill relative to the Wallace Civic Center and Planetarium in the city of Fitchburg (Senate, No. 2209),— came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4171; and by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the management and operation of the civic center and planetarium in the city of Fitchburg, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

Senate Rule 36 was suspended, on motion of Mr. Brewer, and the House amendment was considered forthwith.

On further motion of Mr. Antorlion, the Senate concurred in the House amendment with further amendments in section 1, in the first sentence, by striking out the figure “2007” and inserting in place thereof the following figure:— “2008”; in said section 1, in 7110-0101 in line 9, by inserting in place after the words “received”, the following words:— “ by the college or the division”; in section 4, by striking out subsection (b) and inserting in place thereof the following:— (b) Nothing in this section shall prohibit the college, whether pursuant to any management or other agreement or lease its authorities under this act, including its authority to collect, apply and expend any revenues from the management, maintenance and operation of the civic center and to do so upon terms and subject to requirements or limitations as it may deem necessary or appropriate.”; and In section 6, in subsection (b), by striking the fourth sentence and inserting in place thereof the following sentence:— “All consideration received by the college or the division from a lease shall be payable into the retained revenue account established in section 1 and shall be held, applied and expended in accordance with the terms thereof.”

Sent to the House for concurrence in the further Senate amendments.

Engrossed Bill.

An engrossed Bill relative to the at-large preliminary election in the city of Boston in 2007 (see House, No. 4162) (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 Ms. Menard, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marian Walsh for legislation to designate a certain corner in the West Roxbury section of the city of Boston as the Nicholas G. Beram Veterans Association Corner.

Senate Rule 36 was suspended, on motion of Mr. Montigny, and the report was considered forthwith. Joint Rule 12 was

suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the House for concurrence.

Order Adopted.

On motion of Mr. Moore,—

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

Adjournment in Memory of Corporal Robert Imrie of Randolph.

The Senator from Norfolk, Bristol and Plymouth, Mr. Joyce, presented a request that when the Senate adjourns today, it do so in memory of Corporal Robert Imrie of Randolph.

On November 27, 1950 during the Korean War, Corporal Imrie made the ultimate sacrifice for his country when, without hesitation, he came to the defense of his Army platoon when it came under fierce machine gun fire by enemy combatants. Recognizing that his platoon was facing imminent destruction, Corporal Imrie charged the enemy's position and kept firing his weapon until the position had been neutralized. During this heroic effort to save his platoon, he was mortally wounded by enemy fire and his remains were never recovered.

After 57 years, the body of Corporal Robert Imrie of Randolph has been located and identified through the efforts of two surviving nieces and the Army's POW/Missing Personnel Affairs DNA testing initiative and was laid to rest with full military honors at Arlington National Cemetery.

Corporal Robert Imrie gave his life to save the men he fought beside and to defend the country he loved. The town of Randolph, the Commonwealth of Massachusetts, and a grateful nation will remember Corporal Imrie as a hero finally receiving the recognition he so rightfully deserves.

Accordingly, as a mark of respect to the memory of Corporal Robert Imrie of Randolph, at twenty-four minutes before six o'clock P.M., on motion of Mr. Havern, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.