

Chapter 394. AN ACT RELATIVE TO GARAGE KEEPER LIENS.

Be it enacted, etc., as follows:

Section 25 of chapter 255 of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by adding the following two paragraphs:-

In any instance where a lien arises under this section for charges due that are to be paid or reimbursed by an insurance company licensed in the commonwealth, upon written notice by the holder of such lien to the insurance company, the check or draft issued by such insurance company for such charges shall name the holder of the lien, together with the holder of a security interest as defined by ARTICLE 9 of chapter one hundred and six, as a loss payee, unless otherwise provided by law. The holder of a security interest that does not have priority over the lien established under this section shall be required to endorse any check or draft issued for payment of such charges by such insurance company over to the holder of such lien, whether or not such lien has then been released by the holder; provided, however, that the holder of a security interest other than the lien provided by this section, may, within two business days of notice of a request to endorse any such check require the owner of the vehicle to make said vehicle available for inspection at a time and place convenient to the owner and lienholder, to reinspect the repaired vehicle, and, as a prerequisite for such endorsement, the holder of such security interest may require the holder of the lien established under this section to provide it with an itemized list of repairs and other services which it certifies, in writing, have been completed or provided, and a copy of any repair certification form required by law to be provided to the insurance company.

Nothing in this section shall affect or modify the provisions of any direct payment plans implemented by an insurer pursuant to section thirty-four O of chapter ninety.

Approved January 14, 1993.

Chapter 395. AN ACT AUTHORIZING THE LICENSING AUTHORITY OF THE CITY OF PITTSFIELD TO ISSUE A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO TRUFFLES AND SUCH, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority in the city of Pittsfield is hereby authorized to issue a license for the sale of all alcoholic

Chap. 396

beverages to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight to Truffles and Such, Inc. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight, except said section seventeen; provided, however, that the seasonal all alcoholic beverage license held by Truffles and Such, Inc. shall be surrendered; and provided, further, that the total number of seasonal licenses that the local licensing authority of the city of Pittsfield may issue pursuant to the provisions of said section seventeen shall be reduced by one.

SECTION 2. This act shall take effect upon its passage.

Approved January 14, 1993.

Chapter 396. AN ACT PROVIDING FOR A MANDATORY TERM OF IMPRISONMENT FOR CERTAIN DRUG OFFENSES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 395 of the acts of 1991 is hereby amended by striking out, in line 3, the words "clause (2)" and inserting in place thereof the words:- clause (3).

SECTION 2. Section 32E of chapter 94C of the General Laws, as appearing in the 1990 Official Edition, is hereby amended by striking out, in lines 87 and 89, each time it appears, the word "twenty-eight" and inserting in place thereof, in each instance, the word:- fourteen.

SECTION 3. Paragraph (c) of said section 32E of said chapter 94C, as so appearing, is hereby further amended by striking out clauses 1 to 3, inclusive, and inserting in place thereof the following four clauses:-

(1) Fourteen grams or more but less than twenty-eight grams, be punished by a term of imprisonment in the state prison for not less than five nor more than twenty years. No sentence imposed under the provisions of this clause shall be for less than a mandatory minimum term of imprisonment of five years and a fine of not less than five thousand nor more than fifty thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment, as established herein.

(2) Twenty-eight grams or more but less than one hundred grams, be punished by a term of imprisonment in the state prison for not less than seven nor more than twenty years. No sentence imposed under the provisions of this clause shall be for less than a mandatory minimum term of imprisonment of seven years and a fine of not less than five thousand nor more than fifty thousand dollars may be imposed, but not in lieu of the mandatory minimum term of imprisonment, as established herein.