

**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, December 10, 2007.*

Met at one minute past eleven o'clock A.M. (Mr. Rosenberg in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Senator from Norfolk, Bristol and Middlesex, Mr. Brown, led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

### PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4414) of Christopher G. Fallon (with the approval of the mayor and city council) relative to the certification and qualification of the councillor elected in Ward Seven of the city of Malden in the current year,— **was referred, in concurrence, to the committee on Election Laws.**

#### *Bills*

Relative to the annual observance of Thrombosis Awareness Month (House, No. 4288,— on petition); and  
Relative to the resale of mattresses (House, No. 4299,— on House, No. 257);

**Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

#### *Bills*

Authorizing the city of Gardner to grant 3 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4106,— on House, No. 4006) [Local approval received on House, No. 4006]; and

Authorizing the town of Westborough to grant an additional license for sale of wine and malt beverages to be drunk on the premises (House, No. 4178,— on House, No. 4094) [Local approval received on House, No. 4094];

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

Notice was received from the House announcing the following appointments:

That Representatives Dempsey of Haverhill and Smizik of Brook-line have been appointed by the Speaker of the House to the Special Task Force for the purpose of studying and making recommendations for legislation to promote the development of an advanced biofuels industry in the Commonwealth.

#### *Resolutions.*

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

Resolutions (filed by Mr. Joyce) “congratulating Andrew Leonard Bornstein of Stoughton on earning the Eagle Scout Award.”

#### *Report of a Committee.*

By Ms. Creem, for the committee on Revenue, on petition, a Bill regarding property tax classification in the city of North Adams (Senate, No. 2440) [Local approval received].

**The bill was read. There being no objection, the rules were suspended, on motion of Mr. Brown, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act relative to property tax classification in the city of North Adams”.**

**Sent to the House for concurrence.**

#### **PAPERS FROM THE HOUSE.**

*Engrossed Bill Returned with Recommendation of Amendment.*

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill relative to the licensing of mortgage loan originators (see House, No. 4407) [being the text contained in Section 2 of the engrossed Bill protecting and preserving home ownership (see House, No. 4387, amended)] [for message, see House, No. 4406],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:—

By striking out all after the enacting clause and inserting in place thereof the following:—

SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after Section 172I the following section:—

Section 172J. Notwithstanding section 172 or any other general or special law to the contrary, the commissioner of the division of banks may obtain all available criminal offender record information as found in the court activity record information from the criminal history systems board of all applicants for licensure pursuant to chapter 255F. Information obtained under this section shall not be disseminated for any purpose other than to provide mortgage protection for home owners.

SECTION 2. Section 21 of chapter 206 of the acts of 2007 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— Said section 11 shall not apply to such mortgages accelerated or whose statutory condition has been voided under the terms of the mortgage to secure the note, prior to May 1, 2008.

SECTION 3. Section 2 shall take effect as of November 29, 2007.

**The message, as amended was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.**

**The rules were suspended, on motion of Mr. Brown, and the Governor’s amendment, as amended, was considered forthwith.**

**On motion of Mr. Brown, the Governor’s amendment, as amended, was adopted, in concurrence.**

**Sent to the House for re-enactment.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4420) of Robert Correia and others that the Secretary of Elder Affairs be authorized to make certain grants for the support of programs for mature workers and volunteer work of elderly persons;

**Under suspension of Joint Rule 12, to the committee on Elder Affairs.**

Petition (accompanied by bill, House, No. 4421) of Cory Atkins that the town of Concord be authorized to establish a post-retirement group insurance trust fund;

**Under suspension of Joint Rule 7B, to the committee on Financial Services.**

Petition (accompanied by bill, House, No. 4422) of Robert Correia and others for legislation to establish the mature worker business council within the Department of Workforce Development;

**Under suspension of Joint Rule 12, to the committee on Labor and Workforce Development.**

*Emergency Preamble Adopted.*

An engrossed Bill authorizing Michael McHugh to take the civil service examination for the position of police officer notwithstanding the maximum age requirement (see House, No. 4271), 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 2 to 0.**

**The bill was signed by the Acting President (Mr. Rosenberg) and sent to the House for enactment.**

A Bill relative to property tax classifications in the city of Medford (House, No. 4403,— on petition) [Local approval received],— **was read.**

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

**Recess.**

There being no objection, at sixteen minutes before twelve o’clock noon, the Chair (Mr. Rosenberg) declared a recess; and at twenty-one minutes past twelve o’clock noon, the Senate reassembled, Mr. Rosenberg in the Chair.

#### **PAPERS FROM THE HOUSE.**

*Engrossed Bills.*

The following engrossed bills (the first three 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 Acting President (Mr. Rosenberg) and laid before the Governor for his approbation, to wit:

Authorizing the town of Ashburnham to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 2271);

Authorizing the Wachusett Regional School District to borrow money for the cleanup of oil contamination and related costs (see Senate, No. 2322);

Relative to property tax classification in the city of North Adams (see Senate, No. 2440);

Relative to the articles and by-laws of cooperative housing corporations (see House, No. 1224);

Prohibiting certain multiple office holdings in the town of Burlington (see House, No. 3946);

Authorizing a superannuation retirement allowance for Leo Senecal (see House, No. 4139);

Authorizing Michael McHugh to take the civil service examination for the position of police officer notwithstanding the maximum age requirement (see House, No. 4271); and

Regarding property tax classifications in the city of Medford (see House, No. 4403).

*Engrossed Resolve.*

An engrossed Resolve providing for an investigation and study by a special commission relative to examining hygienic procedures relative to bank (see House, No. 413, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed and was signed by the Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

*Order Adopted.*

On motion of Mr. Brown,—

*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 twenty-three minutes before one o'clock P.M., the Senate adjourned to meet on the following Thursday at eleven o'clock A.M.