

ACTS
AND
RESOLVES
PASSED BY THE
General Court of Massachusetts
IN THE YEAR
1986

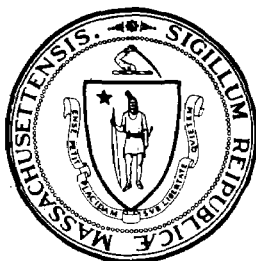
PUBLISHED BY
Michael Joseph Connolly
SECRETARY OF STATE



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VOLUME 1



The General Court, which was chosen November 6, 1984, assembled on Wednesday the first day of January 1986 for the second annual session.

His Excellency Michael S. Dukakis continued to serve as Governor for the political year of 1986.

ACTS, 1986. – Chaps. 1, 2, 3.

**Chapter 1. AN ACT RELATIVE TO THE APPOINTMENT OF THE
CHIEF OF POLICE AND THE BOARD OF POLICE IN
THE CITY OF FALL RIVER.**

Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:

SECTION 1. Section two of chapter eighty of the acts of nineteen
hundred and forty-six is hereby repealed.

SECTION 2. The chief of police of the city of Fall River shall be
appointed by the mayor of said city and confirmed by the city council of
said city.

SECTION 3. The board of police of the city of Fall River shall consist
of three persons to be appointed by the mayor in accordance with the
provisions of the city charter. The board of police shall be advisory in
nature consistent with the provisions of the revised ordinances of the
city of Fall River.

SECTION 4. This act shall take effect upon its passage.

Approved January 28, 1986.

**Chapter 2. AN ACT AUTHORIZING PAUL MYLETT TO TAKE THE
NEXT OPEN COMPETITIVE ENTRANCE EXAMINATION
FOR POLICE OFFICER IN THE CITY OF BOSTON.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law or rule to the
contrary regulating the maximum age of applicants for appointment as a
police officer, Paul Mylett shall be eligible to take the next open
competitive entrance examination for police officer in the city of Boston
and, provided he meets all other requirements, shall be eligible for
certification and appointment as a police officer in the city of Boston.

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

Approved February 20, 1986.

**Chapter 3. AN ACT RELATIVE TO THE TERMS OF CERTAIN
BONDS AND NOTES TO BE ISSUED BY THE
COMMONWEALTH.**

Whereas, The deferred operation of this act would tend to defeat its
purpose, which is to immediately facilitate the issuance of bonds and
notes to carry out the purposes of various acts passed during the regular
annual legislative session of the year nineteen hundred and eighty-five,

ACTS, 1986. – Chap. 3.

therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under sections three and six of chapter six hundred and fourteen of the acts of nineteen hundred and eighty-five providing financial assistance for the removal, containment or encapsulation of asbestos in schools shall be issued for terms not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and ten, and the notes which the state treasurer is authorized to issue under sections two and five of said act shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety, as recommended by the governor in a message to the general court dated January sixteenth, nineteen hundred and eighty-six in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 2. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section nine of chapter six hundred and seventy-six of the acts of nineteen hundred and eighty-five providing funds for the acquisition of land and development of a regional economic and recreational facility area in Berkshire county shall be issued for terms not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and ten, and the notes which the state treasurer is authorized to issue under section nine of said act shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-six, as recommended by the governor in a message to the general court dated January sixteenth, nineteen hundred and eighty-six in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 3. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under sections eight, nine, ten, eleven, twelve and thirteen of chapter seven hundred and forty-eight of the acts of nineteen hundred and eighty-five providing funds for increased housing units in the commonwealth shall be issued for terms not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and ten, and the notes which the state treasurer is authorized to issue under section fourteen of said act shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-eight, as recommended by the governor in a message

ACTS, 1986. – Chap. 3.

to the general court dated January sixteenth, nineteen hundred and eighty-six in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 4. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section three of chapter seven hundred and eighty-five of the acts of nineteen hundred and eighty-five providing funds for improvements in lock-up facilities in the commonwealth shall be issued for terms not to exceed seven years; provided, however, that all such bonds shall be payable by June thirtieth, nineteen hundred and ninety-five, and the notes which the state treasurer is authorized to issue under section four of said act shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-five, as recommended by the governor in a message to the general court dated January sixteenth, nineteen hundred and eighty-six in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 5. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section eight of chapter seven hundred and eighty-six of the acts of nineteen hundred and eighty-five providing funds for water pollution control and water supply conservation shall be issued for terms not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and ten, and the notes which the state treasurer is authorized to issue under section seven of said act shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturity of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-five, as recommended by the governor in a message to the general court dated January sixteenth, nineteen hundred and eighty-six in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 6. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under sections twelve A, thirteen and fifteen of chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five providing funds for a program of improvement of jails, houses of correction and correctional institutions in the commonwealth shall be issued for terms not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and ten, the bonds which the state treasurer is authorized to issue under sections fourteen and sixteen of said act shall be issued for terms not to exceed ten years; and provided, further, that all such bonds shall be payable by June thirtieth, two thousand, and the notes which the state treasurer is authorized to issue under section seventeen of said act shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such

ACTS, 1986. – Chap. 4.

notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-six, as recommended by the governor in a message to the general court dated January sixteenth, nineteen hundred and eighty-six in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 7. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under sections nine, sixteen A, nineteen and twenty-three A of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five providing funds for an accelerated transportation development and improvement program for the commonwealth shall be issued for terms not to exceed twenty years; provided, however, that all such bonds shall be payable by June thirtieth, two thousand and ten, the bonds which the state treasurer is authorized to issue under section twelve of said act shall be issued for terms not to exceed five years; provided, further, that all such bonds shall be payable by June thirtieth, nineteen hundred and ninety-three, the bonds which the state treasurer is authorized to issue under section fifteen of said act shall be issued for terms not to exceed ten years; provided, further, that all such bonds shall be payable by June thirtieth, nineteen hundred and ninety-eight, the bonds which the state treasurer is authorized to issue under section twenty-five of said act shall be issued for terms not to exceed ten years; and provided, further, that all such bonds shall be payable by June thirtieth, nineteen hundred and ninety-six, and the notes which the state treasurer is authorized to issue under section ten of said act shall be issued and may be renewed one or more times for terms not exceeding one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-eight, as recommended by the governor in a message to the general court dated January sixteenth, nineteen hundred and eighty-six in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved March 20, 1986.

**Chapter 4. AN ACT AUTHORIZING DAVID L. AXELROD TO TAKE
A CIVIL SERVICE EXAMINATION FOR POLICE
OFFICER NOTWITHSTANDING THE MAXIMUM AGE
REQUIREMENTS.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule to the contrary regulating the maximum age of applicants for appointment as a police officer, David L. Axelrod of the town of Wilmington shall be eligible to take the next open competitive examination for police officer and, provided he meets all other requirements, shall be eligible for certification and appointment to such position.

Approved March 20, 1986.

ACTS, 1986. – Chaps. 5, 6.

**Chapter 5. AN ACT AUTHORIZING THE STATE SECRETARY TO
AUTHORIZE THE SOLEMNIZATION OF A CERTAIN
MARRIAGE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the state secretary to authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Abner J. Mikva, as he is a justice of the United States Court of Appeals in Washington, District of Columbia, in the town of West Tisbury on May tenth, nineteen hundred and eighty-six between Heidi Janes of Providence, Rhode Island and Mark Patinkin of Providence, Rhode Island, and the state secretary shall issue to said Abner J. Mikva in his capacity as aforesaid, a certificate of such authorization.

Approved March 25, 1986.

**Chapter 6. AN ACT AUTHORIZING THE STATE SECRETARY TO
AUTHORIZE THE SOLEMNIZATION OF A CERTAIN
MARRIAGE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the state secretary to authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Elizabeth Copeland, as she is a justice of the peace of the state of Maine, in the town of Belmont on March twenty-ninth, nineteen hundred and eighty-six between Linda Baldini of the city of Boston and John Copeland of said city, and the state secretary shall issue to said Elizabeth Copeland in her capacity as aforesaid a certificate of such authorization.

Approved March 25, 1986.

ACTS, 1986. – Chaps. 7, 8.

**Chapter 7. AN ACT AUTHORIZING THE STATE SECRETARY TO
AUTHORIZE THE SOLEMNIZATION OF A CERTAIN
MARRIAGE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the state secretary to authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Thomas Trettis, as he is a county judge in the state of Florida, in the city of Brockton on May seventeenth, nineteen hundred and eighty-six between Lisa A. Gelman of the city of Brockton and Michael M. Marick of the city of Chicago in the state of Illinois, and the state secretary shall issue to said Thomas Trettis in his capacity as aforesaid a certificate of such authorization.

Approved March 26, 1986.

**Chapter 8. AN ACT ENABLING THE STATE TREASURER TO
ISSUE AND SELL REFUNDING BONDS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, since the current favorable market opportunity may cease to exist and the authorization by the federal government that allows advance refunding may be severely restricted by the new federal tax proposal, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 29 of the General Laws is hereby amended by inserting after section 53 the following section:–

Section 53A. The state treasurer is hereby authorized, upon request of the governor, to issue and sell refunding bonds of the commonwealth in an amount to be specified by the governor from time to time for the purpose of paying, at maturity or upon acceleration or redemption, any bonds of the commonwealth then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of maturity, acceleration or redemption of such bonds; provided, however, that the state treasurer shall not issue any such refunding bonds unless he shall find that the present value, discounted at such rate as he shall deem appropriate, of the principal and interest payments due on the refunding bonds is less than the present value,

ACTS, 1986. – Chap. 9.

discounted at such rate, of the principal and interest payments to be paid, from the proceeds of such refunding bonds and investment earnings thereon, on the bonds to be refunded. Such refunding bonds may be issued at such time prior to the maturity, acceleration or redemption of the bonds to be refunded thereby as the state treasurer, with the approval of the governor, may deem advisable. The issuance of such bonds, the security therefor, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of the commonwealth with respect thereto shall be governed by the provisions of this chapter which relate to the issuance of bonds, insofar as such provisions may be appropriate therefor. Without limiting the generality of the foregoing, the provisions of section forty-nine applicable to sinking funds established with trustees shall apply to the deposit of refunding bond proceeds with a trustee except that such proceeds shall be held for the benefit of the holders of the bonds to be refunded thereby. All bonds issued by the commonwealth as aforesaid shall be designated on their face General Obligation Refunding Bonds and shall be issued for such maximum term of years, not exceeding thirty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, provided, however, that the bonds of any particular issue shall mature not later than five years after the date of final maturity of the bonds being refunded by such issue.

The state treasurer shall file a report with the house and senate committees on ways and means no later than thirty days after the sale of any General Obligation Refunding Bonds. Said report shall include written documentation of compliance with the provisions of this section, including, but not limited to, the issues or issues to be refunded, the projected dollar savings and the projected present value savings.

SECTION 2. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section fifty-three A of chapter twenty-nine of the General Laws, inserted by section one of this act, for the purpose of refunding outstanding bonds of the commonwealth as provided in said section fifty-three A shall be issued for terms not to exceed thirty years; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and twenty and that the bonds of any particular issue shall mature not later than five years after the date of final maturity of the bonds being refunded by such issue, as recommended by the governor in a message to the general court dated January sixteenth, nineteen hundred and eighty-six in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved March 26, 1986.

**Chapter 9. AN ACT MAKING AN APPROPRIATION TO FUND
CERTAIN SUPPLEMENTAL AGREEMENTS BETWEEN
THE COMMONWEALTH AND THE ALLIANCE,**

ACTS, 1986. – Chap. 9.

**AFSCME-SEIU, AFL-CIO, AND BETWEEN THE
COMMONWEALTH AND THE NATIONAL ASSOCIA-
TION OF GOVERNMENT EMPLOYEES, LOCAL R1-219
(UNIT 3), FOR CERTAIN CLASS REALLOCATIONS.**

Be it enacted, etc., as follows:

SECTION 1. To provide for the cost of salary adjustments and other employee economic benefits authorized by certain memoranda of agreement between the commonwealth and the Alliance, AFSCME-SEIU, AFL-CIO, and between the commonwealth and the National Association of Government Employees, Local R1-219 (Unit 3), for certain class reallocations, the sum set forth in section two is hereby appropriated, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and forty of the acts of nineteen hundred and eighty-five.

SECTION 2.

Executive Office Of Administration And Finance.

Collective Bargaining.

Item

1599-3504 For a reserve to meet the cost of certain salary adjustments and other employee economic benefits authorized by certain supplemental agreements between the commonwealth and the Alliance, AFSCME-SEIU, AFL-CIO, and between the commonwealth and the National Association of Government Employees, Local R1-219 (Unit 3), for certain class reallocations and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by said supplemental agreements; provided, however, that the personnel administrator, with the approval of the commissioner of administration, shall determine such salary adjustments and other economic benefits for confidential employees in accordance with the provisions of the supplemental agreements then in effect which would otherwise cover said positions; provided, further, that the commissioner of administration is hereby authorized to transfer from the sum appropriated herein to other items of appropriation for the fiscal year nineteen hundred and eighty-six such amounts as are necessary to meet the costs of said adjustments and benefits for fiscal

ACTS, 1986. – Chap. 10.

year nineteen hundred and eighty-six where the amounts otherwise available are insufficient for the purpose; provided, further, that said commissioner of administration is authorized to allocate the cost of such salary adjustments and benefits to the several state or other funds to which such items of appropriation are charged; provided, further, that the comptroller is hereby authorized to charge this item for the fiscal year nineteen hundred and eighty-five costs of said adjustments and benefits; provided, further, that no transfer, allocation or payment shall be made from this item without prior approval of the house and senate committees on ways and means after said committees have received copies of said supplemental agreements, together with an analysis of all cost items contained in said agreements and all changes to be made in the schedules of permanent and temporary positions required by said agreements; provided, further, that payments to health and welfare trust funds for health and welfare benefits may be made without said prior approval upon receipt of said copies of supplemental agreements, analyses and changes to be made as hereinbefore described; and provided, further, that the comptroller shall notify the house and senate committees on ways and means of any charges made directly against this item

\$140,600

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1986.

**Chapter 10. AN ACT ESTABLISHING THE MASSACHUSETTS
HAZARDOUS WASTE INSOLVENCY FUND.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish the Massachusetts Hazardous Waste Insolvency Fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 21C of the General Laws is hereby amended by adding the following sixteen sections:–

Section 15. As used in sections fifteen to thirty, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:–

"Commissioner", the commissioner of insurance.

"Plan", the plan of operation established and approved under section twenty-two.

"Licensee", a person or entity holding a license to own or operate a hazardous waste collection, treatment, disposal or storage facility, pursuant to this chapter, or which is a facility having interim status pursuant to RCRA and regulations promulgated pursuant to this chapter.

"Insolvent licensee", a licensee which, after December thirty-first, nineteen hundred and eighty-five, becomes insolvent and is placed under a final order of arrangement, bankruptcy, liquidation, conservation or rehabilitation by a court of competent jurisdiction; or is finally adjudicated to be bankrupt or insolvent by a court of competent jurisdiction; or certifies to the insolvency fund in writing, under the pains and penalties of perjury, that it is insolvent and is found to be insolvent by the insolvency fund or the commissioner of insurance.

"Impaired licensee", a licensee which, after December thirty-first, nineteen hundred and eighty-five, is not an insolvent licensee and is found by the insolvency fund or by the commissioner to be potentially unable to satisfy a pending potential covered claim; or is the subject of proceedings under the bankruptcy code; or is placed under an order of receivership, conservation or rehabilitation by a court of competent jurisdiction.

"Covered claim", an unsatisfied final judgment against an insolvent licensee entered in a civil action commenced on or after January first, nineteen hundred and eighty-six and before January first, nineteen hundred and eighty-seven, for bodily injury or property damage to a third party caused by an accidental occurrence arising from operation of a hazardous waste collection, disposal, treatment or storage facility in the commonwealth.

"Potential covered claim", a claim for bodily injury or property damage to a third party caused by an accidental occurrence arising from operation of a hazardous waste collection, disposal, treatment or storage facility in the commonwealth; which is the subject of a civil action against a licensee commenced on or after January first, nineteen hundred and eighty-six; and satisfaction of which is likely to require an amount exceeding the total amount of liability insurance available to satisfy the claim and the assets of the defendants available to satisfy the claim.

"Generator", a person who produces hazardous waste while engaged in business within the commonwealth.

"Insolvency fund", the Massachusetts hazardous waste insolvency fund established under section sixteen.

Section 16. There is hereby established a body politic and corporate to be known as the Massachusetts hazardous waste insolvency fund. All generators shall be and shall remain members of the insolvency fund.

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The insolvency fund shall perform its functions under the plan of operation established and approved under section twenty-two and shall exercise its powers through a board of directors established under section seventeen. The insolvency fund shall be subject to the immediate supervision of the commissioner. Meetings or records of the insolvency fund may be opened to the public upon a majority vote of the board of directors of the insolvency fund.

Section 17. (a) The board of directors of the insolvency fund shall consist of nine members, serving terms as established in the plan of operation. Five of the directors shall be elected by generators, subject to the approval of the commissioner, and four of the directors shall be appointed by the governor. Vacancies on the board shall be filled for the remaining period of the term by election or appointment in the same manner as the director which created the vacancy was elected or appointed. To elect the initial nonappointive directors and initially organize the insolvency fund, the commissioner shall give notice in a reasonable manner, by publication or otherwise in his discretion, to all generators of the time and place of the organizational meeting. In determining voting rights at the organizational meeting, each generator shall be entitled to vote in person or by proxy, and shall be entitled to one vote per ten thousand gallons of liquid or eighty thousand pounds of solid hazardous waste generated by the generator in the commonwealth in the next previous calendar year. In the event of a dispute as to the number of votes to which a generator is entitled, the commissioner shall promptly determine the issue in his sole discretion, after consulting with the commissioner of the department of environmental quality engineering. If the board of directors is not selected within sixty days after notice of the organizational meeting, the commissioner may appoint the initial elected members.

(b) In approving selections or in appointing members to the board, the commissioner shall consider, among other things, whether all generators are fairly represented.

(c) Members of the board may be reimbursed from the assets of the insolvency fund for expenses incurred by them in carrying out their duties as members of the board of directors, if the board approves of said reimbursement, but members of the board shall not otherwise be compensated by the insolvency fund for such services.

Section 18. (a) If a licensee is an impaired licensee, the insolvency fund may, in its discretion and subject to any conditions imposed by the insolvency fund, that do not impair the contractual obligations of the impaired licensee and that are approved by the commissioner:

(1) defend, guarantee, assume insure or reinsure, or cause to be defended, guaranteed, assumed, or insured, any or all of the potential covered claims against the impaired licensee; or

(2) provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate clause (1) and assure defense or payment of the potential covered claim against the impaired licensee pending action under said clause (1).

(b) If a member licensee is an insolvent licensee, the insolvency fund may, in its discretion, either (1) defend, guarantee, assume, insure or

reinsure, or cause to be defended, guaranteed, assumed or reinsured, the potential covered claims against the insolvent licensee; or (2) assure payment of the potential covered claims against the insolvent licensee; or (3) provide such monies, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties.

(c) The insolvency fund shall pay, pursuant to the procedures set forth in section nineteen, and subject to the limits described herein, so much of any covered claim against an insolvent licensee as exceeds the total of (1) the amount of liability insurance available to satisfy the judgment; and (2) the value of the assets of the insolvent licensee reasonably available to satisfy the judgment; and (3) the value of the assets of any other party liable jointly for all or any part of the said judgment to the extent that those assets are reasonably available to satisfy the judgment.

In no event shall the insolvency fund pay any part of an unsatisfied judgment arising out of one sudden accidental occurrence, to the extent that the judgment exceeds three million dollars, inclusive of interest and costs, nor shall the insolvency fund pay any amount for judgments against a single insolvent licensee for sudden accidental occurrences to the extent that the total of all said judgments exceed six million dollars, inclusive of interest and costs.

In no event shall the insolvency fund pay any part of an unsatisfied judgment arising out of one non-sudden accidental occurrence, to the extent that the judgment exceeds five million dollars, inclusive of interest and costs, nor shall the insolvency fund pay any amount for judgments against a single insolvent licensee for non-sudden accidental occurrences to the extent that the total of all said judgments exceed ten million dollars, inclusive of interest and costs.

Section 19. (1) Any person who commences a civil action against a licensee for damages arising out of an occurrence or occurrences in the commonwealth of unintentional release of hazardous waste into the environment from a facility in the commonwealth, shall give notice of the filing of said action to the insolvency fund, together with a statement of the amount of damages sought in the said action, within one hundred and eighty days after commencing said action and in no event later than July first, nineteen hundred and eighty-seven. Failure to give such notice within the period prescribed herein shall constitute a bar to any claim against the insolvency fund arising from any judgment entered in the said action.

(2) At any time after notice has been given pursuant to subsection (1), the plaintiff, the licensee or any affected party in the subject civil action may give notice to the insolvency fund that the licensee is or may be an impaired or insolvent licensee. The insolvency fund shall have authority to negotiate, settle or compromise any potential covered claim on terms which, in its judgment, adequately satisfy its potential liabilities.

(3) Any person who has provided timely notice of his claim against a licensee pursuant to subsection (1), whose claim has been reduced to a final judgment, all rights of appeal being exhausted, waived or expired and whose judgment exceeds the total of the amount of liability insurance or its equivalent available to satisfy the judgment and the

amount of cash, marketable securities or other liquid assets available to satisfy the judgment, may give notice of the said facts to the insolvency fund. The insolvency fund shall thereupon promptly verify said facts and upon verification shall treat the claim as a covered claim and pay it within ninety days in accordance with the provisions of paragraph (c) of section eighteen.

(4) If the insolvency fund fails to act within a reasonable period of time as provided in subsections (2) and (3), the commissioner shall have the powers and duties of the insolvency fund with respect to impaired or insolvent licensees.

(5) The insolvency fund may render assistance and advice to the commissioner, upon his request, concerning rehabilitation, payment of claims or the performance of other contractual obligations of any impaired or insolvent licensee.

(6) The insolvency fund shall have standing to appear before any court with jurisdiction over an impaired or insolvent licensee in any proceeding concerning matters for which the insolvency fund is or may become obligated under this chapter. Such standing shall extend to all matters germane to the powers and duties of the insolvency fund, including, but not limited to, proposals for insuring, modifying or guaranteeing the covered claims or potential covered claims of the impaired or insolvent licensee and the adjudication of the covered claims or potential covered claims. The insolvency fund shall also have the right to appear or intervene before any court with jurisdiction over a third party against whom the insolvency fund may have rights through subrogation, contribution or otherwise.

Section 20. (1) Any person receiving payment of a covered claim or potential covered claim under this chapter shall be deemed to have assigned the rights to, and any causes of action relating to the covered claim or potential covered claim to the insolvency fund to the extent of the benefits received under this chapter. The insolvency fund may require an assignment to it of such rights and cause of action by any payee as a condition precedent to the receipt of any right or benefits conferred upon such person. The insolvency fund shall be subrogated to the rights and cause of action of any such payee against the assets of the insolvent licensee.

(2) The subrogation and contribution rights of the insolvency fund under this subsection shall have the same priority against the assets of the impaired or insolvent licensee as that possessed by the person entitled to receive said benefits.

(3) In addition to paragraphs (1) and (2), the insolvency fund shall have all common law and statutory rights of subrogation, contribution and any other equitable or legal remedy which would have been available to the impaired or insolvent licensee or claimant with respect to such claim.

Section 21. (1) The insolvency fund, subject to the supervisory authority of the commissioner and as provided in the plan of operation, may:

(a) enter into such contracts as are necessary or proper to carry out the provisions and purposes of this chapter;

(b) sue or be sued, including taking any legal actions necessary or

proper for recovery of any unpaid assessments;

(c) borrow money to effect the purposes of sections fifteen to thirty, inclusive;

(d) employ or retain such persons as are necessary to handle the financial transactions of the insolvency fund and to perform such other functions as become necessary or proper;

(e) take such legal action as may be necessary to avoid payment of improper claims.

(2) The insolvency fund may join an organization of one or more other state funds or associations of similar purposes, to further the purposes and administer the powers and duties of the insolvency fund.

Section 22. (1) For the purpose of providing the funds necessary to carry out the powers and duties of the insolvency fund, the board of directors shall assess the generators at such time and for such amounts as the board finds necessary. Assessments shall be due not less than sixty days after prior written notice to the generators and shall accrue interest at twelve per cent per annum on and after the due date. Failure without just cause to pay any lawful assessment pursuant to this section and in accordance with the plan shall constitute a violation of this chapter.

(2) There shall be two classes of assessments, as follows:

(a) Class A assessments shall be made for the purpose of meeting administrative costs and other expenses. Class A assessments may be made whether or not related to a particular impaired or insolvent licensee.

(b) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the insolvency fund under section nineteen with regard to an impaired or insolvent licensee.

(3) The amount of any Class A assessment shall be determined by the board and may be made on a pro rata or non-pro rata basis. If pro rata, the board may provide that it be credited against future Class B assessments. A non-pro rata assessment shall not exceed one hundred and fifty dollars per generator in any one calendar year.

(4) Class B assessments against generators shall be made pro rata in the proportion that the gallons of liquid hazardous waste or pounds of solid hazardous waste generated in the commonwealth by each assessed generator during the calendar year preceding the assessment bears to the total of such wastes generated by all generators in the commonwealth for the calendar year preceding the assessment. For purposes of this assessment, the department of environmental quality engineering shall, at the request of the insolvency fund, determine the amount of such wastes in total and for each generator. One gallon of liquid hazardous waste shall be considered the equivalent of eight pounds of solid hazardous waste for purposes of calculating the assessment.

(5) Assessments for funds to meet the requirements of the insolvency fund with respect to an impaired or insolvent licensee shall not be made until necessary to implement the purposes of sections fifteen to thirty, inclusive. Classification and computation of assessments under this subsection shall be made expeditiously and with reasonable accuracy, recognizing that exact determinations may not always be possible.

(6) The insolvency fund may abate or defer, in whole or in part, the assessment of a generator if, in the opinion of the board, payment of the assessment would endanger the ability of the generator to continue in operation. In the event an assessment against a generator is abated, or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other generators in a manner consistent with the basis for assessments set forth in this section.

(7) The total of all assessments upon a generator shall not in any one calendar year exceed ten per cent of such generator's average annual gross revenues received in the commonwealth during the three calendar years preceding the assessment. If the maximum assessment, together with the other assets of the insolvency fund, does not provide in any one year an amount sufficient to carry out the responsibilities of the insolvency fund, the necessary additional funds shall be assessed as soon thereafter as permitted by sections fifteen to thirty, inclusive.

(8) The board may, by an equitable method as established in the plan of operation, refund to generators, in proportion to the contribution of each generator to the insolvency fund, the amount by which the assets of the insolvency fund exceed the amount the board finds is necessary to carry out during the coming year the obligations of the insolvency fund, including any assets accruing from assignment, subrogation, net realized gains and income from investments. A reasonable amount may be retained to provide funds for the continuing expenses of the insolvency fund and for future losses.

Section 23. (1) The insolvency fund shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable and equitable administration of the insolvency fund. The plan of operation and any amendments thereto shall become effective upon approval by the commissioner.

(2) If the insolvency fund fails to submit a plan of operation acceptable to the commissioner within one hundred and eighty days after the organization of the board of directors, or if at any time thereafter the insolvency fund fails to submit acceptable amendments to the plan, the commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules necessary to effectuate the provisions of sections fifteen to thirty, inclusive. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the insolvency fund and approved by the commissioner.

(a) All generators shall comply with the plan of operation.

(b) The plan of operation shall, in addition to requirements enumerated elsewhere:

(1) establish procedures for handling the assets of the insolvency fund,

(2) establish the amount, if any, and method of reimbursing members of the board of directors under section seventeen,

(3) establish regular places and times for meetings of the board of directors,

(4) establish procedures for records to be kept of all financial transactions of the insolvency fund, its agents, and the board of directors,

(5) establish any additional procedures for assessments under section twenty-one,

(6) contain additional provisions necessary or proper for the execution of the powers and duties of the insolvency fund.

Section 24. Any action of the board of directors or the insolvency fund may be appealed to the commissioner by any generator or any person adversely affected thereby, if such appeal is taken within thirty days of the action being appealed. If a generator is appealing an assessment, the amount assessed shall be paid to the insolvency fund and available to meet insolvency fund obligations during the pendency of an appeal. If the appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the generator. Any final action or order of the commissioner shall be subject to judicial review, pursuant to chapter thirty A.

Section 25. To aid in the detection and prevention of licensee insolvencies or impairments:

(1) The commissioner may seek the advice and recommendations of the board of directors concerning any matter affecting his duties and responsibilities regarding the financial condition of licensees.

(2) The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any licensee. Such reports and recommendations shall not be subject to public examination or copying under chapter sixty-six.

(3) It shall be the duty of the board of directors, upon majority vote, to notify the commissioner of any information indicating any licensee may be an impaired or insolvent licensee.

(4) The board of directors may, upon majority vote, request that the commissioner order an examination of any licensee which the board in good faith believes may be an impaired or insolvent licensee. Within thirty days of the receipt of such request, the commissioner shall begin such examination. The examination may be conducted by such persons as the commissioner designates. The licensee shall provide complete access to all its books and records to the commissioner or his designee for purposes of said examination. The cost of such examination shall be paid by the insolvency fund. In no event shall the examination report be released to the public or to the board of directors without the consent of the licensee. The commissioner shall notify the board of directors when the examination is completed. The request for an examination and any examination report shall be kept on file by the commissioner, but it and the examination report shall not be open to public inspection without the consent of the licensee.

(5) The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of licensee insolvencies.

(6) The board of directors shall, promptly after payment of any covered claims by the association, prepare a report to the commissioner containing such information as it may have in its possession bearing on the history and causes of the licensee's insolvency.

Section 26. (1) Records shall be kept of all negotiations and meetings in which the insolvency fund or its representatives are involved to discuss the activities of the insolvency fund in carrying out its powers

and duties. Records of such negotiations or meetings shall be made public only upon the termination of a bankruptcy, liquidation, rehabilitation, or conservation proceeding involving the impaired or insolvent licensee, upon the termination of the impairment or insolvency of the licensee, or upon the order of a court of competent jurisdiction. Nothing in this section shall limit the duty of the insolvency fund to render a report of its activities under section twenty-seven.

(2) For the purposes of this chapter, the insolvency fund shall be deemed to be a creditor of the impaired or insolvent licensee to the extent of any amounts to which the association is entitled as subrogee. Assets of the impaired or insolvent licensee, wherever located, shall be used to pay all covered claims against the impaired or insolvent licensee as required.

Section 27. The insolvency fund shall be subject to examination and regulation by the commissioner. The board of directors shall submit to the commissioner each year, not later than one hundred and twenty days after the end of the insolvency fund's fiscal year, a report of its activities during the preceding fiscal year, and for any year in which it expended, received or held any funds, in which it incurred any financial obligations or in or before which it received a notice of any potential covered claim, a financial report in a form approved by the commissioner.

Section 28. The insolvency fund shall be exempt from payment of all taxes levied by the commonwealth or any of its subdivisions, except taxes levied on real property.

Section 29. Until such time as the insolvency fund ceases to exist, the commissioner of the department of environmental quality engineering is hereby authorized to make an annual assessment against each licensee in an amount determined and certified by said commissioner as necessary to cover the costs incurred by the department and the division of insurance in carrying out their responsibilities relative to the administration of the insolvency fund pursuant to sections fifteen to thirty, inclusive. Said estimated assessment shall be allocated among all such licensees in a proportion deemed by the commissioner of said department to represent each licensee's pro rata share of the total amount of hazardous waste collection, treatment, disposal and storage within the commonwealth. Said assessment shall be paid to said commissioner of said department within thirty days of the date of the notice from said commissioner of such assessment. Failure without just cause to pay such assessment shall constitute a violation of this chapter. Prior to any such assessment the commissioner of insurance shall determine and certify to the commissioner of the department of environmental quality engineering the costs incurred by the division of insurance in carrying out its responsibilities relative to the administration of the insolvency fund.

Section 30. In the event that the monies in the insolvency fund are insufficient to provide for the purposes set forth in section eighteen, no claimant or any other person shall have any right to require the payment of funds or to compel any other action with respect to such occurrence by the commonwealth or by any agency thereof. Neither the

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commonwealth nor any agency thereof shall be liable for civil damages arising from any action taken in accordance with the provisions of sections fifteen to thirty, inclusive.

SECTION 2. Sections fifteen to thirty, inclusive of chapter twenty-one C of the General Laws are hereby repealed.

SECTION 3. In implementing and enforcing the financial responsibility provisions of chapter twenty-one C of the General Laws, the department of environmental quality engineering shall take into consideration the provisions of this act and all actions taken pursuant to this act, and require each licensee to provide evidence of financial responsibility in a reasonable amount, in addition to that provided by the insolvency fund.

SECTION 4. If the insolvency fund or the commissioner have received no notice of the filing of an action pursuant to section nineteen of chapter twenty-one C of the General Laws on or before July first, nineteen hundred and eighty-seven, the insolvency fund shall cease to exist.

SECTION 4A. There is hereby established a special commission to consist of four members of the senate, four members of the house of representatives, the secretary of environmental affairs or his designee, the secretary of consumer affairs or his designee, one person to be designated by the associated industries of Massachusetts, a representative of the liability insurance industry, a representative of the hazardous waste industry and a representative of an environmental protection association, and four persons to be appointed by the governor for the purpose of making an investigation and study of hazardous waste insurance which shall study the availability and cost of liability insurance for hazardous waste facilities in the commonwealth and potential solutions to any problems of unavailability or unaffordability of such insurance.

Said commission shall report the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before July first, nineteen hundred and eighty-six. Said clerk shall forward copies of said report to the joint committee on insurance and the house and senate committees on ways and means.

SECTION 5. Nothing in this act shall be construed to diminish or alter in any way the periods of limitations of actions set forth in chapter two hundred and sixty of the General Laws.

SECTION 6. Section one of this act shall take effect as of January first, nineteen hundred and eighty-six and section two shall take effect on July first, nineteen hundred and eighty-seven.

Approved March 31, 1986.

Chapter 11. AN ACT AUTHORIZING THE COMMONWEALTH TO REIMBURSE THE TOWN OF EASTON FOR CERTAIN MONIES EXPENDED FOR VETERANS' SERVICES.

Be it enacted, etc., as follows:

SECTION 1. There shall be allowed and paid out of the state treasury to the town of Easton, subject to appropriation and subject to the approval of the commissioner of veterans' services, a sum not exceeding thirty-three thousand and five hundred dollars as said town would have been entitled to receive in reimbursement for veterans' benefits paid by it in the years September through December, nineteen hundred and eighty-two, January through December nineteen hundred and eighty-three, January through December nineteen hundred and eighty-four, and January through December nineteen hundred and eighty-five, under the provisions of section six of chapter one hundred and fifteen of the General Laws had said town made a proper and seasonable report thereof to said commissioner required by said section six of said chapter one hundred and fifteen. As a condition of payment of such sum, said commissioner shall require said town to present evidence that such sum was paid in compliance with section five of said chapter one hundred and fifteen.

SECTION 2. Item 8312-8841 of section 3B of chapter 723 of the acts of 1983 is hereby amended by striking out the figure "850,000" and inserting in place thereof the figure:– 990,731.

SECTION 3. Item 8312-8842 of said section 3B of said chapter 723 is hereby amended by striking out the figure "850,000" and inserting in place thereof the figure:– 54,397.

SECTION 4. Item 8312-8843 of said section 3B of said chapter 723 is hereby amended by striking out the figure "850,000" and inserting in place thereof the figure:– 1,093,095.

SECTION 5. Item 8312-8844 of said section 3B of said chapter 723 is hereby amended by striking out the figure "850,000" and inserting in place thereof the figure:– 1,261,777.

Approved April 6, 1986.

EMERGENCY LETTER: April 7, 1986 @ 10:01 A.M.

Chapter 12. AN ACT FURTHER REGULATING THE CONDUCT OF PUBLIC OFFICIALS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the conduct of public officials, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The general court recognizes that in connection with standards for the conduct of public officials it should be recognized that under our democratic form of government, public officials and employees should be drawn from all of our society; that citizens who serve in government cannot and should not be expected to be without any personal interest in the decisions and policies of government; that citizens who are government officials and employees have a right to private interests of a personal, financial and economic nature; that such standards of conduct should separate those situations of conflicting interest which are inherent in a free society from those which are unacceptable.

SECTION 2. Chapter 268A of the General Laws is hereby amended by striking out section 23, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 23. (a) In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth, are hereby established for all state, county, and municipal employees.

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;

(2) use or attempt to use his official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;

(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

(c) No current or former officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;

(2) improperly disclose materials or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

(d) Any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provisions of this section. The state ethics commission, established by

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chapter two hundred and sixty-eight B, shall not enforce the provisions of this section with respect to any such exempted activity.

(e) Where a current employee is found to have violated the provisions of this section, appropriate administrative action as is warranted may also be taken by the appropriate constitutional officer, by the head of a state, county or municipal agency. Nothing in this section shall preclude any such constitutional officer or head of such agency from establishing and enforcing additional standards of conduct.

(f) Upon qualification for office following an appointment or election to a municipal agency, such appointed or elected person shall be furnished by the city or town clerk with a copy of this section. Each such person shall sign a written acknowledgement that he has been provided with such copy.

SECTION 3. Section 3 of chapter 268B of the General Laws, as so appearing, is hereby amended by striking out clause (d) and inserting in place thereof the following clause:–

(d) make statements and reports filed with the commission available for public inspection and copying during regular office hours upon the written request of any individual who provides identification acceptable to the commission, including his affiliation, if any, at a charge not to exceed the actual administrative and material costs required in reproducing said statements and reports; the commission shall forward a copy of said request to the person whose statement has been examined.

SECTION 4. Said section 3 of said chapter 268B, as so appearing, is hereby further amended by striking out clause (i) and inserting in place thereof the following clause:–

(i) act as the primary civil enforcement agency for violations of all sections of chapter two hundred and sixty-eight A and of this chapter.

SECTION 5. Said chapter 268B is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section:–

Section 4. (a) Upon receipt of a sworn complaint signed under pains and penalties of perjury, or upon receipt of evidence which is deemed sufficient by the commission, the commission shall initiate a preliminary inquiry into any alleged violation of chapter two hundred and sixty-eight A or this chapter. At the beginning of a preliminary inquiry into any such alleged violation, the general counsel shall notify the attorney general of such action. All commission proceedings and records relating to a preliminary inquiry or initial staff review to determine whether to initiate an inquiry shall be confidential, except that the general counsel may turn over to the attorney general, the United States Attorney or a district attorney of competent jurisdiction evidence which may be used in a criminal proceeding. The general counsel shall notify any person who is the subject of the preliminary inquiry of the existence of such inquiry and the general nature of the alleged violation within thirty days of the commencement of the inquiry.

(b) If a preliminary inquiry fails to indicate reasonable cause for

belief that this chapter or said chapter two hundred and sixty-eight A has been violated, the commission shall immediately terminate the inquiry and so notify, in writing, the complainant, if any, and the person who had been the subject of the inquiry. All commission records and proceedings from any such preliminary inquiry, or from any initial staff review to determine whether to initiate an inquiry, shall be confidential.

(c) If a preliminary inquiry indicates reasonable cause for belief that this chapter or said chapter two hundred and sixty-eight A has been violated, the commission may, upon a majority vote, initiate an adjudicatory proceeding to determine whether there has been such a violation.

(d) The commission may require by summons the attendance and testimony of witnesses and the production of books, papers and other records relating to any matter being investigated by it pursuant to this chapter or said chapter two hundred and sixty-eight A. Such summons may be issued by the commission only upon a majority vote of the commission and shall be served in the same manner as summonses for witnesses in civil cases, and all provisions of law relative to summonses issued in such cases, including the compensation of witnesses, shall apply to summonses issued by the commission. Any justice of the superior court may, upon application by the commission, in his discretion issue an order requiring the attendance of witnesses summoned as aforesaid and the giving of testimony or the production of books, papers and other records before the commission in furtherance of any investigation pursuant to the provisions of this chapter or said chapter two hundred and sixty-eight A.

(e) Any member of the commission may administer oaths and any member of the commission may hear testimony or receive other evidence in any proceeding before the commission.

(f) All testimony in a commission adjudicatory proceeding shall be under oath. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who testify, to submit evidence, and to be represented by counsel. Before testifying, all witnesses shall be given a copy of the regulations governing commission proceedings. All witnesses shall be entitled to be represented by counsel.

(g) Any person whose name is mentioned during an adjudicatory proceeding of the commission and who may be adversely affected thereby may appear personally before the commission on his own behalf, with or without an attorney, to give a statement in opposition to such adverse mention or file a written statement of such opposition for incorporation into the record of the proceeding.

(h) All adjudicatory proceedings of the commission carried out pursuant to the provisions of this section shall be public, unless the members vote to go into executive session.

(i) Within thirty days after the end of an adjudicatory proceeding pursuant to the provisions of this section, the commission shall meet in executive session for the purpose of reviewing the evidence before it. Within thirty days after completion of deliberations, the commission shall publish a written report of its findings and conclusions.

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(j) The commission, upon a finding pursuant to an adjudicatory proceeding that there has been a violation of said chapter two hundred and sixty-eight A or a violation of this chapter, may issue an order requiring the violator to:

(1) cease and desist such violation of said chapter two hundred and sixty-eight A or this chapter;

(2) file any report, statement or other information as required by said chapter two hundred and sixty-eight A or this chapter; or

(3) pay a civil penalty of not more than two thousand dollars for each violation of this chapter or said chapter two hundred and sixty-eight A.

The commission may file a civil action in superior court to enforce such order.

(k) Any final action by the commission made pursuant to this chapter shall be subject to review in superior court upon petition of any party in interest filed within thirty days after the action for which review is sought. The court shall enter a judgment enforcing, modifying or setting aside the order of the commission or it may remand the proceedings to the commission for such further action as the court may direct.

SECTION 6. This act shall take effect upon its passage and, except with respect to any violation of section twenty-three of chapter two hundred and sixty-eight A of the General Laws, it shall apply to all complaints, inquiries, investigations and adjudicatory proceedings which were pending before the state ethics commission as of July ninth, nineteen hundred and eighty-five or which were filed or initiated after such date. With respect to any violation of said section twenty-three, the commission shall exercise jurisdiction of any violation occurring on or after the effective date of this act.

Approved April 8, 1986.

**Chapter 13. AN ACT AUTHORIZING MEMBERS OF THE BOARDS
OF DIRECTORS OF CO-OPERATIVE BANKS TO
CONTINUE TO SERVE BEYOND THE AGE OF
SEVENTY-TWO.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize members of the board of directors of co-operative banks to continue to serve beyond the age of seventy-two, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 9 of chapter 170 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– The shareholders shall elect the directors, each of whom shall be a citizen of the United States and a resident of the commonwealth at the time of his election.

ACTS, 1986. – Chaps. 14, 15.

**Chapter 14. AN ACT AUTHORIZING THE STATE SECRETARY TO
AUTHORIZE THE SOLEMNIZATION OF A CERTAIN
MARRIAGE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the state secretary to authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by David M. Borden, as he is an appellate court judge in the state of Connecticut, in the city of Holyoke on April nineteenth, nineteen hundred and eighty-six between Elizabeth Louise Anthony and Steven Binder, both of the town of Boxborough, and the state secretary shall issue to said David M. Borden in his capacity as aforesaid a certificate of such authorization.

Approved April 8, 1986.

**Chapter 15. AN ACT RELATIVE TO THE EXECUTIVE AND
MANAGERIAL POWERS OF THE MAYOR OF THE CITY
OF CHELSEA.**

Be it enacted, etc., as follows:

SECTION 1. Part II of chapter 680 of the acts of 1911 is hereby amended by striking out section 50 and inserting in place thereof the following section:–

Section 50. The mayor shall be the chief executive, administrative and operating officer of the city and notwithstanding any grants of the power of control and supervision made by ordinance or any regulations promulgated thereunder to any department head, officer or board, the executive, administrative and operating power of the city, except as otherwise provided herein, shall be vested in the mayor and shall be exercised by him either personally or through the several department heads, officers or boards under his supervision and control. The mayor shall not, in whole or in part, divert from the purpose, use or locality assigned to it by the board of aldermen any appropriations of moneys made by the city government.

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

Approved April 15, 1986.

ACTS, 1986. – Chaps. 16, 17.

Chapter 16. AN ACT CHANGING THE NAME OF THE CENTERVILLE-OSTERVILLE FIRE DISTRICT TO THE CENTERVILLE-OSTERVILLE-MARSTON MILLS FIRE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 169 of the acts of 1937 is hereby amended by striking out, in line 1, the words "Centerville-Osterville" and inserting in place thereof the words:- Centerville-Osterville-Marston Mills.

SECTION 2. Section 2A of said chapter 169 is hereby amended by striking out, in line 1, the words "Centerville-Osterville" and inserting in place thereof the words:- Centerville-Osterville-Marston Mills.

SECTION 3. Section 1 of chapter 5 of the acts of 1967 is hereby amended by striking out, in line 4, the words "Centerville-Osterville" and inserting in place thereof the words:- Centerville-Osterville-Marston Mills.

SECTION 4. Chapter 6 of the acts of 1967 is hereby amended by striking out, in lines 1 and 8, the words "Centerville-Osterville" and inserting in place thereof, in each instance, the words:- Centerville-Osterville-Marston Mills.

SECTION 5. This act shall take effect upon its passage.

Approved April 15, 1986.

Chapter 17. AN ACT EXTENDING THE TIME FOR MARK P. GOUSIE TO COMPLETE A CERTAIN COURSE NECESSARY FOR RECERTIFICATION AS AN AMBULANCE OPERATOR OR ATTENDANT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section six of chapter one hundred and eleven C of the General Laws, the department of public health is hereby authorized to extend the time for Mark P. Gousie to complete a supplemental course in emergency medical care necessary for recertification to January nineteen hundred and eighty-eight; provided, however, that until such time that all requirements for recertification are met as provided by departmental regulations, Mark P. Gousie shall not serve as an ambulance operator or attendant.

Approved April 16, 1986.

ACTS, 1986. – Chaps. 18, 19.

Chapter 18. AN ACT RELATIVE TO PURCHASING AGENTS IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Section 103 of chapter 41 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 13, the words "two hundred and fifty" and inserting in place thereof the words:—one thousand.

Approved April 16, 1986.

Chapter 19. AN ACT RELATIVE TO THE BOARD OF REGISTRATION FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the licensing of certain speech-language pathologist and audiologist, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 666 of the acts of 1982 is hereby amended by striking out section 4 and inserting in place thereof the following two sections:—

Section 4. The board shall be empowered to waive requirements relative to education and experience for licensure, under unusual and extenuating circumstances, as determined by the board. In each such case, the board shall prepare written findings of the unusual and extenuating circumstances warranting each individual waiver, and attesting to such individual's qualifications found by the board to support such waiver.

Section 4A. Any person who applied to the board for a license on or before August first, nineteen hundred and eighty-five shall have masters level education requirements waived provided said applicant was actively engaged in the practice of speech-language pathology or audiology in the commonwealth for a period of one continuous year, between January seventh, nineteen hundred and eighty-three to June thirtieth, nineteen hundred and eighty-five, inclusive, and has been issued a certificate from the department of education for the practice of speech-language pathology or audiology in the commonwealth.

SECTION 2. This act shall cease to be operative as of January first, nineteen hundred and eighty-seven.

Approved April 17, 1986.

EMERGENCY LETTER: April 17, 1986 @ 2:48 P.M.

ACTS, 1986. – Chaps. 20, 21, 22.

Chapter 20. AN ACT RELATIVE TO THE CONSOLIDATION OF BONDS AND NOTES ISSUED BY CITIES AND TOWNS.

Be it enacted, etc., as follows:

Section 16 of chapter 44 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

Notwithstanding any contrary provision of any general or special law, bonds, notes and certificates of indebtedness for different purposes and under different authorizations, whether or not subject to any debt limit, may be consolidated and issued at the same time; and, if they bear on their face the words "Municipal Purpose Loan of _____" followed by the year of issue in figures, they need not bear any title otherwise required but shall be conclusively presumed to be properly denominated on their face. The treasurer of the city, town or district shall maintain records showing the portion of each consolidated issue, and of each maturity thereof, allocable to each authorization and subject to any applicable debt limit and shall forward a copy of such records to the director of the bureau of accounts within thirty days of the sale of the bonds, notes or certificates of indebtedness. Each such portion of the issue shall comply with the maturity requirements applicable thereto.

Approved April 17, 1986.

Chapter 21. AN ACT INCREASING THE COMPENSATION FOR MEMBERS OF THE EXECUTIVE COUNCIL.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section 3, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 3. Each member of the council shall receive a salary of ten thousand four hundred dollars.

SECTION 2. This act shall take effect on July sixth, nineteen hundred and eighty-six.

Approved April 17, 1986.

EMERGENCY LETTER: April 22, 1986 @ 2:55 P.M.

Chapter 22. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF JANICE CUNNINGHAM AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for

ACTS, 1986. – Chaps. 23, 24.

appointment of Janice Cunningham as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Janice Cunningham for appointment as a police officer according to the grade she received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that she had attained the maximum age for said position; provided, however, that she fulfills all other requirements for certification as such police officer.

Approved April 22, 1986.

Chapter 23. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF JOHN VALLIS AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment for John Vallis as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify John Vallis of the city of Woburn for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved April 22, 1986.

Chapter 24. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF DONALD ROBERT DiMARE AS A POLICE OFFICER IN THE CITY OF MEDFORD NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of Donald Robert DiMare as a police officer, therefore it is

ACTS, 1986. – Chap. 25.

hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The personnel administrator of the division of personnel administration shall certify Donald Robert DiMare for appointment as a police officer in the city of Medford according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he has attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification and appointment as a police officer.

Approved April 22, 1986.

**Chapter 25. AN ACT RELATIVE TO CERTAIN PROTECTIONS FOR
CONSUMERS OBTAINING MORTGAGES ON
RESIDENTIAL REAL ESTATE LOCATED IN THE
COMMONWEALTH.**

Be it enacted, etc., as follows:

SECTION 1. Section 61 of chapter 183 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— A mortgagee holding a first mortgage or lien on a dwelling house located in the commonwealth of four or fewer separate households occupied or to be occupied in whole or in part by the mortgagor who requires advance payments, deposits or other security by said mortgagor for the payment of real estate taxes on mortgaged property, shall pay interest to said mortgagor on any amount so paid or deposited in advance.

SECTION 2. Said chapter 183 is hereby further amended by striking out section 63, as so appearing, and inserting in place thereof the following section:—

Section 63. A mortgagee shall not charge a loan fee, finder's fee, points, so called, or similar fees in a mortgage transaction involving a residential property located in the commonwealth of four or less units and occupied or to be occupied in whole or in part by the mortgagor, except to the extent such fees or points constitute reimbursement for reasonable originating or underwriting expenses, as determined by the commissioner, incurred by the mortgagee and reimbursement for any commitment or other fees paid or to be paid by the mortgagee for the intended purposes of selling mortgage loans in the secondary mortgage market; provided, however, that this section shall not apply to loans guaranteed in whole or in part by the Veterans Administration, loans insured by the Federal Housing Administration, or other loans subject to governmentally imposed interest rate ceilings, as determined by the commissioner.

ACTS, 1986. – Chaps. 26, 27.

SECTION 3. Section 64 of said chapter 183, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:– No mortgagee shall discriminate, on a basis that is arbitrary or unsupported by a reasonable analysis of the lending risks associated with a residential mortgage transaction, in the granting, withholding, extending, modifying or renewing, or in the fixing of the rates, terms, conditions or provisions of any residential mortgage loan or in any written application therefor on residential real property located in the commonwealth of four or fewer separate households occupied or to be occupied in whole or in part by the applicant, that is within the reasonable service area of such mortgagee, on the basis such property is located in a specific neighborhood or geographical area; provided, however, that it shall not be a violation of this section if the residential mortgage loan is made pursuant to a specific public or private program, the purpose of which is to increase the availability of mortgage loans within a specific neighborhood or geographical area. Nor shall any mortgagee use lending or underwriting standards, policies, systems or practices, that discriminate in practice or that discriminate in effect, on a basis that is arbitrary or unsupported by a reasonable analysis of the lending risks associated with a residential mortgage transaction.

Approved April 22, 1986.

**Chapter 26. AN ACT AUTHORIZING THE CERTIFICATION FOR
APPOINTMENT OF DONALD CALL AS A POLICE
OFFICER NOTWITHSTANDING THE MAXIMUM AGE
REQUIREMENTS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of Donald Call as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Donald Call of the city of Beverly for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved April 24, 1986.

**Chapter 27. AN ACT EXEMPTING CERTAIN POSITIONS IN THE
OFFICES OF THE CITY CLERK AND ELECTIONS AND**

ACTS, 1986. – Chaps. 28, 29.

**REGISTRATION IN THE CITY OF WESTFIELD FROM
THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. All clerical positions in the offices of the city clerk and elections and registration in the city of Westfield shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person employed in clerical positions in the offices of the city clerk or elections and registration on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1986.

**Chapter 28. AN ACT AUTHORIZING THE STATE SECRETARY TO
AUTHORIZE THE SOLEMNIZATION OF A CERTAIN
MARRIAGE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by the Honorable John E. Fenton, who is a judge of the land court in the commonwealth, in the town of Barnstable on May fourth, nineteen hundred and eighty-six between Judith Ann Connelly of the city of Boston and Andrew Lemelman of the city of Newton, and the state secretary shall issue to said Honorable John E. Fenton in his capacity as aforesaid a certificate of such authorization.

Approved April 24, 1986.

**Chapter 29. AN ACT AUTHORIZING THE REIMBURSEMENT OF
CALL FIRE AND CALL AMBULANCE PERSONNEL IN
THE TOWN OF HOLLISTON FOR CERTAIN MEDICAL
EXPENSES.**

Be it enacted, etc., as follows:

ACTS, 1986. – Chaps. 30, 31.

SECTION 1. Notwithstanding the provisions of section one hundred of chapter forty-one of the General Laws, the town of Holliston is hereby authorized to assume medical expenses and to compensate the call fire and the call ambulance personnel of the fire department in the event of injury, disability or death while in the line of duty and to purchase a policy or policies of insurance for said purpose. Such compensation shall be in accordance with a schedule approved by the board of selectmen and such schedule may exceed any statutory limits provided for in section eighty-five H of chapter thirty-two of the General Laws.

SECTION 2. Notwithstanding the provisions of any general or special law or regulation to the contrary, the town of Holliston is hereby authorized to appropriate in any year money to establish a fund, which shall be kept separate and apart from all other monies by the treasurer, for the purpose of making medical and disability payments for call fire and call ambulance personnel of the town of Holliston who are injured in the line of duty and to pay the costs of any policy or policies of insurance purchased for said purpose. Said fund may be deposited or invested in such manner as may be legal for the town.

SECTION 3. The action taken with respect to Article 4 of the warrant for the special town meeting held on July twenty-fourth, nineteen hundred and eighty-five is hereby validated, ratified and confirmed as if sections one and two were in effect at the same time as the said town meeting was held.

SECTION 4. This act shall take effect upon its passage.

Approved April 24, 1986.

**Chapter 30. AN ACT REPEALING THE REQUIREMENT OF
LOYALTY OATHS FOR PUBLIC EMPLOYEES OF THE
COMMONWEALTH.**

Be it enacted, etc., as follows:

Sections fourteen and fifteen of chapter two hundred and sixty-four of the General Laws are hereby repealed.

Approved April 24, 1986.

**Chapter 31. AN ACT AUTHORIZING THE CERTIFICATION FOR
APPOINTMENT OF AHMAD MURULLAH AS A POLICE
OFFICER IN THE CITY OF BOSTON NOTWITH-
STANDING THE MAXIMUM AGE REQUIREMENTS.**

Be it enacted, etc., as follows:

ACTS, 1986. – Chaps. 32, 33.

The administrator of the division of personnel administration shall certify Ahmad Murullah for appointment as a police officer in the city of Boston according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved April 24, 1986.

Chapter 32. AN ACT AUTHORIZING ESTIMATED TAX PAYMENTS FOR THE TOWN OF LUDLOW FOR THE FIRST HALF OF FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-SEVEN.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Ludlow is hereby authorized to issue a first half notice of estimated tax in lieu of the actual assessment and issuance of the tax bill for the fiscal year nineteen hundred and eighty-seven and require the payment of such estimated tax, which shall in no event exceed fifty per cent of the tax payable during the preceding fiscal year. Payment of the balance of the tax bill after establishment of the tax rate for fiscal year nineteen hundred and eighty-seven, after credit is given for the estimated tax payment previously made, shall represent the second payment upon such bill that is payable on or before May first, nineteen hundred and eighty-seven without payment of interest.

All provisions of law regarding the procedures for issuing, mailing and collecting tax assessments upon real and personal property and betterment assessments shall be applicable to the notice of estimated tax provided hereunder, including the payment of interest under section fifty-seven of chapter fifty-nine of the General Laws. To the extent that any rights or remedies under law accrue from the date that the tax bill is issued, only the tax bill issued upon the establishment of the tax rate for fiscal year nineteen hundred and eighty-seven shall govern such rights or remedies.

The provisions of section twenty-one C of said chapter fifty-nine shall apply to the tax rate for the fiscal year nineteen hundred and eighty-six established by said town of Ludlow.

Approved April 24, 1986.

Chapter 33. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF STEPHEN R. ZOLLIN AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

ACTS, 1986. – Chaps. 34, 35.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Stephen R. Zollin of the town of Northbridge for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved April 24, 1986.

**Chapter 34. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE
TOWN OF RAYNHAM AS THE AUGUSTUS CAYTON
OLIVER, JUNIOR BRIDGE.**

Be it enacted, etc., as follows:

The bridge located on state highway Route 24 at North Main street and the interstate highway 495 overpass in the town of Raynham shall be designated and known as the Augustus Cayton Oliver, Junior bridge. A suitable marker bearing said designation shall be attached thereto by the department of public works in compliance with standards of said department and as authorized by the federal highway administration.

Approved April 25, 1986.

**Chapter 35. AN ACT MAKING CERTAIN CORRECTIVE CHANGES
IN CERTAIN GENERAL AND SPECIAL LAWS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain corrective changes in certain general and special laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 90C of the General Laws is hereby amended by striking out section 3, as appearing in section 3 of chapter 794 of the acts of 1985, and inserting in place thereof the following section:–

Section 3. (A) If a police officer records the occurrence of an automobile law violation as defined in section one for which the maximum penalty or fine does not exceed one hundred dollars for the first offense and does not provide for a penalty of imprisonment, excepting operation of a motor vehicle in violation of the first paragraph of section ten of chapter ninety, or violation of section twenty-five of chapter ninety, the police officer may direct that a written warning be issued or may cite the violator for a civil motor vehicle infraction in accordance with this subsection.

If the police officer cites the violator for a civil motor vehicle infraction, the citation shall notify the violator that he may, whether he is an adult or a juvenile, contest the violation at a non-criminal hearing before a clerk-magistrate of the district court of the judicial district in which the violation occurred, or that, in the alternative, he may waive said hearing and pay the assessment for the violation as established by schedules of assessments promulgated by the chief justice of the district court department for said department and by the chief justice of the Boston municipal court department for said department; provided, however, that these shall be the only alternatives available to the violator; and provided, further, that if a criminal violation cognizable under subsection (B) is recorded in conjunction with and arising from the same occurrence as the civil infraction, the provisions of the third paragraph of said subsection (B) shall govern. The scheduled assessments shall not exceed the maximum assessments, heretofore considered penalties or fines, established by law for the particular violation. A copy of such schedule of assessments shall be so posted in the office of the clerk-magistrate of each district court so as to be plainly visible to the public. The total amount of the assessment payable by the violator in accordance with such schedule shall be indicated by the police officer on the citation.

If the violator elects to waive the hearing before the clerk-magistrate and pay the scheduled assessment, he must, not later than twenty days after the date of said violation, appear before the clerk-magistrate of the appropriate district court, either personally or through an agent duly authorized in writing, with the citation appropriately marked, or within said time mail to said clerk-magistrate, with the citation appropriately marked, the scheduled assessment provided therein. Such payment, when made by mail, shall be made only by postal note, money order, or check. The payment of such assessment shall operate as a final disposition of the case.

If any person notified to appear hereunder indicates by return of the citation, appropriately marked, within twenty days after the date of the violation, that he requests a hearing on the violation charged, the clerk-magistrate shall as soon as practicable, unless a hearing date was entered on the citation at the time of its issuance pursuant to procedures established or approved by the chief justice of the district court department for one or more divisions of said department or by the chief justice of the Boston municipal court department for said department, notify the officer concerned and the violator of the date on which they shall appear ready for hearing before the clerk-magistrate or the date on which they shall appear ready for a combined hearing and trial before a justice if the violator has been cited for a violation cognizable under subsection (B) in conjunction with and arising from the same occurrence as a violation capable of being judicially heard and determined under this subsection. A person who does not request a hearing on the violation charged within said twenty days shall not be entitled to a hearing thereafter.

Clerk-magistrates shall exercise their authority to conduct civil motor vehicle infraction hearings and all other authority hereunder subject to

the limitations of section sixty-two C of chapter two hundred and twenty-one. Either party may appeal the decision of the clerk-magistrate to a justice, who shall hear the case de novo. There shall be no right of jury trial for civil motor vehicle infractions. The clerk-magistrate or justice shall, after hearing, and the justice shall, after hearing on an appeal de novo, find the violator responsible if he determines by a preponderance of the credible evidence that the alleged violator committed the violation charged; otherwise the clerk-magistrate or justice shall find the violator not responsible. If the violator is found responsible, the clerk-magistrate or justice shall impose an assessment which shall be within the range permitted by law; provided, however, that the chief justice of the district court department for said department and the chief justice of the Boston municipal court department for said department shall be authorized to issue guidelines for the imposition of assessments in civil motor vehicle infractions to the end that said assessments are made as uniformly as possible, which guidelines shall be binding on justices and clerk-magistrates; and provided, further, that, without limiting the generality of the foregoing, said guidelines may include provisions requiring that a prescribed assessment, or minimum assessment, within the range permitted by law, be made by all clerk-magistrates or all justices or both in the case of any specified civil motor vehicle infraction for which a violator is found responsible. The clerk-magistrate or justice may allow the violator a reasonable time to pay any assessment imposed.

Appeal on matters of law from the decision of a justice in the case of a civil motor vehicle infraction shall be to the appellate division, and shall be governed by rules promulgated by the chief justice of the district court department for said department and by the chief justice of the Boston municipal court department for said department, which rules shall provide for a simplified method of appeal. Appeals from the Boston division of the juvenile court department shall be to the appellate division of the juvenile court of the city of Boston, and appeals from any other division of the juvenile court department shall be heard by the justices assigned to the appellate division district of the juvenile court department within the territorial jurisdiction of which said division is located.

Nothing contained herein shall be deemed to limit the availability of any remedies which may be available to the court in the case of a violator who has failed within twenty days of the date of the violation either to pay the scheduled assessment or notify the clerk-magistrate that he wishes to contest the violation, failed or refused to pay an assessment within the time allowed or failed without good cause to appear for a hearing. Issuance of a summons or warrant, including a warrant of distress as provided in section forty-two of chapter two hundred and seventy-nine, and issuance of notices as the court deems necessary, shall specifically be allowed. Proceedings for civil contempt, including incarceration therefor, also shall specifically be allowed, and shall be prosecuted by the district attorney or police prosecutor and heard by a justice pursuant to rules of court. Any summons or warrant

issued pursuant to this section may be served by any officer authorized to serve criminal process.

(B) If a police officer records the occurrence of an automobile law violation as defined in section one for which the maximum penalty or fine for the first offense exceeds one hundred dollars or provides for a penalty of imprisonment, or operation of a motor vehicle in violation of the first paragraph of section ten of chapter ninety, or violation of section twenty-five of chapter ninety, the police officer may direct that a written warning be issued, may arrest the violator without a warrant in accordance with the provisions and limitations of section twenty-one of chapter ninety, for such offenses as specified in said section or may direct that an application for a complaint be filed.

If the police officer directs that an application for a complaint be filed, he shall so indicate on the citation. If he so indicates, the citation given to the violator shall have printed thereon a statement that the violator shall, if he so requests in writing to the appropriate district court within four days of the alleged violation, be granted a hearing on said violation before any process shall issue, as provided in section thirty-five A of chapter two hundred and eighteen, and such printed statement shall be deemed to satisfy the notice requirements of said section thirty-five A of chapter two hundred and eighteen. If an application for a complaint is so indicated and a complaint is issued, with or without the above-mentioned hearing, the procedure established for criminal cases shall then be followed. If the police officer directs that an application for a complaint be filed, the citation shall serve as the application and the police chief or person authorized by him shall deposit all parts of the citation, except the police officer's copy and the police department copy, with the clerk-magistrate of the appropriate district court at a time no later than the end of the second court day after the date of the violation. The police chief may, from time to time, designate one person to sign all such complaints.

If a criminal violation capable of being judicially heard and determined under this subsection is recorded by a police officer, the violator shall not have the option to dispose of the violation as provided in subsection (A). If a criminal violation capable of being judicially heard and determined under this subsection is recorded by a police officer in conjunction with and arising from the same occurrence as a civil motor vehicle infraction cognizable under the provisions of subsection (A), the criminal violation and the civil motor vehicle infraction shall be recorded on the same citation whenever feasible. Any hearing on a civil motor vehicle infraction shall be heard by a justice and shall be heard at the same time as the related criminal or delinquency proceeding; provided, however, that in such case the civil motor vehicle infraction shall retain its character as such and shall be decided and disposed of by the justice under the same general procedures and with the same provisions as to disposition and assessments that would be applicable in the absence of a related criminal or delinquency proceeding; and provided, further, that the violator shall retain the right to dispose of the civil motor vehicle infraction by payment of the same scheduled assessment that would be applicable in the absence of a related criminal

or delinquency proceeding, but the right to pay said scheduled assessment shall be exercised only before a justice and in open court and at such time as the justice prescribes. If the violator exercises his right to trial by jury in the first instance with respect to the criminal violation, the civil motor vehicle infraction shall be heard by the justice presiding over such trial. The justice may conduct such hearing simultaneously with the criminal trial, or may sever the hearing of the civil motor vehicle infraction from the trial of the criminal violation if justice so requires. The several divisions of the juvenile court department shall have jurisdiction over civil motor vehicle infractions that are recorded in conjunction with and that arise from the same occurrence as a violation that is treated as a delinquency matter in said divisions.

(C) If a violator in the case of a civil motor vehicle infraction cognizable under subsection (A) fails within twenty days of the date of the violation either to pay the scheduled assessment or notify the clerk-magistrate that he wishes to contest the violation, or if a violator in the case of any automobile law violation, whether capable of being judicially heard and determined under subsection (A) or subsection (B), fails without good cause to appear for a hearing before the clerk-magistrate or a justice at the time required, said defendant having been summoned or notice of such hearing having been given either personally or by mail to the address shown on registry of motor vehicles records unless another address is indicated on the citation or on the request for hearing, or fails to pay a fine, penalty, assessment, or other lawful amount within the time allowed, the clerk-magistrate shall notify the registrar. Such notice to the registrar may be given more than once in the same case if necessary. Nothing herein shall be deemed to prevent, in addition to notice to the registrar, the sending of such additional written notices or court process to the violator as may be deemed necessary.

Upon receipt of said notice, the registrar shall give such person written notice by first class mail directed to his residential or mail address, as reported to the registrar pursuant to section twenty-six A of chapter ninety, or to such person's last known address as furnished by such person to the citing officer or to the court, that his operator's license, learner's permit or right to operate will be suspended by operation of law and without further notice or hearing at the expiration of thirty days from the date of the mailing of such written notice, which expiration date shall be specifically indicated by the registrar in said notice, and that any license to operate a motor vehicle or any registration of a motor vehicle issued to said violator by the registrar will not be renewed upon or after the expiration date of said license or registration, unless and until the violator presents the registrar with a certificate of the justice or clerk-magistrate of the court that the violation has been disposed of in accordance with law or that the violator is attending to the matter to the satisfaction of the court. The court shall not unreasonably withhold such certificate.

If any person fails to present the certificate provided above in the time provided above, his operator's license, learner's permit or right to

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operate shall be deemed suspended by operation of law on the date indicated on the notice mailed to him by the registrar. The registrar shall place such suspension on record and shall not reinstate such license, learner's permit or right to operate, nor renew any operator's license or motor vehicle registration issued to said violator, until the certificate referred to above is presented; provided, however, that the registrar shall be authorized to revoke the notice to the violator provided for in the preceding paragraph if he is satisfied that said notice was issued through error of the registrar or the court; and provided, further, that the court shall be notified of any such revocation by the registrar.

The registrar is hereby authorized to enter into reciprocal and mutual agreements with other states with regard to the interstate enforcement of motor vehicle violations and all other matters relating to motorists and motor vehicles, upon approval by the secretary of public safety.

SECTION 2. Chapter 175 of the General Laws is hereby amended by striking out section 47D, inserted by section 1 of chapter 683 of the acts of 1985, and inserting in place thereof the following section:–

Section 47E. Any blanket or general policy of insurance described in sub-division (A), (C), or (D) of section one hundred and ten which is issued or subsequently renewed by agreement between the insurer and the policyholder, within or without the commonwealth, during the period this provision is effective, or any policy of accident and sickness insurance as described in section one hundred and eight which provides hospital expense and surgical expense insurance and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policyholder in the commonwealth during the period that this provision is effective shall provide benefits for services of a certified nurse midwife; provided, however, that expenses for such services are reimbursed when such services are performed by any other duly licensed practitioner; and provided, further, that such services are within the lawful scope of practice for a certified nurse midwife.

SECTION 3. Said chapter 175 is hereby further amended by striking out section 47D, inserted by section 1 of chapter 715 of the acts of 1985, and inserting in place thereof the following section:–

Section 47F. Any blanket or general policy of insurance, except a blanket or general policy of insurance which provides supplemental coverage to medicare or other governmental programs, described in subdivision (A), (C) or (D) of section one hundred and ten which provides hospital expense and surgical expense insurance and which is issued or subsequently renewed by agreement between the insurer and the policyholder, within or without the commonwealth, during the period this provision is effective, or any policy of accident or sickness insurance as described in section one hundred and eight which provides hospital expense and surgical expense insurance, except a policy which provides supplemental coverage to medicare or other governmental programs, and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policyholder in the commonwealth, during the period that this provision is effective, or any

employees' health and welfare fund which provides hospital expense and surgical expense benefits and which is promulgated or renewed to any person or group of persons in the commonwealth, while this provision is effective, shall provide benefits for expense of residents of the commonwealth covered under any such policy or plan, for the expense of prenatal care, childbirth and post partum care to the same extent as provided for medical conditions not related to pregnancy.

SECTION 4. Chapter 176A of the General Laws is hereby amended by striking out section 8G, inserted by section 2 of said chapter 715, and inserting in place thereof the following section:–

Section 8H. Any contract, except contracts providing supplemental coverage to medicare or other governmental programs, between a subscriber and the corporation under an individual or group hospital service plan which shall be delivered or issued or renewed in the commonwealth shall provide, as a basic benefit to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, for expense for prenatal care, childbirth and post partum care to the same extent that benefits are provided for medical conditions not related to pregnancy.

SECTION 5. Chapter 176B of the General Laws is hereby amended by striking out section 4F, inserted by section 5 of chapter 683 of the acts of 1985, and inserting in place thereof the following section:–

Section 4G. Any subscription certificate under an individual or group medical service agreement which shall be delivered or issued or renewed in this commonwealth shall provide as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, for expense for services of a certified nurse midwife; provided, however, that such services are reimbursed when rendered by any other duly licensed practitioner; and provided, further, that such services are within the lawful scope of practice for a certified nurse midwife.

SECTION 6. Said chapter 176B is hereby further amended by striking out section 4F, inserted by section 3 of chapter 715 of the acts of 1985, and inserting in place thereof the following section:–

Section 4H. Any subscription certificate under an individual or group medical service agreement, except certificates which provide supplemental coverage to medicare or other governmental programs, which shall be delivered or issued or renewed in the commonwealth shall provide, as a basic benefit to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth for expense for prenatal care, childbirth and post partum care to the same extent that benefits are provided for medical conditions not related to pregnancy.

SECTION 7. Chapter 183A of the General Laws is hereby amended by

striking out section 2, as amended by section 3 of chapter 788 of the acts of 1985, and inserting in place thereof the following section:–

Section 2. This chapter shall apply only when the owner of the land, or the lessee of the land located within an area for which a land assembly and redevelopment plan or an urban renewal plan has been established, submits the same to the provisions hereof by duly executing and recording a master deed or assignment of lease, with an assent by the lessor, containing a statement to the effect that the owner or lessee proposes to create a condominium to be governed by the provisions of this chapter; provided, however, that any parcel or building which is subject to such lease and is located within a land assembly area or is subject to a redevelopment plan or an urban renewal plan shall have been either an abandoned building or parcel or a building or parcel designated for residential development; and provided, further, that the term of such lease shall not be less than sixty years. The provisions of this chapter shall not be deemed to preclude or regulate the creation or maintenance of other interests in real property not expressly declared by the owner or lessee to be subject hereto.

SECTION 8. Paragraph (a) of section 8A of said chapter 183A, as appearing in section 8 of said chapter 788, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:–

(1) the recording data for the lease or the notice thereof, and in the latter case, a statement of where the complete lease may be inspected.

SECTION 9. Paragraph (f) of said section 8A of said chapter 183A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Prior to the expiration of said lease, the lessor may obtain three independent real estate appraisals of said parcel and may offer the right to purchase said parcel for the average of the three appraisals to the organization of unit owners.

SECTION 10. Chapter 794 of the acts of 1985 is hereby amended by striking out section 12 and inserting in place thereof the following section:–

Section 12. Upon the effective date of this act, all automobile law violations, as defined in section one, for which the assessment, heretofore considered a penalty or fine, does not exceed one hundred dollars for the first offense and does not provide for a penalty of imprisonment, excepting operation of a motor vehicle in violation of the first paragraph of section ten of chapter ninety, or violation of section twenty-five of chapter ninety, shall be deemed civil motor vehicle infractions and not criminal offenses, and all statutes, ordinances, by-laws or regulations heretofore providing for such automobile law violations shall be so interpreted. Appearances and proceedings pursuant to this subsection shall not be deemed criminal, and payments, heretofore considered penalties or fines, made, whether after hearing or otherwise, shall be deemed civil assessments and not criminal penalties or fines. The violator shall not be required to report to a probation

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officer and no record of the case shall be entered in any probation records except as prescribed by the commissioner of probation.

Approved April 29, 1986.

Chapter 36. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF WHALE AWARENESS DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15YY, inserted by chapter 356 of the acts of 1985, the following section:–

Section 15ZZ. The governor shall annually issue a proclamation setting apart the first Thursday of May as Massachusetts Whale Awareness Day and recommending that said day be observed in an appropriate manner by the people.

Approved April 29, 1986.

Chapter 37. AN ACT RELATIVE TO MEDICAL MALPRACTICE INSURANCE PREMIUM CHARGES.

Be it enacted, etc., as follows:

Section 1 of chapter 671 of the acts of 1985 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

Premium charges with respect to policies of medical malpractice insurance for physicians and surgeons issued by the Joint Underwriting Association or any insurance company on or after July first, nineteen hundred and eighty-four shall be subject, effective July first, nineteen hundred and eighty-six, to the provisions of section five A of chapter one hundred and seventy-five A of the General Laws.

Approved April 30, 1986.

EMERGENCY LETTER: April 30, 1986 @ 12:34 P.M.

Chapter 38. AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO PAY A CERTAIN SUM OF MONEY TO ANTHONY GIORGI.

Be it enacted, etc., as follows:

SECTION 1. The town of Weymouth is hereby authorized to appropriate, and after such appropriation, the treasurer of said town is hereby authorized to pay to Anthony Giorgi, a police officer in the police department in said town, a sum not to exceed forty thousand dollars for

ACTS, 1986. – Chap. 39.

the purpose of paying attorneys' fees incurred by said police officer in defending himself from criminal charges arising out of the course of his employment in said town.

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

Approved May 6, 1986.

Chapter 39. AN ACT RELATIVE TO THE PRIORITY OF OPEN-END CREDIT PLANS SECURED BY MORTGAGES OF RESIDENTIAL REAL ESTATE.

Be it enacted, etc., as follows:

Chapter 183 of the General Laws is hereby amended by inserting after section 28A, as appearing in the 1984 Official Edition, the following section:–

Section 28B. Any sum which shall be lent by the mortgagee to the mortgagor at any time after the recording of an open-end mortgage that secures such sum shall be equally secured with and have the same priority as would any such sum disbursed as of the time of the recording of such mortgage. As used in this section an "open-end mortgage" shall mean a mortgage of real estate the terms of which provide that it secures a sum lent by the mortgagee to the mortgagor from time to time pursuant to an open-end credit plan as defined in section one of chapter one hundred and forty D. In the event of any conflict between this section and chapter two hundred and fifty-four or any other provision of law, the provisions of this section shall control. Notwithstanding the foregoing, the priority afforded under this section shall apply only to (i) the principal sum so loaned, provided, however, that in the case of an open-end mortgage recorded after the effective date of this section, such priority shall apply only to so much of such principal sum as does not exceed the amount specified in such mortgage as the maximum sum intended to be secured thereby; (ii) interest on the principal amount to which such priority applies; and (iii) all charges and fees other than principal and interest that are secured by such mortgage. In the event that an open-end mortgage is amended to increase the amount intended to be secured thereby, such mortgage shall be deemed to have been recorded, with respect only to the amount of such increase, at the time such amendment is recorded.

At any time after the termination of the authority of all persons to borrow sums pursuant to an open-end credit plan secured by an open-end mortgage, the holder of such mortgage shall, within ten business days of the request of any person with an interest in the mortgaged real estate, furnish to such person an executed and acknowledged written notice stating that such authority has terminated and stating the amount of the loans secured by such mortgage that remain outstanding on the date of such notice, which notice may be recorded.

Approved May 6, 1986.

ACTS, 1986. – Chaps. 40, 41, 42.

Chapter 40. AN ACT DESIGNATING THE BRIDGE PRESENTLY KNOWN AS THE NORTH VILLAGE BRIDGE IN THE TOWN OF WEBSTER AS THE VETERANS OF FOREIGN WARS POST 654 OF WEBSTER AND DUDLEY BRIDGE.

Be it enacted, etc., as follows:

The bridge located in the town of Webster, presently known as the North Village bridge, shall be designated and known as the Veterans of Foreign Wars Post 654 of Webster and Dudley bridge in recognition of the contribution of said Post's past and present members to the defense of this nation and of said Post's continuing work to help improve the communities. The department of public works shall erect suitable markers bearing such designation in compliance with the standards of said department.

Approved May 6, 1986.

Chapter 41. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF WORCESTER AS THE WALTER ANTUL AND HENRY ANTUL MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge on West Mountain street, over railroad tracks, in the city of Worcester shall be designated and known as the Walter Antul and Henry Antul Memorial bridge in memory of Walter Antul and Henry Antul, both of whom were killed while serving in the armed forces of the United States during World War II. The department of public works shall erect a suitable marker bearing such designation in compliance with the standards of said department.

Approved May 6, 1986.

Chapter 42. AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN PARK LAND IN THE TOWN OF CARLISLE TO THE CARLISLE CONGREGATIONAL CHURCH.

Be it enacted, etc., as follows:

SECTION 1. The town of Carlisle is hereby authorized to convey a certain parcel of park land in said town to the Carlisle Congregational Church. Said land shall not be encumbered by being limited to use for school and park purposes. Said land is bounded and described as follows:–

Parcel B. A certain parcel of land situated off the easterly side of School Street in Carlisle, Middlesex County, Massachusetts, being shown as Parcel B on plan entitled "Plan of Land in Carlisle, Mass.", dated December 30, 1985 by Stamski and McNary, Inc. to be recorded

ACTS, 1986. – Chap. 43.

herewith, and bounded and described as follows: Beginning at the most westerly corner thereof and running thence:

S 63° 03' 33" E a distance of 193.42 feet by land shown on said plan as now or formerly of the Town of Carlisle to a point; thence turning and running

S 26° 56' 27" W a distance of 101.30 feet by said land now or formerly of the Town of Carlisle to a drill hole; thence turning and running

N 35° 25' 11" W a distance of 218.34 feet by land shown on said plan as now or formerly of the Carlisle Congregational Church to the point of beginning.

Containing 9,796 square feet of land as shown on said plan.

SECTION 2. As consideration for the conveyance by the town of Carlisle of land described in section one of this act, the Carlisle Congregational Church shall convey to the town of Carlisle a parcel of land bounded and described as follows:–

Parcel A. A certain parcel of land situated off the easterly side of School Street in Carlisle, Middlesex County, Massachusetts, being shown as Parcel A on plan of land entitled "Plan of Land in Carlisle, Mass.", dated December 30, 1985, by Stamski and McNary, Inc. to be recorded herewith, and bounded and described as follows: Beginning at the most northerly corner thereof and running thence

S 35° 25' 11" E a distance of 21.99 feet by land shown on said plan as now or formerly of the Town of Carlisle to a drill hole, and thence continuing in the same direction 218.34 feet by said land now or formerly of the Town of Carlisle to a point; thence turning and running

N 63° 03' 33" W a distance of 193.42 feet by land shown on said plan as now or formerly of the Carlisle Congregational Church to a point; thence turning and running

N 26° 56' 27" E a distance of 101.30 feet by said land now or formerly of the Town of Carlisle to a point of beginning.

Containing 9,796 square feet of land as shown on said plan.

Approved May 13, 1986.

Chapter 43. AN ACT FURTHER DEFINING MUNICIPAL CO-ORDINATOR.

Be it enacted, etc., as follows:

Section 1 of chapter 111F of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the definition of "Municipal coordinator" and inserting in place thereof the following definition:–

"Municipal coordinator", the fire chief or fire commissioner, or the public health commissioner or public health officer of a city or town as designated by the chief municipal officer of said city or town; provided, however, that in towns, the board of selectmen may designate one of its members, or may appoint any qualified resident of the town to act as

ACTS, 1986. – Chaps. 44, 45.

municipal coordinator. For the purposes of this chapter, chief municipal officer shall mean in a city, the mayor; in a Plan D or Plan E government, the city or town manager; in a town, the board of selectmen.

Approved May 14, 1986.

Chapter 44. AN ACT INCREASING AVAILABLE LIQUIDITY INVESTMENTS FOR CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 22 of chapter 170 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 16, the word "and", the second time it appears.

SECTION 2. Said section 22 of said chapter 170, as so appearing, is hereby further amended by inserting after the word "funds", in line 19, the following clause:– , and (h) investments in shares of the Co-operative Bank Investment Fund established by chapter four hundred and eighty-two of the acts of nineteen hundred and eighty-four.

Approved May 14, 1986.

Chapter 45. AN ACT AUTHORIZING THE COMMONWEALTH TO GRANT CERTAIN EASEMENTS TO THE TOWN OF TEWKSBURY FOR SEWER PURPOSES.

Be it enacted, etc., as follows:

The division of capital planning and operations, acting in the name and on behalf of the commonwealth, is hereby authorized to grant, by a deed approved as to form by the attorney general, the following easements in land located in the town of Tewksbury under the control of the department of public health for sewer purposes to the town of Tewksbury.

The land in Tewksbury, Middlesex County, Massachusetts described as follows:

Westerly by Livingston Street 60.3 feet +;

Northerly by land of the Commonwealth of Massachusetts in several courses, 342 feet +; 398 feet +; and 372 feet +;

Easterly by land of owner unnamed, 61.8 feet +;

Southerly by land of the Commonwealth of Massachusetts in several courses, 365 feet +; 402 feet +; and 333 feet +;

All as shown on a plan entitled "Plan for utility easements in Tewksbury, Massachusetts Scale 1"=40' date June 28, 1985, prepared by Andover Consultants".

Consideration to be paid for said easement shall be the average of three independent appraisals. The appraisers shall be selected by the division of capital planning and operations in consultation with the

ACTS, 1986. – Chap. 46.

executive office of human services. All expenses of acquiring this easement including the cost of preparing these appraisals, shall be paid by the developer.

Approved May 14, 1986.

EMERGENCY LETTER: May 14, 1986 @ 3:07 P.M.

Chapter 46. AN ACT ESTABLISHING THE FOXBOROUGH BOARD OF WATER AND SEWER COMMISSIONERS.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared essential that the town of Foxborough, for the benefit of the people of said town, shall continue to maintain economical and efficient sewer and water systems; that said town be provided a means to improve its water and sewer services operated in a modern, efficient, financially self-sustaining, and environmentally sound manner; that just, equitable and sufficient fees, rates and charges for water and sewer service within the town be established and all consumers, public and private, taxpayer and tax exempt, pay their fair share of the costs of such services; all to the public benefit and good, as and to the extent and in the manner provided herein. This act may be referred to and cited as the Foxborough Water and Sewer Reorganization Act of 1986.

SECTION 2. As used in this act the following words shall, unless the context requires otherwise, have the following meanings:-

"Sewer works system" The existing sewer works system in the possession of and under the jurisdiction, ownership, control and regulations of the town, and all facilities, betterments, extensions, improvements, enlargements thereto hereafter constructed or acquired.

"Water works system" The existing water supply and distribution system in the possession of and under the jurisdiction, ownership, control, and regulation of the town and its board of water commissioners, and all facilities, betterments, extensions, improvements and enlargements thereto hereafter constructed or acquired.

"Town" The town of Foxborough.

SECTION 3. There is hereby created the Foxborough board of water and sewer commissioners hereinafter called the board. Except as otherwise provided in this act, the powers of the board and the water and sewer department shall be exercised by a board consisting of three members. The initial three members shall be appointed by the board of selectmen who shall appoint the then three members of the board of water commissioners to serve as the board of water and sewer commissioners. Such persons shall be appointed for terms which shall expire at the times that said persons terms as members of the water commission were to expire. Thereafter, members of the board of water and sewer commissioners shall be elected by ballot at the annual town election next after such initial appointments, with each commissioner to be elected for a term of three years.

SECTION 4. The board shall appoint, employ and determine the duties and conditions of employment of a superintendent and such other employees and consultants as the board may deem necessary, subject to the applicable laws of the town and commonwealth. All appropriations for wages and salaries of personnel, and the establishment or amendment of a wage and salary classification plan, shall be subject to the provisions of the town personnel by-law. The superintendent shall be the chief executive officer of the water and sewer department and shall administer and direct its affairs as authorized or approved by the board and shall have such powers and perform such duties of the department as the board may from time to time delegate to him and not recall. The department and its employees shall be subject to the provisions of chapter one hundred and fifty E of the General Laws, to the extent that said provisions are applicable. For the purpose of said chapter one hundred and fifty E, and without otherwise limiting the generality of the foregoing, the town shall be considered an "employer" or "public employer" as defined therein. The department shall operate on the same fiscal year as the town of Foxborough and subject to what sums of money the town shall vote, for such purposes as the town may vote, at either an annual or special town meeting, to raise and appropriate or transfer from available funds to pay interest and maturing debts; for charges, expenses, outlays; for a reserve fund. The water and sewer department shall operate on a fiscal self-sustaining basis, with annual user charges and other revenue adjusted annually, if required, to equal annual expenditures.

SECTION 5. The board shall assume all of the rights, duties and obligations of the town's board of selectmen acting in its capacity as sewer commissioners and the town's board of water commissioners. It shall assume the care, custody, and control for all property, personal or real, which on the effective date of this act resides in the care, custody, and control of the aforesaid board of selectmen acting in its capacity as sewer commissioners and board of water commissioners. All orders, rules, regulations and by-laws duly promulgated by the town or the aforesaid board of selectmen and board of water commissioners shall remain in full force and effect, to the extent consistent with this act, until superseded, revised or rescinded by the board or town as applicable. All contracts, including collective bargaining agreements, intermunicipal agreements, leases and agreements, including interdepartmental agreements, pertaining to the sewer and water works systems shall continue in full force and effect until their expiration dates or as otherwise provided in such documents. All benefits and obligations thereunder, and all other rights and benefits pertaining to the sewer and water works systems including, without limiting the generality of the foregoing, all rights, benefits and obligations not inconsistent with the provisions of this act, which pertain to the sewer and water works systems and which are vested in the aforesaid board of selectmen acting in its capacity as sewer commissioners and board of water commissioners, by general or special law, shall be transferred to, assumed by and imposed upon the board by operation of law.

SECTION 6. This act shall be submitted to an annual or special town meeting for acceptance, and if accepted, shall be effective upon the date of appointment of the board of sewer and water commissioners by the board of selectmen as provided in section three hereof. Said appointment shall be made within thirty days of town meeting acceptance. On the effective date of this act, employees in the existing Foxborough water commission shall be transferred to the new water and sewer department and become employees of said department, subject to the provisions of this act; and the existing Foxborough board of water commissioners shall be abolished. The terms of office of such employees shall not be deemed to be interrupted by such transfer. The rights, seniority, wages, salaries, hours and working conditions of such employees, including, but only so long as such an employee holds the position which is comparable to the position in which he or she was classified prior to transfer, and rights under chapter thirty-one of the General Laws, shall be preserved in their employment by the department, provided that after such transfer, such employees shall perform their duties subject to the direction, control, and supervision of the board. Nothing in the foregoing shall be construed as a limitation on the powers of the board, subject to the provisions of this act and other applicable laws, to thereafter create, amend or abolish job positions in furtherance of the aforesaid intent of this act to provide the people of the town of Foxborough an efficient, modern and financially self-sustaining sewer and water works system.

SECTION 7. The board shall have all the rights and powers which presently exist and reside in the Foxborough board of selectmen acting in its capacity as sewer commissioners and the board of water commissioners under the General Laws and under applicable special acts, including, without limitation, and as applicable, chapter one hundred and ninety-six of the acts of eighteen hundred and seventy-nine, chapter one hundred and sixty-two of the acts of eighteen hundred and ninety, chapter four hundred and twenty-four of the acts of eighteen hundred and ninety-one, chapter two hundred and thirty-two of the acts of eighteen hundred and ninety-two, chapter three hundred and thirty-nine of the acts of eighteen hundred and ninety-four, chapter two hundred and twenty-two of the acts of eighteen hundred and ninety-seven, chapter three hundred and forty-six of the acts of eighteen hundred and ninety-eight, chapter two hundred and forty-five of the acts of nineteen hundred and eleven, chapter one hundred and seventy-five of the acts of nineteen hundred and thirteen, chapter three hundred and eleven of the acts of nineteen hundred and twenty-five, chapter two hundred and twenty-seven of the acts of nineteen hundred and thirty-one, and chapter one hundred and forty-seven of the acts of nineteen hundred and forty-nine, insofar as these do not conflict with the provisions of this act.

SECTION 8. Upon the effective date of this act, except as otherwise provided herein, any provisions of any special laws and parts of special laws, and all by-laws and parts of by-laws pertaining to the sewer and water works system, which are inconsistent with the provisions of this

ACTS, 1986. – Chaps. 47, 48.

act, shall be inoperative and cease to be effective.

Approved May 14, 1986.

Chapter 47. AN ACT RELATIVE TO THE CARE AND PROTECTION OF DETAINEES IN CERTAIN LOCKUP FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 326 of the acts of 1985 is hereby amended by striking out, in line 1, the figures "465" and inserting in place thereof the following figures:– 456.

SECTION 2. Chapter 456 of the acts of 1984 is hereby amended by striking out section 4, as amended by section 4 of chapter 326 of the acts of 1985, and inserting in place thereof the following section:–

Section 4. Section thirty-six B of chapter forty of the General Laws shall take effect on December thirty-first, nineteen hundred and eighty-six.

SECTION 3. Chapter 208 of the acts of 1985 is hereby amended by striking out section 2 and inserting in place thereof the following section:–

Section 2. This act shall take effect on December thirty-first, nineteen hundred and eighty-six.

SECTION 4. Section one shall take effect as of October third, nineteen hundred and eighty-five. Sections two and three shall take effect as of April twenty-ninth, nineteen hundred and eighty-six.

Approved May 15, 1986.

EMERGENCY LETTER: May 15, 1986 @ 1:40 P.M.

Chapter 48. AN ACT AUTHORIZING THE ACQUISITION OF EASEMENTS IN THE CITY OF LAWRENCE BY THE TOWN OF ANDOVER FOR THE CONSTRUCTION OF CERTAIN SEWERAGE FACILITIES.

Be it enacted, etc., as follows:

The board of selectmen of the town of Andover, acting for and on behalf of said town, may take by eminent domain under the provisions of chapter seventy-nine of the General Laws or acquire by purchase or otherwise permanent and temporary easements in certain parcels of park land in the city of Lawrence, for the construction, laying, maintenance and operation of new and enlarged main sewers, and other related sewerage works as shall be required to convey sewage from said city of Lawrence and town of Andover to the sewage treatment plant of the Greater Lawrence Sanitary District in the town of North Andover.

ACTS, 1986. – Chap. 48.

Said parcels are shown on six separate plans each entitled "Plan of Land in Lawrence, Mass." dated June 29, 1982 (Sheet 2 of 7 revised June 4, 1984, Sheet 3 of 7, Sheet 4 of 7, Sheet 5 of 7 revised September 14, 1984, Sheet 6 of 7, and Sheet 7 of 7 revised June 4, 1984) prepared by Bryant Associates, Inc. of Boston, Massachusetts to be recorded in the Essex County Northern District Registry of Deeds, and each parcel being more particularly bounded and described as follows: Permanent Easement Parcel Number 5 A certain parcel of land situated in Coyne Park as shown on Sheet 2 of 7; Commencing at a point on the southerly line of Shawsheen Road said point being the point of beginning; Thence S10°-53'-36"W a distance of 66.72 feet to a point; Thence S32°-46'-55"W a distance of 291.60 feet to a point; Thence S75°-26'-16"W a distance of 367.63 feet to a point; Thence S65°-08'-34"W a distance of 102.10 feet to a point on the easterly line of Loring Street; Thence running along said line N57°-11'-00"W a distance of 23.68 feet to a point on said line; Thence N65°-08'-34"E a distance of 116.56 feet to a point; Thence N75°-26'-16"E a distance of 278.32 feet to a point; Thence N82°-40'-51"E a distance of 93.64 feet to a point; Thence N7°-19'-08"W a distance of 23.57 feet to a point; Thence N32°-46'-55"E a distance of 241.68 feet to a point; Thence N1°-53'-36"E a distance of 34.58 feet to a point on the southerly line of Shawsheen Road; Thence running along a curve of which radius is 67.05 feet at a distance of 54.17 feet to the point of beginning; Containing 15,939 square feet more or less. Permanent Easement Parcel Number 6 A certain parcel of land as in Costello Park as shown on Sheet 3 of 7 and 4 of 7; Commencing at a point on the Southerly street line of Loring street said point being the point of beginning; Thence S65°-08'-34"W a distance of 14.43 feet to a point Thence S37°-50'-09"W a distance of 649.54 feet to a point Thence S0°-25'-51"E a distance of 29.24 feet to a point Thence S31°-49'-39"W a distance of 143.67 feet to a point Thence S4°-59'-37"E a distance of 194.85 feet to a point Thence S22°-18'-36"E a distance of 174.41 feet to a point Thence S1°-21'-31"E a distance of 19.99 feet to a point Thence S18°-47'-43"E a distance of 253.70 feet to a point Thence N71°-12'-17"E a distance of 7.5 feet to a point Thence S7°-31'-26"E a distance of 115.49 feet to a point Thence N23°-49'-19"W a distance of 150.08 feet to a point Thence N9°-47'-59"W a distance of 86.73 feet to a point Thence N22°-18'-36"W a distance of 321.37 feet to a point Thence N4°-59'-37"W a distance of 218.86 feet to a point Thence N31°-49'-39"E a distance of 181.30 feet to a point Thence N37°-50'-09"E a distance of 655.44 feet to a point Thence S57°-11'-01"E a distance of 21.70 feet to a point of beginning. Containing 33,985 square feet of land more or less. Permanent Easement Parcel Number 7 A certain parcel of land in Shawsheen Park as shown on Sheets 4 of 7 and 5 of 7; Commencing at a point approximately 47+ feet

east of the easterly line of Shawsheen Road said point being the point of beginning;

Thence S77°-19'-11"E a distance of 25.80 feet to a point;

Thence S8°-27'-03"E a distance of 186.69 feet to a point;

Thence S12°-25'-19"E a distance of 215.81 feet to a point;

Thence N87°-48'-51"E a distance of 268.81 feet to a point;

Thence S7°-18'-07"E a distance of 462.32 feet to a point;

Thence S55°-25'-33"W a distance of 33.75 feet to a point;

Thence N7°-18'-07"W a distance of 450.35 feet 416.6'+33.75' to a point;

Thence S87°-48'-51"W a distance of 235.95 feet to a point;

Thence S12°-25'-19"E a distance of 21.12 feet to a point;

Thence S82°-41'-58"W a distance of 30.12 feet to a point;

Thence N12°-25'-19"W a distance of 243.65 feet to a point;

Thence N7°-18'-07"W a distance of 219.14 feet to the point of beginning. Containing 35,414 square feet more or less. Permanent Easement Parcel Number 11 A certain parcel of land in Memorial Park as shown on Sheets 6 of 7 and 7 of 7; Parcel "11" Commencing at a point on the southerly line of North Parish Road, said point being the point of beginning;

Thence S7°-32'-50"E a distance of 306.79 feet to a point;

Thence S7°-54'-45"E a distance of 283.93 feet to a point on the northerly line of Chickering Road;

Thence running along said line S67°-04'-51"W a distance of 25.88 feet to a point on said line;

Thence N7°-54'-45"W a distance of 290.79 feet to a point;

Thence N7°-32'-50"W a distance of 256.33 feet to a point;

Thence N13°-13'-28"W a distance of 50.84 feet to a point on the southerly line of North Parish Road;

Thence running along said line N82°-41'-58"E a distance of 30.03 feet to the point of beginning; Containing 14,768 square feet of land more or less. Temporary Construction Easements Abutting Permanent Easement Parcel Number 5 A certain parcel of land within Coyne Park about 280 feet long and of varying width abutting the southerly line of Shawsheen Road and the northeast corner of Permanent Easement Parcel Number 5 as shown on Sheet 2 of 7, containing 3,400 square feet more or less. A certain parcel of land within Coyne Park about 390 feet long and 20 feet wide abutting the southerly line of an existing 15 foot wide sewer easement which abuts the southerly line of Permanent Easement Parcel Number 5 shown on Sheet 2 of 7 containing 7,800 square feet more or less. A certain parcel of land in Coyne Park about 270 feet long and of varying width abutting the northerly line of Permanent Easement Parcel Number 5 and the northerly line of Loring Street as shown on Sheet 2 of 7, containing 8,660 square feet more or less. A certain parcel of land located in Coyne Park about 250 feet long and 30 feet wide abutting the northerly line of Permanent Easement Parcel Number 5 and the easterly line of Shawsheen Road as shown on Sheet 2 of 7, containing 6,750 square feet more or less. Temporary Easements Abutting Permanent Easement Parcel Number 6 A certain parcel of land in Costello Park about 1,445 feet long and 15 to 55 feet wide abutting the westerly line of Permanent Easement Parcel Number 6, the southerly line of Loring Street and the

ACTS, 1986. – Chaps. 49, 50.

easterly line of Shawsheen Road as shown on Sheets 3 of 7 and 4 of 7, containing 48,230 square feet more or less. A certain parcel of land in Costello Park about 470 feet long and 15 feet wide abutting the easterly line of Permanent Easement Parcel Number 6 and the westerly line of an existing 30 foot wide sewer easement as shown on Sheets 3 of 7 and 4 of 7, containing 7,020 square feet more or less. Temporary Easements Abutting Permanent Easement Parcel Number 7 A certain parcel of land in Shawsheen Park about 1,255 feet long and 15 to 45 feet wide abutting the easterly line of Permanent Easement Parcel Number 7 as shown on Sheets 4 of 7 and 5 of 7, containing 21,300 square feet more or less. A certain parcel of land in Shawsheen Park about 235 feet long and of varying width abutting the westerly line of Permanent Easement Parcel Number 7 and the easterly line of Crawford Street as shown on Sheets 4 of 7 and 5 of 7, containing 2,520 square feet more or less. Temporary Easement Abutting Permanent Easement Parcel Number 11 A certain parcel of land in Memorial Park about 600 feet long and 30 feet wide abutting the westerly line of Permanent Easement Parcel Number 11, the southerly line of North Parish Road, and the northerly line of Chickering Street as shown on Sheets 6 of 7 and 7 of 7, containing 18,100 square feet more or less.

Approved May 19, 1986.

EMERGENCY LETTER: May 22, 1986 @ 3:47 P.M.

Chapter 49. AN ACT AUTHORIZING THE CITY OF WORCESTER TO ACQUIRE AN EASEMENT IN CROMPTON PARK IN SAID CITY.

Be it enacted, etc., as follows:

The city of Worcester is hereby authorized to acquire an easement in certain park land in said city for the purpose of installing a seventy-two inch sewer interceptor pipe. Said easements is described as follows:—Being "Parcel No. 49 Sewer Easement" as shown on a plan entitled "City of Worcester, Massachusetts, Department of Public Works, Improvements to Combined Sewerage System, Plan of Sewer Easement, Quinsigamond Avenue Overflow Collector, Canton Street to Endicott Street, along Quinsigamond Avenue, Scale: 1" = 20', October, 1985, Sheet No. 1 of 1, prepared by Fay, Spofford & Thorndike, Inc., Engineers, Lexington, Massachusetts. Said plan is on file with the department of public works of said city.

Approved May 19, 1986.

Chapter 50. AN ACT INCREASING THE MINIBOND AUTHORIZATION FROM TWENTY-FIVE MILLION DOLLARS TO FIFTY MILLION DOLLARS ANNUALLY.

Whereas, The deferred operation of this act would tend to defeat its

ACTS, 1986. – Chaps. 51, 52.

purpose, which is to place abandoned property in the custody of the state treasurer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 49A of chapter 29 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 10, the word "twenty-five" and inserting in place thereof the word:– fifty.

Approved May 21, 1986.

Chapter 51. AN ACT RELATIVE TO THE AMOUNT OF MONEY THE COUNTY COMMISSIONERS OF BRISTOL COUNTY MAY EXPEND FOR THE PURPOSE OF PROMOTING THE RECREATIONAL, VACATION, CONVENTION, COMMERCIAL AND INDUSTRIAL RESOURCES OF SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 48 of the acts of 1970 is hereby amended by striking out the first sentence, as most recently amended by chapter 9 of the acts of 1979, and inserting in place thereof the following two sentences:– The county commissioners of Bristol county with the approval of the Bristol county advisory board may, for the purpose of promoting the recreational, vacation, convention, commercial and industrial resources of said county, expend such sums as may be appropriated therefor. All sums appropriated or expended by the county commissioners of Bristol county for the foregoing purposes prior to the effective date of this act shall be deemed to have been legally appropriated or expended.

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

Approved May 22, 1986.

Chapter 52. AN ACT AUTHORIZING THE TOWN OF TRURO TO HOLD A SPECIAL TOWN MEETING IN THE TOWN OF PROVINCETOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Truro may hold a special town meeting on May twenty-seventh, nineteen hundred and eighty-six and any adjournments thereof, at the Provincetown high school in the town of Provincetown.

ACTS, 1986. – Chaps. 53, 54, 55.

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

Approved May 27, 1986.

**Chapter 53. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE
OF SCHOOL LIBRARY MEDIA MONTH.**

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15ZZ, inserted by chapter 36 of the acts of 1986, the following section:–

Section 15AAA. The governor shall annually issue a proclamation setting apart the month of April as School Library Media Month and recommending that said month be observed in an appropriate manner by the people.

Approved May 27, 1986.

**Chapter 54. AN ACT DESIGNATING THE CORN MUFFIN AS THE
OFFICIAL MUFFIN OF THE COMMONWEALTH.**

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding the following section:–

Section 28. The corn muffin shall be the official muffin of the commonwealth.

Approved May 27, 1986.

**Chapter 55. AN ACT RELATIVE TO CERTAIN CREDITABLE
SERVICE FOR ANGELO UMBRIANNA CHIEF OF THE
ROCKLAND POLICE DEPARTMENT.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary Angelo Umbrianna, chief of the Rockland police department is hereby authorized to continue in such position until and including May thirty-first, nineteen hundred and eighty-seven, provided that he is mentally and physically capable of performing the duties of his office or position. No further deductions shall be made from the regular compensation of said employee under the provisions of chapter thirty-two of the General Laws for service subsequent to May thirty-first, nineteen hundred and eighty-six, and upon retirement said employee shall receive a superannuation retirement allowance equal to

ACTS, 1986. – Chap. 56.

that to which he would have been entitled had he retired on said date.

Approved May 27, 1986.

EMERGENCY LETTER: May 27, 1986 @ 4:00 P.M.

**Chapter 56. AN ACT RELATIVE TO THE DEPARTMENT OF
COMMUNITY DEVELOPMENT OF THE TOWN OF
WARE.**

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 511 of the acts of 1981 is hereby amended by striking out, in lines 13 to 16, inclusive, the words "from the nine-member revitalization committee, which was created by the October twenty-ninth, nineteen hundred and seventy-nine special town meeting,".

SECTION 2. Clause (b) of section 6 of said chapter 511 is hereby amended by inserting after the word "congested", in line 3, the word:– , decadent.

SECTION 3. Section 7 of said chapter 511 is hereby amended by striking out the last paragraph.

SECTION 4. Said chapter 511 is hereby further amended by inserting after section 7 the following section:–

Section 7A. The town shall establish a community development advisory committee consisting of seven residents of the town to advise the selectmen and the authority on matters relative to community development as set forth in this act. The moderator shall appoint members to the community development advisory committee from a list of names submitted to him by the selectmen. The rules governing the composition of the committee shall be established by the committee and the authority subject to the approval of the selectmen except that the committee shall be representative of disparate social and economic segments of the town considering such factors as income, ethnic heritage, racial origin, age and sex. Said committee shall also serve to fulfill state and federal laws or regulations relative to citizen participation including advisory boards, project committees, or similar entities provided that the committee's composition shall be in conformance with such laws or regulations as may be imposed from time to time. No member of the authority shall serve concurrently as a member of said committee.

SECTION 5. Section 9 of said chapter 511 is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:–

The town or authority may obligate itself, in any contract with the federal government for a loan or the payment of annual contributions authorized by general law or this act, to convey to the federal

ACTS, 1986. – Chaps. 57, 58.

government the project to which such contract relates upon the occurrence of a substantial default with respect to the covenants, terms, and conditions of such contract to which the town or the authority is subject. Such contract may further provide that, in case of such conveyance, the federal government may complete, operate, manage, lease, convey, or otherwise deal with the project in accordance with the terms of such contract, provided that the contract shall require that, as soon as practicable after the federal government is satisfied that all defaults on account of which it acquired the project have been remedied and that the project will thereafter be operated in compliance with the terms of the contract, the federal government shall reconvey to the town or authority the project in the condition in which it then exists.

Approved May 28, 1986.

**Chapter 57. AN ACT RELATIVE TO CONSTRUCTION OF
HIGHWAYS AND BRIDGES USING BITUMINOUS
CONCRETE.**

Be it enacted, etc., as follows:

Section forty-seven of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five is hereby repealed.

Approved May 28, 1986.

EMERGENCY LETTER: May 28, 1986 @ 3:34 P.M.

**Chapter 58. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE
TOWN OF WARE.**

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Ware may be recalled and removed therefrom by the qualified voters of the town as herein provided.

SECTION 2. Any qualified voter of the town may make and file with the town clerk an affidavit containing the name of the officer sought to be removed and a statement of the grounds of removal. The town clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks for such recall and removal. Said blanks shall be issued by the town clerk with his signature and official seal attached thereto; and shall be dated and addressed to the selectmen. Said blanks shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be removed, the office from which removal is sought, the grounds of removal as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall

petition shall be returned and filed with the town clerk within fourteen days after the filing of the affidavit. Said petition before being returned and filed shall be signed by qualified voters of the town, equal in number to at least fifteen per cent of the qualified voters of the town as of the date such affidavit was filed with the town clerk. To every signature shall be added the place of residence of the signer, giving the street and number. The said recall petition shall be submitted, at or before five o'clock in the afternoon of the Monday preceding the day on which it must be filed, to the registrars of voters in said town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters in said town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to the selectmen without delay, and the selectmen shall forthwith give written notice to said officer of the receipt of said certificate and shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order a removal election to be held on a day fixed by them not less than thirty-five nor more than sixty-five days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within sixty days after the date of said certificate, the selectmen may, in their discretion, postpone the holding of the removal election to the date of such other election. If a vacancy occurs in said office after a removal election has been so ordered, the election shall nevertheless proceed as provided in this section.

SECTION 4. Any officer who has been removed by a vote at the removal election may be a candidate to succeed himself in an election to be held to fill such vacancy. The nomination of all candidates, the publication of the warrant for the removal election and any election to fill a vacancy caused by a removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act. A majority of those voting at the removal election shall be sufficient to recall such elected officer.

SECTION 5. The incumbent shall continue to perform the duties of his office until the removal election. If said incumbent is not removed, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election in said town shall submit the following propositions in the order indicated:

For the recall of (name of officer).

Against the recall of (name of officer).

ACTS, 1986. – Chap. 59.

Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of candidates nominated as hereinbefore provided. In case of machine voting, or punch card balloting, or other forms of balloting, appropriate provision shall be made to allow the same intent of the voter.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate that received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted, or take any action relative thereto.

SECTION 7. No recall petition shall be filed against an officer of said town within six months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

SECTION 8. No person who has been recalled from an office in said town, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such removal by recall or resignation.

SECTION 9. This act shall take effect upon its passage.

Approved May 29, 1986.

Chapter 59. AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS, PARKS AND CEMETERY IN THE CITY OF LYNN.

Be it enacted, etc., as follows:

Chapter 456 of the acts of 1965 is hereby amended by striking out sections 1 to 9, inclusive, and inserting in place thereof the following nine sections:—

Section 1. Notwithstanding the provisions of any general or special law or any ordinance to the contrary, there shall be established in the city of Lynn a department of public works, parks and cemetery, hereinafter called the department, which shall be under the direction and control of the commissioner of public works, parks and cemetery, hereinafter called the commissioner.

Section 2. Upon acceptance of this act, the department shall have all the duties, responsibilities, powers and functions now or from time to time vested by general or special law or any ordinance in the following departments which shall be and are hereby merged to wit: department of public works, park department and cemetery department, except for the board of park commissioners and board of cemetery commissioners.

Said boards shall retain all duties, responsibilities, powers and functions now or from time to time vested by general or special law, or ordinance. The board of park commissioners shall serve in an advisory capacity to the commissioner on matters of policy and administration regarding parks in the city of Lynn. The board of cemetery commissioners shall have full charge and supervision of all cemeteries owned or controlled by the city; and, it shall retain control and supervision of all trust funds granted or to be granted to it for the specified purposes. No contracts, obligations or liabilities in force on the date when this act becomes fully effective shall be affected hereby, but the department shall in all respects be the lawful successor of the departments so merged.

Section 3. The commissioner with the approval of the mayor and city council, sitting as a body, may from time to time establish such divisions within the department as he shall deem necessary. Each such division shall assume such management and control as shall be determined by the commissioner. All the salaries of the personnel shall be set within the wage scales established by ordinance by the city council, or by collective bargaining agreements, pursuant to chapter one hundred and fifty E of the General Laws, notwithstanding the provisions of any general or special law to the contrary. The existing appointing authority, in concurrence with the personnel director, shall appoint all employees of the department in accordance with the provisions of chapter thirty-one of the General Laws excepting the first associate commissioner and second associate commissioner as the mayor may determine, who shall not be subject to the provisions of said chapter thirty-one; and who, notwithstanding any general or special law to the contrary, shall be appointed by the mayor, subject to the approval of the city council.

Section 4. The commissioner shall be appointed by the mayor, subject to the approval of the city council, for a term of three years. The commissioner shall be a person especially fitted by education, training and experience, to perform the duties of the office.

There shall be a first associate commissioner and a second associate commissioner, as the mayor may determine, subject to the approval of the city council, appointed for terms of three years each, so arranged so that the terms of office of the two associate commissioners, and the term of the commissioner all expire in different years.

The commissioner and associate commissioners need not be residents of the city of Lynn when appointed, but within six months following such appointment shall establish such residence, or the position shall be deemed to be vacant. The commissioner and associate commissioners shall not be subject to the provisions of chapter thirty-one of the General Laws. During the term of office, the commissioner and associate commissioners shall not hold any other elective office, nor shall the commissioner or associate commissioner engage in any other business or occupation. Before entering upon their duties, the commissioner and associate commissioners shall be sworn to the faithful and impartial performance thereof by the city clerk. The commissioner and associate commissioners shall execute bonds in favor of said city for the faithful performance of said duties in such sum and with such surety as may be fixed or approved by the city council.

ACTS, 1986. – Chap. 60.

Section 5. All persons employed by or under the supervision of the departments merged by section two shall, upon the acceptance of this act, be transferred to the department without loss of pay and without change of rating, seniority, retirement or pension rights, or any other privileges under any provisions of law or ordinance, notwithstanding that job titles may be changed in the department subject, however, to the approval of the director of civil service and in accordance with chapter one hundred and fifty E of the General Laws.

Section 6. The mayor with the approval of the city council, or the city council by a two-thirds vote of all of its members, may remove the commissioner or the associate commissioners for cause before their terms of office expire subject to the applicable charter provisions granting a hearing. At least fifteen days before such proposed removal shall become effective, there shall be filed with the city clerk a preliminary written resolution setting forth in detail the reason for the proposed removal and a copy of said resolution shall be served upon the person to be removed.

Section 7. The commissioner may, by letter filed with the city clerk, designate a qualified member of the department or other city official to perform his duties during his temporary absence or disability. In the event of the failure of the commissioner to make such designation, the mayor with the approval of the city council may so designate such person to perform the duties of the commissioner until his return or his disability shall cease.

Section 8. In order to carry out the provision of this act, the city council is hereby authorized to enact such ordinances as may be necessary to further the organization of the department.

Section 9. This act shall take effect upon its acceptance by the city of Lynn.

Approved May 29, 1986.

**Chapter 60. AN ACT EXEMPTING CERTAIN POSITIONS IN THE
WIRE DEPARTMENT OF THE TOWN OF MILTON FROM
THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The positions of superintendent, assistant superintendent and signal maintainer in the wire department of the town of Milton shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of superintendent, assistant superintendent and signal maintainer in the wire department of the town of Milton on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Approved June 3, 1986.

ACTS, 1985. – Chaps. 61, 62, 63.

Chapter 61. AN ACT INCREASING THE BORROWING AUTHORIZATION OF THE TOWN OF DUXBURY FOR THE REPAIR OF A CERTAIN PUBLIC WAY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 653 of the acts of 1974, as amended by section 1 of chapter 63 of the acts of 1975, is hereby further amended by striking out, in lines 4 and 5, the words "nine hundred and fifty thousand" and inserting in place thereof the words:– two million seven hundred and fifty thousand.

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

Approved June 3, 1986.

Chapter 62. AN ACT RELATIVE TO ELECTRONIC BRANCHES OF CERTAIN FINANCIAL INSTITUTIONS.

Be it enacted, etc., as follows:

Section 3 of chapter 167B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:–

Such electronic branches shall not be used to apply for or to open a new account with or to apply for or to obtain a loan, other than against a preauthorized line of credit, or authorization of a new line of credit from any financial institution, nor shall any such electronic branch, other than an electronic branch located at an office of a financial institution or organization, be used to solicit any additional services offered by a financial institution or organization.

Approved June 3, 1986.

Chapter 63. AN ACT INCREASING THE LIMIT ON RECREATION AND PARK SELF-SUPPORTING SERVICE REVOLVING FUNDS.

Be it enacted, etc., as follows:

Section 53D of chapter 44 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 20, the word "five" and inserting in place thereof the word:– ten.

Approved June 3, 1986.

ACTS, 1986. – Chaps. 64, 65.

**Chapter 64. AN ACT RELATIVE TO THE ORDER OF PLACEMENT
 OF ROBERT MULLINS ON CIVIL SERVICE ELIGIBILITY
 LISTS.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section twenty-six of chapter thirty-one of the General Laws or any general or special law or rule to the contrary, the administrator of the division of personnel administration shall place and certify the name of Robert Mullins of the city of Lynn first on any existing or future eligible lists for firefighter on which his name appears in accordance with the provisions of said section twenty-six of said chapter thirty-one as if said Robert Mullins were a son of a firefighter who was killed or died of injuries received in the performance of his duty.

Approved June 3, 1986.

**Chapter 65. AN ACT AUTHORIZING THE COUNTY
 COMMISSIONERS OF THE COUNTY OF DUKES
 COUNTY TO BORROW MONEY FOR A TRUCK, PHOTO
 COPIER AND OFFICE EQUIPMENT.**

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Dukes County are hereby authorized to spend such sums as may be necessary, not exceeding, in the aggregate, thirty thousand dollars to purchase a truck, photo copier and office equipment.

SECTION 2. For the purposes authorized in section one, the treasurer of said county, with the approval of the county commissioners and with the approval of the Dukes county advisory board, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, thirty thousand dollars, and may issue bonds or notes of the county therefor which shall bear on their face the words Dukes County Loan, Act of 1986. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than five years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved June 3, 1986.

Chapter 66. AN ACT DIRECTING THE CERTIFICATION AND APPOINTMENT OF JAMES E. QUINN AS A FIREFIGHTER IN THE TOWN OF MILTON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section twenty-six of chapter thirty-one of the General Laws or any other general or special law or rule to the contrary, the personnel administrator of the division of personnel administration is hereby authorized and directed to certify James E. Quinn first on the eligible list for appointment as a firefighter in the town of Milton and provided he meets all other requirements for certification and appointment to said position, said town of Milton is hereby authorized to appoint James E. Quinn to such position.

Approved June 3, 1986.

Chapter 67. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF TIMOTHY CARROLL AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Timothy Carroll for appointment as police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved June 3, 1986.

Chapter 68. AN ACT RELATIVE TO THE COMMISSIONER OF HEALTH IN THE CITY OF QUINCY.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section twenty-six B of chapter one hundred and eleven of the General Laws or any other general or special law to the contrary, the mayor of the city of Quincy shall appoint and may remove for cause, a commissioner of health who shall be a citizen of the United States and has earned a masters degree in public health with at least two years full-time experience in a responsible position in public health service. Said commissioner shall devote full-time to the performance of his duties and the supervision of the employees of the department. He shall be a member of the board of license

ACTS, 1986. – Chaps. 69, 70.

commissioners of the city of Quincy established under the provisions of chapter two hundred and seventy-five of the acts of nineteen hundred and forty-nine. He shall be appointed in January for a period of three years beginning the first Monday of the following February, and serve until the qualification of his successor. The initial appointment upon the passage of this act shall be for a term to expire on the first Monday of February, nineteen hundred and eighty-nine. Any vacancy in office shall be filled for the balance of the unexpired term in the same manner as the original appointment. His salary shall be such as the city council of said city may determine.

Approved June 4, 1986.

Chapter 69. AN ACT PROVIDING THAT THE STATE NURSING HOME OMBUDSMAN SHALL HAVE ACCESS TO THE RECORDS OF CERTAIN PATIENTS IN LONG TERM CARE FACILITIES.

Be it enacted, etc., as follows:

The second paragraph of section 30 of chapter 19A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:- If said ombudsman or his designee reasonably believes that a complaint situation exists which may only be resolved by the inspection of the resident's personal, financial or medical records, and if the resident lacks the capacity to give informed consent, and the resident has no legal representative, the said ombudsman or his designee shall have access to the records of the resident without the resident's written authorization.

Approved June 4, 1986.

Chapter 70. AN ACT AUTHORIZING THE TOWN OF SHARON TO USE CERTAIN PARK LAND FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

The town of Sharon is hereby authorized to use a certain portion of park land for highway purposes. Said land being bounded and described as follows:-

BEGINNING AT A POINT ON THE EASTERLY LINE OF EAST FOXBORO STREET, SAID POINT BEING NORTH 7° 59' 00" EAST A DISTANCE OF 619.83 FEET FROM THE NORTHWESTERLY CORNER OF LAND NOW OR FORMERLY OF WILLIAM J. AND ANN D. THERWAY, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED PARCEL;

THENCE NORTH 7° 59' 00" EAST ALONG SAID EASTERLY LINE OF EAST FOXBORO STREET A DISTANCE OF 140.35 FEET TO A POINT IN SAID EASTERLY LINE OF EAST FOXBORO STREET;

THENCE NORTHERLY WITH SAID EASTERLY LINE OF EAST

ACTS, 1986. – Chap. 71.

FOXBORO STREET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4000.00 FEET AND A LENGTH OF 118.88 FEET TO A POINT IN SAID EASTERLY LINE OF EAST FOXBORO STREET;

THENCE CONTINUING ALONG SAID EASTERLY LINE OF EAST FOXBORO

STREET NORTH 9° 41' 10" EAST A DISTANCE OF 150.53 FEET TO A STONE BOUND IN SAID EASTERLY LINE OF EAST FOXBORO STREET;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A LENGTH OF 84.74 FEET TO A STONE BOUND IN THE SOUTHERLY LINE OF GUNHOUSE STREET;

THENCE EASTERLY ALONG SAID SOUTHERLY LINE OF GUNHOUSE STREET SOUTH 73° 16' 50" EAST A DISTANCE OF 74.63 FEET TO A POINT IN SAID SOUTHERLY LINE OF GUNHOUSE STREET;

THENCE CONTINUING EASTERLY WITH SAID SOUTHERLY LINE OF GUNHOUSE STREET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 3,250.00 FEET AND A LENGTH OF 283.84 FEET TO A POINT IN SAID SOUTHERLY LINE OF GUNHOUSE STREET;

THENCE NORTH 78° 17' 04" EAST A DISTANCE OF 114.99 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 334.00 FEET AND A LENGTH OF 206.56 FEET TO A POINT;

THENCE SOUTH 66° 16' 51" WEST A DISTANCE OF 44.76 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND A LENGTH OF 22.08 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 230.00 FEET AND A LENGTH OF 75.63 FEET TO A POINT;

THENCE SOUTH 21° 52' 03" WEST A DISTANCE OF 177.64 FEET TO A POINT;

THENCE SOUTH 15° 55' 17" WEST A DISTANCE OF 84.83 FEET TO THE POINT AND PLACE OF BEGINNING.

Said land containing 26,854 square feet.

Approved June 5, 1986.

**Chapter 71. AN ACT DESIGNATING A CERTAIN WALKWAY IN THE
SOUTH BOSTON DISTRICT OF THE CITY OF BOSTON
AS THE BERNARD N. PANAJIA AND PAUL L. ROGERS
WALKWAY.**

Be it enacted, etc., as follows:

The portion of break-water in the South Boston district of the city of Boston known as the Head House walk, bordering the body of water known as Pleasure bay, and connecting William J. Day boulevard with Castle Island shall be designated and known as the Bernard N. Panajia and Paul L. Rogers walkway. A suitable marker bearing said designation shall be erected by the metropolitan district commission in compliance with the standards of said commission.

**Chapter 72. AN ACT AUTHORIZING THE TOWN OF AMHERST TO
ESTABLISH A HOUSING REVIEW BOARD.**

Be it enacted, etc., as follows:

SECTION 1. Declaration of Emergency. The general court finds and declares that a serious public emergency exists in the town of Amherst with respect to availability and quality of the housing of a substantial number of town residents. This emergency has been caused by the rapid inflation in the costs of new housing construction; by prolonged high interest rates which have retarded new housing construction; by the substantial increase in the town's student population since the year nineteen hundred and sixty; and by increases in residential mortgage rates, which have made home ownership more difficult or impossible, especially for low- and moderate-income families and elderly persons on fixed incomes. The general court further finds that because of the continuing critical shortage of rental housing accommodations, abnormally high rents have resulted and, unless residential rents become subject to review and control on a case-by-case basis, such emergency and the further inflationary pressures resulting therefrom will produce serious threats to public health, safety, and general welfare of the residents of the town of Amherst, particularly the low- and moderate-income families and elderly persons on fixed incomes; and that such emergency should be met by the general court immediately with due regard for the rights and responsibilities of the town of Amherst.

SECTION 2. Definitions. The following words or phrases as used in this act, and in the by-law established hereunder, shall have the following meanings:-

(a) "Rental unit", any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, including houses, apartments, rooming or boarding house units, and other properties used for living or dwelling purposes, together with all services connected with the use or occupancy of such property.

(b) "Rent", the consideration, including any bonus, benefits, or gratuity demanded or received for or in connection with the use or occupancy of a rental unit or the transfer of a lease of such a rental unit.

(c) "Services", repairs, replacement, maintenance, painting, providing light, heat, hot and cold water, elevator services, window shades and screens, storage, kitchen, bath, and laundry facilities and privileges, janitor services, refuse removal, furnishings, parking, and any other benefit, privilege, or facility connected with the use or occupancy of any rental unit. Services to a rental unit shall include a proportionate part of services provided to common facilities of the building in which the rental unit is contained.

(d) "Landlord", includes an owner, lessor, sub-lessor, assignee, or other person receiving or entitled to receive rent for the use or occupancy of a rental unit, or an agent of any of the foregoing.

(e) "Tenant", includes a sub-tenant, lessee, sub-lessee, or other person entitled to the possession, use, or occupancy of a rental unit.

(f) "Person", includes an individual, corporation, partnership, association, or any other organized group of persons, a legal successor or representative of the foregoing.

(g) "Petition", a formal written statement on a form approved by the housing review board requesting specific relief and setting forth the relevant facts and reasons therefor.

SECTION 3. Housing Review Board. (a) The town of Amherst is hereby authorized to establish, by a by-law not inconsistent with this act, a housing review board, herein referred to as the board.

(b) The board shall consist of five members who shall be residents of the town of Amherst. The board members shall be appointed by the town manager and approved by the board of selectmen to serve without compensation. Three members shall be appointed to two-year terms and two members shall be appointed to one-year terms. Thereafter, as the terms of the appointed members expire, their successors shall be appointed to serve two year terms. Vacancies, other than by expiration of terms, shall be filled for the balance of the term by the town manager, with the approval of the board of selectmen. Every member, unless sooner removed, shall serve until the qualification of a successor.

(c) Three members of the board shall constitute a quorum.

(d) The board shall accept petitions as provided herein on forms approved by the board, and shall determine: the fair and reasonable net operating income as provided in section four and in accordance with standards set forth therein, and whether the rent level is reasonable in relation to that fair and reasonable net operating income.

(e) The board shall promulgate rules and regulations for the conduct of its business as are allowed and are consistent with the provisions of this act and with the provisions of the by-law established hereunder.

(f) The board shall secure such information and conduct such studies, either directly or through other municipal agencies, and may summons such persons, papers, or documents as it finds necessary for the performance of its duties.

(g) The board shall have jurisdiction to accomplish the purpose of this act and the by-law established hereunder over all rental units in the town of Amherst except:

(1) rental units in hotels, motels, inns, and tourist homes which are rented primarily to transient guests for periods of less than fourteen days, and rental units in rooming or boarding houses in which the tenant petitioner has resided for a period of three months or less;

(2) rental units which a governmental unit, agency, or authority either owns, operates, regulates, insures the mortgage of, finances, or subsidizes; or rental units with respect to which the application of this act or by-law would constitute an inconsistency or conflict with any federal or state statute, regulation or other law; or rental units which a governmental unit, agency or authority finances or subsidizes, if the imposition of rent regulation would result in the cancellation or

withdrawal, by law, of such financing or subsidy;

(3) rental units in any hospital, convent, monastery, asylum, public institution, or college or school dormitory used exclusively for charitable or educational purposes;

(4) rental units in nursing homes and rest homes for the aged; and

(5) rental units in owner-occupied one, two, or three-family dwellings.

(h) The board shall provide in writing a comprehensive annual report of its activities to the annual town meeting.

(i) The board may, on its own motion or upon the request of the landlord or a tenant petitioning the board, join the petitions for a consolidated hearing.

(j) If the board shall determine that a rental unit which is before it for decision is comparable to other rental unit or units within the building or complex, it shall have the authority to render decisions which shall apply to said other unit or units by first giving seven days written notice to the landlord and the tenant or tenants of such other unit or units, stating that they have the right to appear and be heard. The board's decision shall take into adequate account the degree of comparability.

SECTION 4. Standards. (a) The board shall regulate or modify rent levels when it has determined the fair and reasonable net operating income as provided in this section and in accordance with standards set forth herein, and has determined that the rent level is not reasonable in relation thereto.

(b) The following factors, which the board by regulation shall define, shall be considered in determining whether a rent level of a rental unit yields a fair and reasonable net operating income:

(1) Increases or decreases in property taxes and assessments;

(2) Unavoidable increases or any decreases in operating and maintenance expenses;

(3) Capital improvement of the rental unit as distinguished from ordinary repair, replacement, and maintenance;

(4) Increases or decreases in living space, services, furniture, furnishings, or equipment;

(5) Substantial deterioration of the rental unit other than as a result of ordinary wear and tear; and

(6) Failure to perform ordinary repair, replacement, and maintenance. The board shall consider all factors which it deems relevant to its determination of the fair and reasonable net operating income, including but not limited to, those enumerated in this subsection.

(c) The board shall deny rent increases when it determines that the affected premises do not comply with chapter two of the State Sanitary Code, the State Building Code, or any other applicable municipal code, by-law, or state law, regulating the conditions of residential housing accommodations and that the landlord has received notice of such noncompliance and has not, within seven days of receipt of such notice, taken appropriate steps to cause the unit to become compliant with such law.

(d) The board shall deny a rent increase in any tenancy at will where it finds that the landlord has not served the tenant at will with a written notice to quit including an offer to establish a new tenancy pursuant to section twelve of chapter one hundred and eighty-six of the General Laws.

(e) The board may allow a rent increase if it determines that the tenant is more than thirty days in arrears in tendering rent, unless such arrearage is due to a withholding of rent pursuant to, and in compliance with, the provisions of section one hundred and twenty-seven L of chapter one hundred and eleven or section eight A of chapter two hundred and thirty-nine of the General Laws.

SECTION 5. Hearings. (a) Within thirty days of receipt of a petition of a tenant presenting a dispute concerning a rent level in a unit which is not exempt under section three of this act, or under the by-law established hereunder, or a petition of a landlord or tenant requesting modification of an order of the board, the board shall conduct a hearing to settle said dispute in a fair and equitable manner and to adjust the rent level of the rental unit involved if the rent level is unreasonable in relation to the fair and reasonable net operating income as provided in section four and in accordance with the standards set forth therein.

(b) All parties to any such hearing shall have the right to present evidence to the board and to be represented by counsel before the board.

(c) The board shall allow the landlord in each case a fair and reasonable net operating income, in accordance with standards established in section four.

(d) Every decision of the board shall be rendered within fourteen days of the close of the hearing. The decision shall be in writing, and parties to the proceedings shall be notified of the decision in person or by mail. A copy of the decision shall be filed with the town clerk.

(e) Any orders issued by the board shall remain in effect for a period of one year unless modified by the board. Orders shall be modified only upon a finding by the board of a significant change in circumstances or of new evidence which the petitioner could not have reasonably been expected to discover through reasonable diligence at the time of the hearing.

SECTION 6. Judicial Review. (a) Any party to the proceeding aggrieved by the action of the board may file a civil action against the board in the Northampton division of the district court department of the trial court, or in any housing court having jurisdiction, within thirty days of the date on which the decision was filed with the town clerk. The court shall review and decide such action pursuant to the standards set forth in paragraph seven of section fourteen of chapter thirty A of the General Laws.

(b) The Northampton division of the district court department of the trial court, or such housing court, shall have jurisdiction to enjoin any violation of this act or any provision of the by-law established hereunder.

ACTS, 1986. – Chap. 73.

SECTION 7. Civil Remedies. (a) Any person who demands, accepts, receives, or retains any payment of rent in excess of the amount authorized by the board during the one-year effective period provided in paragraph (e) of section five shall be liable to the person from whom such payment is demanded, accepted, received, or retained for reasonable attorney's fees and costs as determined by the court, plus liquidated damages in the amount of four hundred dollars.

(b) The board shall be authorized to seek enforcement of its orders in the Northampton division of the district court department of the trial court.

SECTION 8. Evictions. (a) Any landlord of residential property within the town of Amherst which is not exempt under the provisions of section three or under the by-law established hereunder may not file a summary process complaint against a tenant for a period of one year after the tenant has filed a petition with the board except pursuant to paragraph (c) of this section.

(b) The filing of a summary process complaint against a tenant within the one year period following the filing of a petition by the tenant with the board shall create a rebuttable presumption of reprisal within the meaning of section eighteen of chapter one hundred and eighty-six and section two A of chapter two hundred and thirty-nine of the General Laws.

(c) The presumption of paragraph (b) of this section shall be rebutted only by clear and convincing evidence that the landlord's action was not a reprisal against the tenant and that the landlord had sufficient independent justification for taking such action, and would have in fact taken such action, in the same manner and at the same time the action was taken, regardless of the tenant having filed a petition with the board.

SECTION 9. The action taken at the special town meeting of the town of Amherst held on February twenty-sixth, nineteen hundred and eighty-six on Article 4, adding a new by-law establishing a housing review board is hereby validated, ratified and confirmed as if this act was in effect at said time.

SECTION 10. Chapter seven hundred and six of the acts of nineteen hundred and eighty-five is hereby repealed.

SECTION 11. This act shall take effect upon its passage.

Approved June 6, 1986.

Chapter 73. AN ACT PROVIDING RELIEF FROM THE IMPACT OF REVALUATION.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 59 of the General Laws, as

appearing in the 1984 Official Edition, is hereby amended by inserting after clause Seventeenth C the following clause:–

Seventeenth D. Real estate, to the taxable valuation of two thousand dollars or the sum of one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due, of a surviving spouse or of any minor whose parent is deceased, occupied by such spouse, or minor as her or his domicile, or a person or persons over the age of seventy who has owned and occupied it as a domicile for not less than five years; provided, that the whole estate, real and personal, of such spouse, person or minor does not exceed in value the sum of forty thousand dollars provided that the real property occupied by such person as his or her domicile shall not be included in computing the whole estate, except for any portion of said real property which produces income and exceeds two dwelling units, exclusive of property otherwise exempt under clauses Twelfth, Twentieth and Twenty-first, exclusive of the value of the mortgage interest held by persons other than the person or persons to be exempted in such mortgaged real estate as may be included in such whole estate.

No real estate shall be so exempt which the assessors shall adjudge has been conveyed to such spouse, person or minor to evade taxation. A spouse, person or minor aggrieved by any such judgment may appeal to the county commissioners or to the appellate tax board within the time and in such manner allowed by section sixty-four or sixty-five, as the case may be. Any exemption under this clause, to the taxable valuation of two thousand dollars or the sum of one hundred and seventy-five dollars, whichever would result in an abatement of the greater amount of actual taxes due may be apportioned among the persons whose title to the real estate was acquired under the provisions of section three of chapter one hundred and ninety and who qualify for an exemption under this clause. This clause shall take effect in any city or town upon its acceptance by such city or town for fiscal years commencing on or after July first, nineteen hundred and eighty-six, or for fiscal years commencing on or after such later July first as the city or town may elect. In those cities and towns which accept the provisions of this clause, the provisions of clauses Seventeenth and Seventeenth C shall not be applicable; provided, however, that the state treasurer shall annually reimburse the city or town an amount equal to the reimbursement granted to such city or town under said clause Seventeenth for the most recent fiscal year in which it received such reimbursement.

SECTION 2. Clause Forty-first of said section 5 of said chapter 59, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:–

Any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns for taxes abated under this clause, clause Forty-first B, and clause Forty-first C shall be distributed as hereinafter provided. The commissioner of revenue shall divide said sum by the number of exemptions under this clause, clause Forty-first B, and clause Forty-first C granted in the preceding fiscal

year and distribute to each city and town a pro rata share of said sum based upon the number of such exemptions granted in each city and town. If a city or town has elected to grant exemptions under clause Forty-first B or clause Forty-first C in lieu of this clause, the number of exemptions granted in such city or town, for purposes of this computation, shall not exceed the number of exemptions granted under this clause in such city or town in the most recent fiscal year in which such exemptions under this clause were granted.

SECTION 3. Said section 5 of said chapter 59 is hereby further amended by inserting after clause Forty-first B the following clause:–

Forty-first C, Real Property, to the amount of four thousand dollars of taxable valuation or the sum of five hundred dollars, whichever would amount in an exemption of the greater amount of taxes due, of a person who has reached his seventieth birthday prior to the fiscal year for which an exemption is sought and occupied by said person as his domicile, or of a person who owns the same jointly with his spouse, either of whom has reached his seventieth birthday prior to the fiscal year for which an exemption is sought and occupied by them as their domicile, or for a person who has reached his seventieth birthday prior to the fiscal year for which an exemption is sought who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided: (A) that such person (1) has been domiciled in the commonwealth for the preceding ten years, (2) has so owned and occupied such real property or other real property in the commonwealth for five years, or (3) is a surviving spouse who inherits such real property and has occupied such real property in the commonwealth five years and who otherwise qualified under this clause; (B) that such person had, in the preceding year gross receipts from all sources of less than thirteen thousand dollars, or if married, combined gross receipts with his spouse of less than fifteen thousand dollars, provided, however, that in computing the gross receipts of an applicant under this clause ordinary business expenses and losses may be deducted, but not personal or family expenses; and provided, further, that there shall be deducted from the total amount received by the applicant under the federal social security or railroad retirement and from any annuity, pension, or retirement plan established for employees of the United States government, the government of the commonwealth, or the government of any city, town, county, or special district, included in such gross receipts, an amount equivalent to the minimum payment then payable under said federal social security law, as determined by the commissioner of revenue, to a retired worker seventy years of age or over, if the applicant is unmarried, or to a retired worker and spouse, both of whom are seventy years of age or over, if the applicant is married; and (C) that such person had a whole estate, real and personal, not in excess of twenty-eight thousand dollars, or if married, not in excess of thirty thousand dollars, provided that real property occupied as his domicile

shall not be included in computing the whole estate except for any portion of said property which produces income and exceeds two dwelling units. In the case of real property owned by a person jointly or as a tenant in common with a person not his spouse, the amount of his exemption under this clause shall be that proportion of four thousand dollars valuation or the sum of five hundred dollars, whichever would result in an exemption of the greater amount of taxes due, which the amount of his interest in such property bears to the whole tax due, provided: (A) that no exemption shall be granted to any joint tenant or tenant in common unless the gross receipts from all sources whatsoever of each joint tenant or tenant in common is less than thirteen thousand dollars or, if married, the combined gross receipts from all sources whatsoever, of each joint tenant or tenant in common and his spouse is less than fifteen thousand dollars, provided, however, that in computing the gross receipts of an applicant under this clause ordinary business expenses and losses may be deducted, but not personal or family expenses; and provided, further, that there shall be deducted from the total amount received by the applicant under the federal social security or railroad retirement and from any annuity, pension, or retirement plan established for employees of the United States government, the government of the commonwealth, or the government of any city, town, county, or special district, included in such receipts, an amount equivalent to the minimum payment then payable under said federal social security law, as determined by the commissioner of revenue, to a retired worker seventy years of age or over, if the applicant is unmarried, or to a retired worker and spouse, both of whom are seventy years of age or over, if the applicant is married; and (B) that the combined whole estate, real and personal, of each joint tenant or tenant in common is less than twenty-eight thousand dollars or, if married, the combined whole estate, real and personal of each joint tenant or tenant in common and his spouse does not exceed thirty thousand dollars, provided that real property occupied as their domicile shall not be included in computing the whole estate except for any portion of said property which produces income and exceeds two dwelling units. No proportion of the exemption shall be denied to any applicant otherwise qualified for the reason that another joint tenant or tenant in common receives a proportion of the total exemption. Household furnishings and property already exempt under the clauses Twelfth, Twentieth, Thirty-first, and Thirty-fifth shall not be included in computing the whole estate for purposes of this section. Where a portion of the real property occupied as a domicile of an applicant under this clause is located within a municipality other than the municipality in which the applicant is domiciled, and where the value of said property, or the taxes, assessed by the municipality in which such applicant is domiciled would result in his receiving less than the maximum exemption provided by this clause, that part of the property of such applicant within such other municipality shall be exempt to a value, or to an amount of tax, sufficient to grant the applicant the total maximum exemption provided by the clause.

ACTS, 1986. – Chap. 73.

This clause shall take effect in any city or town upon its acceptance by such city or town for fiscal years commencing on or after July first, nineteen hundred and eighty-six, or for fiscal years commencing on or after such later July first as the city or town may elect. In those cities and towns which accept the provisions of this clause, the provisions of clause Forty-first and Forty-first B shall not be applicable; provided, however, that any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns for taxes abated under this clause, clause Forty-first and clause Forty-first B shall be distributed as provided in said clause Forty-first.

SECTION 4. Notwithstanding any general or special law to the contrary, in each city or town certified by the commissioner of revenue to be assessing all property at full and fair market value, upon acceptance by the local appropriating authority, as hereinafter defined, a taxpayer who shall otherwise qualify for an exemption under clauses Seventeenth, Seventeenth C, Seventeenth D, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, Thirty-seventh, Thirty-seventh A, Forty-first, Forty-first B, Forty-first C, Forty-second or Forty-third of section five of chapter fifty-nine of the General Laws shall be entitled to an additional exemption which shall be uniform for all exemptions and none of which shall exceed one hundred per cent of said exemption for which he qualifies; provided, however, that in no instance shall the taxable valuation of such property, after all applicable exemptions, be reduced below ten per cent of its full and fair cash valuation except through the application of section eight A of chapter fifty-eight or clause Eighteenth of section five of chapter fifty-nine of the General Laws; and provided, further, that the additional exemption shall not result in any taxpayer paying less than the taxes paid in the preceding fiscal year except through the application of section eight A of chapter fifty-eight or clause Eighteenth of section five of chapter fifty-nine of the General Laws. For the purposes of this section, the term "local appropriating authority" shall mean the board of selectmen in a town; the mayor, with the approval of the city council, in a city; and the town council in a municipality having such form of government. The local appropriating authority may elect to apply the provisions of this section in any fiscal year commencing on or after July first, nineteen hundred and eighty-five. The state treasurer shall annually reimburse a city or town which accepts this section only for the amount which otherwise would have been reimbursed under the respective clause had this section not been accepted by said city or town.

SECTION 5. Notwithstanding any general or special law to the contrary, in any city or town which properly accepts the provisions of sections one, three, or four of this act, no city or town tax rate for fiscal year nineteen hundred and eighty-six or thereafter which has not been approved by the commissioner of revenue pursuant to section

ACTS, 1986. – Chaps. 74, 75.

twenty-three of chapter fifty-nine of the General Laws prior to the effective date of this act shall be so approved unless said commissioner certifies that sufficient sums have been provided by the city or town to cover the costs of the locally accepted provisions. The requirements of this paragraph shall apply to all cities and towns for fiscal years beginning on or after July first, nineteen hundred and eighty-five.

Notwithstanding any general or special law to the contrary, any city or town which has properly accepted the provisions of sections one, three, or four of this act shall allow taxpayers, in the year of such acceptance, an additional forty-five days from the date of such acceptance to file applications for exemption thereunder; provided, however, that if any other general or special law would allow a later date for submission of said applications, that later date shall apply. The commissioner of revenue shall promulgate any necessary rules or regulations to ensure that all other time requirements of any general or special law inconsistent herewith conforms with the provisions of this section.

SECTION 6. The provisions of this act shall take effect upon its passage and shall apply to all fiscal years beginning on or after July first, nineteen hundred and eighty-five.

Approved June 9, 1986.

EMERGENCY LETTER: – June 10, 1986 @ 10:34 A.M.

**Chapter 74. AN ACT EXEMPTING THE POSITION OF DIRECTOR
 OF PUBLIC HEALTH IN THE TOWN OF BILLERICA
 FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

SECTION 1. The position of director of public health in the town of Billerica shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any incumbent holding the position of director of public health in the town of Billerica on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Approved June 10, 1986.

**Chapter 75. AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO
 LEASE A PARCEL OF LAND FOR THE PURPOSE OF
 CONSTRUCTING A MICROWAVE TRANSMISSION
 TOWER AND ACCESSORY FACILITY.**

ACTS, 1986. – Chap. 76.

Be it enacted, etc., as follows:

SECTION 1. The city of Pittsfield, subject to the approval of the department of environmental quality engineering, is hereby authorized, subject to the terms of the decision voted by the zoning board of appeals of the town of Washington on October twenty-first, nineteen hundred and eighty-five, and as filed with the clerk of said town on November fourth, nineteen hundred and eighty-five to lease a certain parcel of land in accordance with the provisions of section fifteen B of chapter forty of the General Laws, for a period of forty years, to Petricca Communications Systems, Inc. for the purpose of constructing a microwave transmission tower on certain water supply land located in the town of Washington. Said parcel is bounded and described as follows:

Beginning at a point on the northerly side of Washington Mountain Road running N 19° – 0' – 00"W a distance of 450 feet on the Northerly line of Washington Mountain Road to a point;

Thence N 71° – 0' – 00"E a distance of 650 feet to a point;

Thence S 19° – 0' – 00"E a distance of 450 feet, said line being parallel with the Northerly line of Washington Mountain Road to a point;

Thence S 71° – 00' – 00"W for a distance of 650 feet to the point of beginning.

Said parcel contains 6.71 acres of land.

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

Approved June 10, 1986.

**Chapter 76. AN ACT RELATIVE TO THE USE OF PROCEEDS FROM
THE SALE OF CERTAIN REAL ESTATE BY THE TOWN
OF HULL.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the town of Hull is hereby authorized to expend for any governmental purpose the proceeds from the sale of real estate known as the Damon school located on School street and Elm avenue in said town; provided, however, that there is no indebtedness outstanding relative to such real estate at the time of such sale.

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

Approved June 10, 1986.

**Chapter 77. AN ACT PROVIDING RELIEF FROM THE IMPACT OF
REVALUATION IN THE CITY OF SOMERVILLE.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section eleven of chapter six hundred and fifty-three of the acts of nineteen hundred and eighty-two, or any other general or special law, rule or regulation to the contrary, if the city of Somerville is certified by the commissioner of revenue as having assessed all property at its full and fair market value for fiscal year nineteen hundred and eighty-six, any person who shall qualify for any exemption under clause Seventeenth C, Twenty-second, Twenty-second A to Twenty-second E, inclusive, Thirty-seventh A, Forty-first B, Forty-second or Forty-third of section five of chapter fifty-nine of the General Laws, shall be entitled, for a tax assessed for fiscal year nineteen hundred and eighty-six, to an additional exemption which shall be sixty per cent of said exemption for which the person is qualified; provided, however, that the total additional exemption granted to any individual under this section shall not be greater than three hundred and fifty dollars; and provided further, that in no instance shall the taxable valuation of such property, after all applicable exemptions, be reduced below ten per cent of its full and fair cash valuation except through the application of section eight A of chapter fifty-eight or clause Eighteenth of section five of chapter fifty-nine of the General Laws. The state treasurer shall annually reimburse the city of Somerville under this section only for the amount which otherwise would have been reimbursed under the respective clauses of chapter fifty-nine had this section not been enacted.

SECTION 2. Notwithstanding any general or special law, rule or regulation to the contrary, in fiscal year nineteen hundred and eighty-six any person receiving a tax bill for residential property in the city of Somerville which he himself occupies as his principal residence shall within sixty days from the date upon which the property tax bills are mailed make payment on so much of the bill as represents an increase over that person's net tax bill for the same property in fiscal year nineteen hundred and eighty-five, without incurring interest. Net tax bill shall mean that amount which reflects the assessed valuation in fiscal year nineteen hundred and eighty-five times the tax rate for fiscal year nineteen hundred and eighty-five minus any statutory exemptions, but exclusive of any liens or betterments. So much of such a taxpayer's fiscal year nineteen hundred and eighty-six tax bill as is less than or equal to the fiscal year nineteen hundred and eighty-five net tax bill on the same property must be paid within thirty days from the date upon which the tax bills are mailed without incurring interest. Any liens or betterments which are added to and become part of the fiscal year nineteen hundred and eighty-six tax pursuant to the General Laws shall not be calculated to be part of the increase eligible for payment within sixty days pursuant to the first sentence of this paragraph.

ACTS, 1986. – Chap. 78, 79.

SECTION 3. Any tax bill, including any tax bill subject to the provisions of section two, that remains unpaid after the expiration of the time limits set for payment in said section shall be subject to all penalties and procedures provided for in the General Laws for unpaid property taxes.

SECTION 4. This act shall take effect upon its passage.

Approved June 10, 1986.

**Chapter 78. AN ACT PROVIDING FOR CERTAIN EXEMPTIONS OF
VALUE OF REAL ESTATE IN THE CITY OF
SOMERVILLE.**

Be it enacted, etc., as follows:

SECTION 1. Any person applying for an exemption under the provisions of clause Seventeenth C of section five of chapter fifty-nine of the General Laws for taxes due in fiscal year nineteen hundred and eighty-six in the city of Somerville, may, for fiscal year nineteen hundred and eighty-six only, claim exclusion of one hundred thousand dollars to be applied to the value of real estate occupied by such person as his domicile.

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

Approved June 10, 1986.

**Chapter 79. AN ACT RELATIVE TO THE NUMBER OF MEMBERS
OF THE RESERVE FIRE FORCE OF THE CITY OF
LAWRENCE.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-nine C of chapter forty-eight of the General Laws or any other general or special law or regulation to the contrary, the city of Lawrence shall determine the number of members of its reserve fire force; provided, however, that no appointments shall be made in excess of the number provided for pursuant to said section fifty-nine C subsequent to April first, nineteen hundred and eighty-seven.

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

Approved June 10, 1986.

ACTS, 1986. – Chaps. 80, 81, 82.

**Chapter 80. AN ACT INCREASING THE PENALTY FOR
VIOLATIONS OF THE RULES AND REGULATIONS AS
TO TRANSPORTATION BY MOTOR VEHICLES OF
PERSONAL PROPERTY.**

Be it enacted, etc., as follows:

Section 31A of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— Any person convicted of a violation of any rule or regulation made under this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars and in case of a second or subsequent offense, the registration of the vehicle or vehicles involved shall be suspended for such length of time as the registrar shall determine.

Approved June 10, 1986.

**Chapter 81. AN ACT CLARIFYING THE LAW RELATIVE TO THE
REPORTING OF STOLEN LEASED OR RENTAL MOTOR
VEHICLES.**

Be it enacted, etc., as follows:

Section 87A of chapter 266 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "rented", in line 4, the words:— or stolen.

Approved June 10, 1986.

**Chapter 82. AN ACT FURTHER REGULATING THE DISPENSING OF
CONTROLLED SUBSTANCES.**

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 94C of the General Laws is hereby amended by striking out subsection b 1/2, inserted by chapter 364 of the acts of 1985.

SECTION 2. Said section 9 of said chapter 94C is hereby further amended by adding the following subsection:—

(e) Notwithstanding the provisions of subsection (b), a physician, when acting in good faith and providing care under a program funded in whole or in part by 42 USC 300, or in a clinic licensed by the department to provide comparable medical services, or a registered nurse registered pursuant to the provisions of section seventy-four of chapter one hundred and twelve and authorized by said physician, may lawfully dispense controlled substances pursuant to schedule VI to recipients of these services in such quantity as needed for treatment, and

ACTS, 1986. – Chaps. 83, 84.

shall be exempt from the requirement that such dispensing be in a single dosage or as necessary for immediate treatment; provided, however, that such registered nurse shall not so dispense except as provided in section seventeen. The department may establish rules and regulations controlling the dispensing of said medications, including, but not limited to, the types and amounts of medications dispensed and appropriate safeguards for dispensing.

Approved June 10, 1986.

Chapter 83. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF BILLERICA AS THE HENRY F. COLLINS BRIDGE.

Be it enacted, etc., as follows:

The bridge on High street over the Boston and Maine Railroad tracks in the town of Billerica shall be designated and known as the Henry F. Collins bridge in honor of Henry F. Collins who was a member of the school committee and served as principal assessor for said town. A suitable marker bearing said designation shall be erected thereat by the department of public works in compliance with the standards of said department.

Approved June 10, 1986.

Chapter 84. AN ACT AUTHORIZING THE TOWN OF WASHINGTON TO MAKE A CERTAIN PAYMENT TO STEPHEN SOUTHARD.

Be it enacted, etc., as follows:

SECTION 1. The town of Washington is hereby authorized to appropriate money for the payment of, and, after such appropriation, the treasurer of said town is authorized to pay to Stephen Southard the sum of two thousand, one hundred dollars for the reconstruction work on the Middlefield bridge in said town during the fiscal year nineteen hundred and eighty-five notwithstanding the failure of said town to comply with the provisions of section thirty-nine M of chapter thirty of the General Laws or any other applicable provision of law.

SECTION 2. No bill shall be approved by the town auditor of said town or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said town auditor stating under the penalties of perjury that said reconstruction work has actually been performed and completed by the said Stephen Southard.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for said

ACTS, 1986. – Chaps. 85, 86.

legal expenses which have not been incurred and paid shall be imprisoned for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved June 10, 1986.

**Chapter 85. AN ACT ESTABLISHING A RESERVE POLICE FORCE
IN THE TOWN OF FOXBOROUGH.**

Be it enacted, etc., as follows:

SECTION 1. Section 4-25 of Article 4 of the charter of the town of Foxborough which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws is hereby amended by adding the following subsection:-

(C) There shall be a reserve police force consisting of such number of members as the board of selectmen may determine. Members of such force shall be appointed by the board of selectmen in consultation with the chief of police. Members of said reserve force may be removed by the board of selectmen in consultation with the chief of police at any time for any reason satisfactory to said board. Said members shall, while on duty, have all the powers and duties of members of the regular police force of Foxborough and shall be paid by the town of Foxborough such compensation as the selectmen may fix. Said members shall comply with the standards and rules and regulations of the police department of the town and with the orders of the chief of police.

SECTION 2. Upon the effective date of this act any provisions of any special laws and parts of special laws, and all by-laws and parts of by-laws pertaining to the reserve police force in the town of Foxborough, which are inconsistent with the provisions of this act, shall be inoperative and cease to be effective.

SECTION 3. This act shall take effect upon its acceptance by the town of Foxborough.

Approved June 10, 1986.

**Chapter 86. AN ACT AUTHORIZING COUNTIES TO CONTRACT
WITHOUT BIDDING WITH CERTAIN VENDORS.**

Be it enacted, etc., as follows:

Section 17 of chapter 34 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

The provisions of this section shall be deemed to have been complied with on all purchases made under the provisions of sections twenty-two A and twenty-two B of chapter seven when one county acting on behalf of itself or other counties complies with the provisions of this section, or

ACTS, 1986. – Chaps. 87, 88.

when such purchases are made from a vendor holding a contract with the commonwealth for the item being purchased under the terms of such contract.

Approved June 10, 1986.

Chapter 87. AN ACT DESIGNATING A CERTAIN INTERSECTION OF ROUTE 123 IN THE CITY OF BROCKTON AS THE HAROLD J. CREEDEN SQUARE.

Be it enacted, etc., as follows:

The intersection of state highway route 123 and Cary street and Lyman street in the city of Brockton shall be designated and known as the Harold J. Creeden square in memory of Machinist Mate 2nd class Harold J. Creeden who died at sea on July seventeenth, nineteen hundred and forty-three. The department of public works shall erect suitable markers in compliance with the standards of said department.

Approved June 10, 1986.

Chapter 88. AN ACT PROVIDING FOR TWELVE PRECINCTS IN THE CITY KNOWN AS THE TOWN OF METHUEN.

Be it enacted, etc., as follows:

SECTION 1. Section 2-1(a) of Article 2 of the charter of the city known as the town of Methuen, which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out after the third sentence the words, "Precincts 1, 2, and 6, to be known as the Central District; Precincts 3, 7 and 9, to be known as the East District; and Precincts 4, 5 and 8, to be known as the West District." and inserting in place thereof the following:– Precincts 1, 2, 6 and 10, to be known as the Central District; Precincts 3, 7, 9 and 12, to be known as the East District; and Precincts 4, 5, 8 and 11, to be known as the West District.

SECTION 2. Article 7 of said charter, which is on file in said office of the archivist of the commonwealth, is hereby amended by striking out section 7-4 and inserting in place thereof the following section:–

Section 7-4. Precincts and Districts. The territory of Methuen shall be divided into twelve precincts, so established as to consist of as nearly equal a number of inhabitants as it is possible in compact and contiguous territory; bounded insofar as possible by the center line of known streets or ways or by other well defined limits. The twelve precincts shall be separated into three districts. The Central District shall include

ACTS, 1986. – Chaps. 89, 90.

Precincts 1, 2, 6 and 10; the East District shall include Precincts 3, 7, 9 and 12; and the West District shall include Precincts 4, 5, 8 and 11.

SECTION 3. This act shall take effect on January first, nineteen hundred and eighty-eight, and shall apply to the state primary election and the state election held in said year and to every municipal, state and national primary election and election held thereafter.

Approved June 10, 1986.

Chapter 89. AN ACT AUTHORIZING MIMI A. CANU TO WAIVE HIS SALARY AS CITY COUNCILLOR FOR THE CITY OF GARDNER.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty-two of the General Laws to the contrary, Mimi A. Canu is hereby authorized to continue in the position of city councillor for the city of Gardner after his retirement; provided, however, that said Mimi A. Canu waives the right to the salary for said position upon said retirement.

SECTION 2. This act shall take effect on June twenty-seventh, nineteen hundred and eighty-six.

Approved June 10, 1986.

Chapter 90. AN ACT EXEMPTING THE POSITION OF SENIOR CLERK OF THE BOARD OF REGISTRARS OF THE TOWN OF BILLERICA FROM THE PROVISIONS OF CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of senior clerk of the board of registrars of the town of Billerica shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any person holding the position of senior clerk of the board of registrars of the town of Billerica on the effective date of this act.

Approved June 10, 1986.

ACTS, 1986. – Chaps. 91, 92.

Chapter 91. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF KEVIN MAYNARD AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Kevin Maynard for appointment as a police officer in the city of Fitchburg according to the grade he received on the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he meets all other requirements for certification and appointment as such police officer.

Approved June 10, 1986.

Chapter 92. AN ACT RELATIVE TO THE MASSACHUSETTS TURNPIKE AUTHORITY AND ITS REVENUE BONDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the issuance of revenue bonds by the Massachusetts Turnpike Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 14 of chapter 354 of the acts of 1952 is hereby amended by striking out the first sentence, as amended by section 98 of chapter 371 of the acts of 1983, and inserting in place thereof the following sentence:— Bonds issued by the Authority under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, and savings banks, co-operative banks and trust companies in their banking departments and within the limits set by section fourteen of chapter one hundred and sixty-seven E of the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature, may properly and legally invest funds, including capital in their control or belonging to them, and such bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section fifteen B of chapter one hundred and sixty-seven of the General Laws.

Approved June 16, 1986.

ACTS, 1986. – Chap. 93.

Chapter 93. AN ACT PROVIDING FOR AN ADJUSTMENT OF CERTAIN PAYMENTS TO A CLASS OF CITIES AND TOWNS UNDER THE PROVISION OF STATE EDUCATION AID.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for certain other activities and projects, the sums set forth in section two for the several purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and forty of the acts of nineteen hundred and eighty-five, for the fiscal year ending June thirtieth, nineteen hundred and eighty-six, the sums so appropriated to be in addition to any amounts available for the purpose.

SECTION 2. 7061-0055 For the payment to certain cities and towns of certain increases in the distribution of funds under section eighteen A of chapter fifty-eight of the General Laws for fiscal years nineteen hundred and seventy-five and nineteen hundred and seventy-six, pursuant to the settlement of certain litigation

| | |
|----------------|-----------|
| | \$102,352 |
| Local Aid Fund | 100.0% |

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the amounts paid to cities and towns under item 7061-0055 shall be distributed as follows:

| | |
|------------------|----------|
| Arlington | \$42,814 |
| East Bridgewater | 9,013 |
| Haverhill | 19,168 |
| Lee | 3,079 |
| Swampscott | 19,995 |
| Tyngsborough | 8,283. |

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of revenue is hereby authorized and directed to adjust the amounts otherwise certified by the department of education for distribution pursuant to chapter seventy of the General Laws in each of fiscal years nineteen hundred and eighty-seven through nineteen hundred and ninety, inclusive,

(i) by reducing such chapter seventy distributions to the following communities by the following amounts –

| | |
|------------|----------|
| Burlington | \$38,485 |
| Peabody | 13,457 |

ACTS, 1986. – Chaps. 94, 95.

Watertown 12,708, and

(ii) by increasing such chapter seventy distributions to the following communities by the following amounts –

| | |
|------------------|----------|
| Arlington | \$27,037 |
| East Bridgewater | 5,692 |
| Haverhill | 12,104 |
| Lee | 1,944 |
| Swampscott | 12,643 |
| Tyngsborough | 5,230. |

SECTION 5. This act shall take effect upon its passage.

Approved June 16, 1986.

Chapter 94. AN ACT ESTABLISHING A STATUTE OF LIMITATIONS FOR DISCRIMINATION AND OTHER CIVIL RIGHTS ACTIONS.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of section 9 of chapter 151B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– No action under this section shall be filed later than three years after the alleged unlawful practice occurred.

SECTION 2. Chapter 260 of the General Laws is hereby amended by inserting after section 5A the following section:–

Section 5B. Actions arising on account of violations of any law intended for the protection of civil rights, including but not limited to actions alleging employment, housing and other discrimination on the basis of race, color, creed, national origin, sex, age, ancestry or handicap shall be commenced only within three years next after the cause of action accrues.

Approved June 16, 1986.

Chapter 95. AN ACT REDUCING THE STATUTE OF LIMITATIONS IN CERTIORARI ACTIONS FROM TWO YEARS TO SIXTY DAYS.

Be it enacted, etc., as follows:

Section 4 of chapter 249 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 5, the words "two years" and inserting in place thereof the words:– sixty days.

Approved June 16, 1986.

ACTS, 1986. – Chaps. 96, 97.

Chapter 96. AN ACT PROVIDING A PENALTY FOR A PARENT, GUARDIAN OR CERTAIN OTHER PERSON WHO RESIDES WITH A CHILD CHARGED WITH MALICIOUS DESTRUCTION OF PROPERTY WHO FAILS TO APPEAR IN JUVENILE COURT.

Be it enacted, etc., as follows:

The first paragraph of section 55 of chapter 119 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:— A parent, guardian or person with whom such child resides who is summoned to appear before the court to show cause why such child shall not be adjudged a delinquent child by reason of having committed the offense of wilful or malicious destruction or wanton destruction of property, in violation of the provisions of section one hundred and twenty-seven or one hundred and twenty-seven A of chapter two hundred and sixty-six, and who wilfully fails to so appear shall be punished by a fine of not less than two hundred nor more than three hundred dollars.

Approved June 16, 1986.

Chapter 97. AN ACT PROVIDING FOR THE REGISTRATION OF NUCLEAR PHARMACIES BY THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 94C of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting, after the definition of "Narcotic drug" the following definition:—

"Nuclear pharmacy", a facility under the direction or supervision of a registered pharmacist which is authorized by the board of registration in pharmacy to dispense radiopharmaceutical drugs.

SECTION 2. Said section 1 of said chapter 94C, as so appearing, is hereby further amended by inserting after the definition of "Production" the following definition:—

"Radiopharmaceutical drug", any drug which is radioactive as defined in the Federal Food, Drug and Cosmetic Act.

SECTION 3. Said chapter 94C, as so appearing, is hereby further amended by inserting after section 20 the following section:—

Section 20A. Notwithstanding any other provisions of this chapter, a prescription for a radiopharmaceutical drug shall be dispensed only to an individual authorized by the nuclear regulatory commission to possess and administer such drug.

Upon receiving an oral prescription for a radiopharmaceutical drug from an authorized practitioner, the nuclear pharmacist shall

immediately reduce the prescription to writing and shall record the name, address and registration number of the practitioner and the name of any expressly authorized representative, the date of the prescription, the name and the dose of the radiopharmaceutical drug, the serial number assigned to the prescription by the dispensing nuclear pharmacy, the name of said nuclear pharmacy, the name and address of the patient and any specific instructions required. If the radiopharmaceutical drug is not administered, it shall be returned to the nuclear pharmacy to be disposed of in accordance with requirements established by the nuclear regulatory commission and any applicable law and the nuclear pharmacist shall note on the prescription form the amount of the radiopharmaceutical drug that has been returned and disposed of as required.

SECTION 4. Chapter 112 of the General Laws is hereby amended by inserting after section 39A the following section:–

Section 39B. The board may, upon application, made in such manner and form as it shall determine, register an establishment for transacting business as a nuclear pharmacy as defined in section one of chapter ninety-four C. A nuclear pharmacy shall be independent of and separate from any business and shall not perform any pharmacy functions other than the dispensing of radiopharmaceutical drug products. The board shall issue a permit to such person as it deems qualified to conduct such pharmacy; provided, however, that the board may deny such registration and may refuse to issue such permit if, in its discretion, it determines that such pharmacy would be inconsistent with or opposed to the best interest of the public health, welfare and safety. No such registration shall be made or permit issued in the case of a corporation unless it shall appear to the satisfaction of the board that the management of such nuclear pharmacy is in the hands of a registered pharmacist. Such permit shall expire on December thirty-first of each uneven numbered year following the date of its issue, and the fee therefor shall be determined annually by the commissioner of administration and finance under the provisions of section three B of chapter seven. The board shall, within one hundred and fifty days after the filing of an application, render a final decision denying or allowing registration. Failure to render such decision, except when failure to act is caused by the delay of the applicant, shall constitute an approval of the application and the permit shall be issued.

The board, in consultation with the department of public health shall promulgate regulations pertaining to the operation of nuclear pharmacies in the commonwealth. Such regulations may include procedures governing the dispensing of radiopharmaceutical drugs when the name of a patient to whom the drug is to be administered is not known at the time a prescription order is received, provided that such regulations shall allow a nuclear pharmacist up to seventy-two hours after dispensing a radiopharmaceutical drug to determine the patient's name and record such information on the appropriate form.

SECTION 5. Section 40 of said chapter 112, as appearing in the 1984

ACTS, 1986. – Chaps. 98, 99.

Official Edition, is hereby amended by striking out, in line 2, the words "or thirty-nine A" and inserting in place thereof the words:- thirty-nine A or thirty-nine B.

SECTION 6. The board of registration in pharmacy, in consultation with the department of public health, shall promulgate regulations for the operation of nuclear pharmacies required under section four of this act within one hundred and eighty days of the effective date of this act.

Approved June 16, 1986.

Chapter 98. AN ACT EXEMPTING ALL PAGES EMPLOYED IN LIBRARIES ON A PART-TIME OR INTERMITTENT BASIS.

Be it enacted, etc., as follows:

Section 48 of chapter 31 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 105 and 106, the words "who are day or evening high school or day or evening college students".

Approved June 16, 1986.

Chapter 99. AN ACT DESIGNATING THE THIRD FRIDAY IN SEPTEMBER AS POW/MIA DAY AND DIRECTING THE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO FLY THE PRISONERS OF WAR AND MISSING IN ACTION FLAG ON THE GROUNDS OF CERTAIN STATE BUILDINGS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 15AAA, inserted by chapter 53 of the acts of 1986, the following section:-

Section 15BBB. The governor shall annually issue a proclamation setting apart the third Friday in September as POW/MIA Day in remembrance of the courage and plight of American POW's, and recommending that said day be observed in an appropriate manner by the people.

SECTION 2. Chapter 28 of the acts of 1985 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. The provisions of section two shall become inoperative on August first, nineteen hundred and eighty-seven.

Approved June 16, 1986.

Chapter 100. AN ACT AUTHORIZING FURTHER ESTIMATED TAX PAYMENTS IN THE CITY OF WESTFIELD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the city of Westfield is hereby authorized to issue a second half notice of estimated tax in lieu of the actual assessment and issuance of the tax bill for fiscal year nineteen hundred and eighty-six and require the payment of such estimated tax, which shall in no event exceed the amount of the first estimated tax as previously billed. Upon the completion of such revaluation, the assessors of such city or town shall establish the tax rate for fiscal year nineteen hundred and eighty-six and shall forthwith send out tax bills for said year. Payment of any balance remaining after credit is given for the estimated tax payments previously made, shall represent the final payment upon the actual bill that shall be payable on or before the thirtieth day of the mailing thereof, without payment of interest.

All relevant provisions of law regarding the procedures for issuing, mailing and collecting tax assessments upon real and personal property and betterment assessments shall be applicable to the notice of estimated tax provided hereunder, including the payment of interest under section fifty-seven of chapter fifty-nine of the General Laws. To the extent that any rights or remedies under law accrue from the date that the tax bill is issued, only the tax bill issued upon the establishment of the tax rate for fiscal year nineteen hundred and eighty-six shall govern such rights or remedies.

The provisions of section twenty-one C of said chapter fifty-nine shall apply to the tax rate for fiscal year nineteen hundred and eighty-six established by such city or town.

Approved June 16, 1986.

EMERGENCY LETTER: June 16, 1986 @ 3:01 P.M.

Chapter 101. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT A CERTAIN EASEMENT IN THE TOWN OF ABINGTON.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to immediately authorize the division of capital planning and operations to grant a certain easement in the town of Abington to Briarwood Associates, Inc., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations, acting for and on behalf of the commonwealth is hereby authorized to grant to

ACTS, 1986. – Chap. 102.

Briarwood Associates, Inc., a drainage easement, by a grant instrument approved as to form by the attorney general, on a certain parcel of land in the town of Abington presently under the control of the department of environmental management.

Said easement is shown on "Plan of Drain Easement for Briarwood in Abington prepared for Richard M. and Patricia E. King, Scale 1 in. = 40ft., dated May 15, 1985" prepared by the Russell A. Wheatley Co., Inc, Land Surveyors and Engineers, 700 Bedford Street, Abington, Massachusetts and to be recorded with the grant instrument.

SECTION 2. Said conveyance shall be subject to such conditions and restrictions including restoration as may be deemed advisable by the division of capital planning and operations, in consultation with the commissioner of the department of environmental management.

Approved June 19, 1986.

Chapter 102. AN ACT ESTABLISHING THE DUKES COUNTY REGIONAL HOUSING AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the county of Dukes County, hereinafter referred to as the county, a public body politic and corporate to be known as the Dukes County Regional Housing Authority, hereinafter referred to as the authority. The authority shall be managed, controlled and governed by eight members, five of whom shall constitute a quorum. Seven persons shall be appointed by the county commissioners of said county from a list submitted by the member towns provided that not more than two of the members shall be chosen from the same town. Two persons shall be appointed for an initial term of one year, three persons shall be appointed for an initial term of two years, two persons shall be appointed for an initial term of three years, and one person shall be appointed by the department of community affairs, hereinafter referred to as the department, for an initial term of three years, their successors to be appointed in the same manner and by the same body for terms of three years from the expiration of the terms of the original appointees.

Members of the authority shall be residents of the county, who shall serve until the qualification of their successors unless sooner removed.

Members may be removed or suspended by the county commissioners in the same manner as removal by the city council or board of selectmen in accordance with the provisions of section six of chapter one hundred and twenty-one B of the General Laws. A member of the authority who ceases to be a resident of the county shall be removed upon the date of his change of residence by operation of law.

The clerk of the county commissioners for the county shall, as soon as possible after the event occurs, file a certificate with the department and a duplicate certificate with the state secretary, of an appointment,

resignation or removal of a member of the authority. If the state secretary shall find that the authority has been organized and the members thereof appointed according to law, he shall issue to it a certificate of organization, and such certificate shall be conclusive evidence of the lawful organization of the authority and of appointment of the members thereof.

SECTION 2. Notwithstanding the provisions of section three A of chapter one hundred and twenty-one B of the General Laws, and except as may otherwise be provided herein, and notwithstanding the existence of local housing authority organized in any town, the authority shall be deemed to be, and within every town in the county, shall have the rights, powers and obligations of, a housing authority organized under the provisions of said chapter one hundred and twenty-one B, except with respect to any project or activity theretofore undertaken on a particular site or location by a local housing authority organized in a town. Every town in the county shall have the same rights, powers, and obligations with respect to projects and other activities of the authority in such town as are provided in said chapter one hundred and twenty-one B for a city or town in which a housing authority has been created. In addition, any local housing authority organized in a town within the county, whether organized prior to or subsequent to the creation of the authority by this act, shall have the rights, powers and obligations of a housing authority under said chapter one hundred and twenty-one B, except with respect to any project or activity theretofore undertaken on a particular site or location by the said regional housing authority.

The relationship within any town between the authority and any local housing authority regarding operating procedures and management of projects or programs shall be as specified in any resolution approved as provided in section three and on matters not covered by such resolution, shall be as mutually agreed upon by the two authorities, or in the absence of such agreement, as shall be determined by the department, not inconsistent with department's regulations.

The authority shall annually make a report of its activities, receipts, and expenditures to the commissioners, to the department, to the state auditor, and to the selectmen and housing authority, if any, of each of the towns in the county, in accordance with the provisions of section twenty-nine of said chapter one hundred and twenty-one B.

SECTION 3. Prior to taking, purchasing, or otherwise acquiring the fee in any real property, the authority shall submit a resolution authorizing such acquisition to the housing authority of the town in which the property is located, or if no housing authority has been organized in said town, to its board of selectmen. No such taking, purchase or acquisition shall be completed until thirty calendar days have elapsed following the approval of such resolution by the local housing authority or selectmen, as the case may be, or unless approved by vote of the town meeting as provided below. Upon the expiration of thirty calendar days from the date of submittal without either approval or disapproval by the housing authority or selectmen, as the case may be,

ACTS, 1986. – Chap. 103.

the resolution shall be deemed approved. The local housing authority or selectmen shall include in their consideration of each such resolution the housing needs, the consistency of the proposed action with local plans, and the health, safety, welfare and convenience of all the persons residing in the town.

If prior to the expiration of thirty days following approval or disapproval of such a resolution by the local housing authority or board of selectmen, the town clerk certifies receipt of written requests from a sufficient number of voters, as specified in section ten of chapter thirty-nine of the General Laws; that an article to approve or disapprove the proposed purchase, taking or acquisition be placed on the warrant for a town meeting to be held within sixty days of said submission, the selectmen shall call such town meeting and no taking, purchase, or acquisition of fee in real property shall be made except following an affirmative vote of the town meeting to approve such action.

The provisions of section thirty-nine of chapter one hundred and twenty-one B of the General Laws, limiting the powers of a local housing authority to erect or to contract for financial assistance for the construction of new projects for the housing of elderly persons shall not apply to any housing project erected by the authority.

SECTION 4. For the purpose of defraying costs and expenses of the authority as provided in section nineteen of said chapter one hundred and twenty-one B, the county treasurer may pay such sums to the authority as may be appropriated therefor, and shall be repaid such sums in the manner provided in said section nineteen.

SECTION 5. This act shall take effect upon its passage.

Approved June 19, 1986.

Chapter 103. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BERKSHIRE COUNTY TO RETURN CERTAIN UNEXPENDED FUNDS TO THE CITIES AND TOWNS OF SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 126 of the acts of 1979 is hereby amended by inserting after section 2 the following section:–

Section 2A. Upon the determination by the county commissioners of Berkshire county and approval of the advisory board on county expenditures in said county that funds are no longer needed for the purposes specified in section one, said county commissioners are authorized to return the balance of unexpended funds to the cities and towns of Berkshire county. Said county commissioners shall determine the reimbursement due each city or town by applying to the total amount returned the percentage which shall be equal to the proportion which the county tax assessed upon such city or town in such fiscal year; provided,

ACTS, 1986. – Chaps. 104, 105.

however, that said returned funds shall not affect the following fiscal year budget tax limit.

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

Approved June 19, 1986.

Chapter 104. AN ACT RELATIVE TO CERTAIN UNEXPENDED FUNDS OF BERKSHIRE COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Berkshire county, with the approval of the advisory board on county expenditures in said county, are hereby authorized to return unexpended funds held in reserve from fiscal year nineteen hundred and eighty-five for a jail locking system and other improvements at the Berkshire county jail, in the amount of one hundred ninety-seven thousand eight hundred and eighty-seven dollars and nineteen cents, to the cities and towns of Berkshire county. The reimbursement due each city and town shall be determined by the county commissioners by applying to the total amount returned the percentage which shall be equal to the proportion which the county tax was assessed upon such city or town in such fiscal year; provided, however, that said reimbursement shall not affect the following fiscal year budget tax limit.

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

Approved June 19, 1986.

Chapter 105. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT EASEMENTS IN LAND UNDER THE CONTROL OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO THE TOWN OF ANDOVER.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations is hereby authorized to convey on behalf of the commonwealth, in consultation with the department of environmental management easements in certain land in the city of Lawrence, by deed approved as to form by the attorney general, to the town of Andover in connection with the construction and installation of new wastewater facilities by the town of Andover. Said easements shall include a permanent easement for the construction, installation, maintenance, repair, replacement, or discontinuance of a sewer pipeline across the Commonwealth's land, said easement shown on a plan entitled "Plan of Land in Lawrence Mass." dated June 29, 1982, revised September 14, 1984, prepared by Bryant

ACTS, 1986. – Chaps. 105.

Associates, Inc. of Boston, Massachusetts (Sheet 5 of 7) to be recorded in the northern district registry of deeds for the county of Essex, and further described as follows:

Beginning at a point having coordinate values of North 616,911.97 and East 695,308.53;

Thence S7°-18'-07" E a distance of 39.00 feet to a point;

Thence S82°-41'-58"W a distance of 75.70 feet to a point;

Thence N55°-25'-33"E a distance of 85.16 feet to the point of beginning.

Containing 1475 square feet, more or less, and shown as Parcel 8 on said plan.

Said division is also hereby authorized to grant two temporary construction easements to said town, said easements shown on the plan of land above-mentioned and described as follows:

Temporary Easement for 8-inch Pipeline for Service Connection

Commencing at a point on the northerly property line of land of the Commonwealth of Massachusetts, said point located approximately 12 feet from the easterly sideline of Crawford Street, said point being the point of beginning;

Thence N82°-41'-58" E a distance of approximately 49 feet to a point;

Thence southeasterly on a line parallel to the proposed pipeline a distance of approximately 120 feet to a point;

Thence southwesterly a distance of approximately 51 feet to a point;

Thence northeasterly on a line parallel to the proposed pipeline a distance of approximately 130 feet to the point of beginning;

Containing 6250 square feet more or less.

Temporary Easement for 48-inch Pipeline Along Northerly, Easterly, and Southerly Property Lines

Commencing at a point on the northerly property line of land of the Commonwealth of Massachusetts, said point located approximately 108 feet from the easterly sideline of Crawford Street, said point being the point of beginning;

Thence N82°-41'-58" E along the northerly property line a distance of approximately 177 feet to a point;

Thence S7°-18'-07" E along the easterly property line approximately 417 feet to a point;

Thence S55°-25'-33" W along the sideline of Permanent Easement Parcel 8 a distance of approximately 85 feet to a point on the northerly property line of land now or formerly of the United States Naval Armory;

Thence S82°-41'-58" W along the property line a distance of approximately 35 feet to a point;

Thence N55°-25'-33"E a distance of approximately 108 feet to a point;

Thence N7°-18'-7" W a distance of approximately 395 feet to a point;

Thence S87°-48'-51" W approximately 163 feet to the point of beginning;

Containing 8815 square feet more or less.

SECTION 2. In consideration for the permanent easement authorized in section one, the town of Andover shall abandon the existing fifteen foot wide easement it now holds in the same parcel of land owned by the

ACTS, 1986. – Chaps. 106, 107.

commonwealth in the city of Lawrence by virtue of an instrument recorded in the northern district registry of deeds for Essex county in Book 503, Page 568 on September nineteenth, nineteen hundred and twenty-four, said existing easement also shown on the plan of land described in said section one.

In further consideration for the easements authorized in said section one, said town shall bear all costs in connection with the construction and installation of the wastewater facilities, whether on or off such land of the commonwealth; shall do all such work based upon and in accordance with plans and specifications submitted to and approved by the department of environmental management; and shall perform all such work associated with the installation of the eight-inch diameter service connection to the department buildings at no other time than between September first and May thirty-first of any calendar year. The terms and conditions of the easements hereby authorized shall be set out in an instrument to be recorded in the northern district registry of deeds for the county of Essex.

SECTION 3. This act shall take effect upon its passage.

Approved June 19, 1986.

Chapter 106. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Kevin N. Christo, as he is a Justice of the Peace in Northhampton, New Hampshire, in the town of Southbridge on June twenty-second, nineteen hundred and eighty-six between Jeanette Ramsing of the town of Southbridge and Brian Allen Iozzo of the town of Southbridge, and the state secretary shall issue to said Kevin N. Christo in his capacity as aforesaid a certificate of such authorization.

Approved June 19, 1986.

Chapter 107. AN ACT ESTABLISHING THE RIGHT OF A PATIENT WHO IS REFUSED CARE BY A HEALTH CARE FACILITY BECAUSE OF INABILITY TO PAY.

ACTS, 1986. – Chaps. 108, 109.

Be it enacted, etc., as follows:

The fifth paragraph of section 70E of chapter 111 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 71, the word "and",– and by striking out, in line 75, the word "resident." and inserting in place thereof the words:– resident; and

(n) if refused treatment because of economic status or the lack of a source of payment, to prompt and safe transfer to a facility which agrees to receive and treat such patient. Said facility refusing to treat such patient shall be responsible for: ascertaining that the patient may be safely transferred; contacting a facility willing to treat such patient; arranging the transportation; accompanying the patient with necessary and appropriate professional staff to assist in the safety and comfort of the transfer, assure that the receiving facility assumes the necessary care promptly, and provide pertinent medical information about the patient's condition; and maintaining records of the foregoing.

Approved June 19, 1986.

Chapter 108. AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO GRANT A CERTAIN ANNUITY TO CARMELLA L. FICO.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary and for the purpose of promoting the public good, Carmella L. Fico, widow of Gerald A. Fico, a former security guard at the Cambridge Rindge and Latin school is hereby granted an annuity in the amount she would have received had said Gerald A. Fico been a member of Group 2 of paragraph (g) of subdivision (2) of section three of chapter thirty-two of the General Laws at the time of his death.

Approved June 19, 1986.

Chapter 109. AN ACT FURTHER REGULATING THE SALE OF HEARING AIDS.

Be it enacted, etc., as follows:

SECTION 1. Section 71 of chapter 93 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the definition of "Audiologist" and inserting in place thereof the following two definitions:–

"Audiologist", a person who is duly licensed as an audiologist in the commonwealth according to the requirements set forth in chapter one hundred and twelve.

"Audiological evaluation", a written statement from an audiologist,

ACTS, 1986. – Chap. 109.

prepared in triplicate, based on testing conducted by such audiologist that includes the following information: the ear or ears to be fitted and the date of the testing.

SECTION 2. Said section 71 of said chapter 93, as so appearing, is hereby further amended by striking out the definition of "Hearing test evaluation".

SECTION 3. Said chapter 93 is hereby further amended by striking out section 72, as so appearing, and inserting in place thereof the following section:–

Section 72. No person shall enter into a contract for the sale of or sell a hearing aid unless within the preceding six months the prospective purchaser has obtained a medical clearance.

No person shall enter into a contract for the sale of or sell a hearing aid to a person under eighteen years of age unless within the preceding six months the prospective purchaser has obtained an audiological evaluation.

No person except a person eighteen years of age or older whose religious or personal beliefs preclude consultation with a physician may waive the requirement of a medical clearance.

SECTION 4. Said chapter 93 is hereby further amended by striking out section 73, as so appearing, and inserting in place thereof the following section:–

Section 73. No physician or otolaryngologist shall sell hearing aids or have a direct or indirect membership, employment, co-ownership, or proprietary interest in or with a business which sells hearing aids to, a person to whom such physician or otolaryngologist has provided services pursuant to section seventy-two; provided, however, that this restriction shall not apply to a nonprofit or charitable organization, clinic, hospital or health care facility.

An audiologist who sells a hearing aid to a person to whom such audiologist had provided services pursuant to section seventy-two shall disclose to the prospective purchaser before the sale of the hearing aid the fees for the services provided pursuant to section seventy-two and the terms of the prospective sale of the hearing aid, including a written estimate of the total purchase price, including, but not limited to, the cost of the hearing aid, the earmold, any batteries or other accessories, and any service costs, and shall inform the prospective purchaser of his right to obtain a hearing aid from a different source.

No person directly or indirectly shall give or offer to give or permit or cause to be given money or anything of value to a physician, otolaryngologist or audiologist as an inducement to influence the recommendation of the purchase of a hearing aid.

Nothing in this section shall prevent a physician, otolaryngologist or audiologist from suggesting a specific make and model of a hearing aid.

SECTION 5. The first paragraph of section 74 of said chapter 93, as so appearing, is hereby amended by striking out the last sentence and

ACTS, 1986. – Chaps. 110, 111.

inserting in place thereof the following four sentences:– The sale of a hearing aid is restricted to those individuals who have obtained a medical evaluation from a licensed physician or otolaryngologist. A fully informed adult whose religious or personal beliefs preclude consultation with a physician may waive the requirement of a medical evaluation. The exercise of such a waiver is not in your best health interest and its use is strongly discouraged. It is also required that a person under the age of eighteen years obtain an evaluation by an audiologist in addition to the medical evaluation before a hearing aid can be sold to such person.

SECTION 6. Said section 74 of said chapter 93, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

A copy of the medical clearance statement and audiological evaluation, where required, for the hearing aid shall be attached to the receipt.

SECTION 7. The fourth paragraph of said section 74 of said chapter 93, as so appearing, is hereby amended by striking out, in line 22, the words "hearing test evaluation" and inserting in place thereof the words:– audiological evaluation.

Approved June 19, 1986.

Chapter 110. AN ACT REQUIRING THE REPORTING OF CERTAIN DOG BITES.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by adding after section 12Y, added by section 1 of chapter 298 of the acts of 1985, the following section:–

Section 12Z. Every physician attending or treating a case of dog bite or whenever any such case is treated in a hospital, sanatorium or other institution, the manager, superintendent or other person in charge thereof, shall report such case within twenty-four hours to the inspector of animals of the city or town where such dog bite occurred; provided, however, that if such city or town does not have an inspector of animals said report shall be made to the dog officer.

Approved June 19, 1986.

Chapter 111. AN ACT RELATIVE TO LOANS TO OFFICERS AND DIRECTORS OF CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Section 19 of chapter 170 of the General Laws, as appearing in the

ACTS, 1986. – Chaps. 112, 113.

1984 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

No officer or director of a bank shall, except as hereinafter provided, borrow from or otherwise become indebted to the bank of which he is an officer or director, and no bank shall, except as hereinafter provided, make any loan or extend credit in any other manner to any of its own officers or directors; provided, however, that with the prior approval of a majority of the entire board of directors, excluding any member thereof involved in the loan or extension of credit, a bank may loan or extend credit to any such officer and such officer may become indebted to such bank in an amount not exceeding twenty thousand dollars on a loan or extension of credit, secured or unsecured, and in an amount not exceeding sixty thousand dollars on a loan or extension of credit intended or secured for educational purposes, and in an amount not exceeding one hundred and fifty thousand dollars on a loan secured by a mortgage on real estate improved with a single family dwelling which is occupied, or is to be occupied, by such officer, or by such director, who is not an officer of such bank, subject to the limitations contained in chapter one hundred and sixty-seven E. Such bank shall not give a preferential rate of interest or other preferential terms on any such loan or extension of credit to any such officer or to any such director.

Approved June 19, 1986.

Chapter 112. AN ACT FURTHER REGULATING THE PROPERTY EXEMPTION PROVIDED HOUSES OF RELIGIOUS WORSHIP.

Be it enacted, etc., as follows:

Clause Eleventh of section 5 of chapter 59 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 149, the words ", and, to an amount not exceeding four hundred thousand dollars".

Approved June 19, 1986.

Chapter 113. AN ACT CLARIFYING APPLICABLE LAW AFTER A STOCK CONVERSION OF A CO-OPERATIVE BANK.

Be it enacted, etc., as follows:

Section 26C of chapter 170 of the General Laws is hereby amended by striking out the fourth paragraph, as amended by section 2 of chapter 38 of the acts of 1985, and inserting in place thereof the following paragraph:–

After conversion to a stockholder form of corporation pursuant to this section, sections seven to ten, inclusive, shall not apply to a converted

ACTS, 1986. – Chaps. 114, 115, 116.

bank, and such bank shall be subject to the provisions of sections eleven to fifteen, inclusive, sections nineteen, twenty, twenty-two, twenty-four, twenty-six A, twenty-eight, thirty-one and other applicable sections of chapter one hundred and seventy-two.

Approved June 19, 1986.

Chapter 114. AN ACT REPEALING THE LAW RELATIVE TO THE NONBINDING SAFETY BELT REFERENDUM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately repeal the nonbinding safety belt referendum, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section seven of chapter four hundred and sixteen of the acts of nineteen hundred and eighty-five is hereby repealed.

Approved June 23, 1986.

Chapter 115. AN ACT AUTHORIZING THE TOWN OF HULL TO CHARGE INTEREST ON UNPAID SEWER CHARGES.

Be it enacted, etc., as follows:

SECTION 1. The town of Hull is hereby authorized to enact a by-law providing for the payment of interest on overdue charges for the use of common sewers from the day said charge becomes overdue at the rate of interest provided for under the provisions of section fifty-seven of chapter fifty-nine of the General Laws.

SECTION 2. The action taken at the special town meeting held on January twenty-seventh, nineteen hundred and eighty-six with respect to Article 16 is hereby validated, ratified and confirmed as if section one were in effect at the time of the posting of the warrant for said meeting.

SECTION 3. This act shall take effect upon its passage.

Approved June 23, 1986.

Chapter 116. AN ACT AUTHORIZING THE TOWN OF SHARON TO LEASE CERTAIN LAND FOR TWENTY YEARS.

Be it enacted, etc., as follows:

ACTS, 1986. – Chaps. 117, 118.

SECTION 1. The town of Sharon acting by and through its board of selectmen is hereby authorized to lease for periods not to exceed twenty years certain parcels of town owned land located at the rear of buildings numbered one to five, five to nine, ten and twelve Post Office square and ten, twelve, sixteen and eighteen Billings street in said town for public off-street parking purposes.

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

Approved June 23, 1986.

Chapter 117. AN ACT AUTHORIZING THE CITY OF NEWTON TO ACCEPT AND ACT UPON LATE APPLICATIONS FOR CLASSIFICATION AS RECREATIONAL LAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section three of chapter sixty-one B of the General Laws or any other general or special law to the contrary, the board of assessors of the city of Newton is authorized to receive and act upon the applications of the Brae Burn Country Club and the Woodland Golf Club for classification as recreational land for tax year nineteen hundred and eighty-six provided such applications are filed with the board of assessors no later than June first, nineteen hundred and eighty-six.

SECTION 2. Section one of this act shall take effect as of May first, nineteen hundred and eighty-six.

SECTION 3. This act shall take effect upon its passage.

Approved June 23, 1986.

Chapter 118. AN ACT RELATIVE TO TEACHER RESIDENCY REQUIREMENTS.

Be it enacted, etc., as follows:

The third paragraph of section 38 of chapter 71 of the General Laws, as amended by chapter 577 of the acts of 1985, is hereby further amended by striking out, in lines 5 and 6, the words "unless such requirement was imposed on the initial day of such individual's appointment".

Approved June 23, 1986.

ACTS, 1986. – Chaps. 119, 120.

**Chapter 119. AN ACT RELATIVE TO THE ESTABLISHMENT OF
CAPITAL PLANNING COMMITTEES IN TOWNS.**

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by inserting after section 106A the following section:–

Section 106B. A town at its annual town meeting may by by-law establish a capital planning committee. Said by-law shall prescribe the composition, mode of appointment or election and terms of the members of said capital planning committee. Said committee shall annually review the capital improvement program, if any, and proposals for the construction of municipal buildings, acquisition of land or personal property and make recommendations to the appropriate officer, board, agency or department. Such recommendations may be included within the annual budget or the annual report required by section sixty-one if authorized by a by-law of the town. Other duties and responsibilities of said capital planning committee may be specified by by-law. Any vacancy occurring shall be filled for the unexpired term in the same manner as the original appointment.

Approved June 23, 1986.

**Chapter 120. AN ACT RELATIVE TO INVESTMENTS FOR
CO-OPERATIVE BANKS.**

Be it enacted, etc., as follows:

SECTION 1. Section 22 of chapter 170 of the General Laws is hereby amended by striking out clause (g), as appearing in the 1984 Official Edition, and inserting in place thereof the following clause:– (g) federal funds, defined to include a transaction involving the transfer of deposits of co-operative banks among member banks of the Federal Reserve System, which are immediately available funds.

SECTION 2. Said section 22 of said chapter 170 is hereby further amended by striking out clause (h), added by section 2 of chapter 44 of the acts of 1986, and inserting in place thereof the following three clauses:– (h) investments in shares of the Co-operative Bank Investment Fund established by chapter four hundred and eighty-two of the acts of nineteen hundred and eighty-four, (i) shares or certificates in the Assets Management Fund for Savings Institutions, so-called; provided, however, that the investments made by said fund are limited solely to those investments which qualify as "liquid assets" or "short term liquid assets" under section 523.10 (g) and (j) of the regulations of the Federal Home Loan Bank System issued pursuant to 12 USC 1464, et seq; and provided, further, that no more than twenty per cent of said reserve may be invested in such shares or certificates.

Approved June 23, 1986.

Chapter 121. AN ACT RELATIVE TO INVESTMENTS BY BANKS.

Be it enacted, etc., as follows:

Section 2 of chapter 167F of the General Laws is hereby amended by striking out paragraph 6, as appearing in the 1984 Official Edition, and inserting in place thereof the following paragraph:–

6. To invest such amount not exceeding ten per cent of its capital stock, surplus account, and undivided profits for a stock corporation or not exceeding ten per cent of its surplus account for a thrift institution as the commissioner may approve in the capital stock of one or more corporations organized under the laws of the United States for the purpose of engaging in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, and subject to the jurisdiction and supervision of the Board of Governors of the Federal Reserve System.

Approved June 23, 1986.

Chapter 122. AN ACT EXEMPTING THE PURCHASE OF CERTAIN TEXT BOOKS FROM BID REQUIREMENTS IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Section 4B of chapter 40 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "materials", in line 3, the words:– except textbooks,.

Approved June 23, 1986.

Chapter 123. AN ACT FURTHER REGULATING THE DUTIES OF DOG OFFICERS.

Be it enacted, etc., as follows:

Section 151A of chapter 140 of the General Laws is hereby amended by striking out the second paragraph, as appearing in the 1984 Official Edition, and inserting in place thereof the following paragraph:–

Every dog officer shall make, keep, and maintain systems of records or forms which fully and correctly disclose the following information concerning each animal in his custody:

The date and location of each apprehension; a description of each animal; place of confinement; if tagged, the name and address of owners of such animal; name and address of new owner including the date of sale or transfer of such animal; and, if animal is destroyed, the dog officer shall record the method and date of destruction and the name of the person who executed such animal. Every dog officer shall forward a copy of said record to the town or city clerk as soon as possible. Copies

ACTS, 1986. – Chap. 124.

of such record shall, for a period of two years, be kept in the offices of the county dog office and the city or town clerk where such dog officer is employed.

Approved June 23, 1986.

Chapter 124. AN ACT PROVIDING FOR NONPARTISAN PRELIMINARY ELECTIONS IN THE TOWN OF EAST LONGMEADOW.

Be it enacted, etc., as follows:

SECTION 1. Any person who is qualified to vote in the town of East Longmeadow may be a candidate for an elective town office therein and shall be entitled to have his name as such candidate printed on the official ballot to be used at a preliminary election; provided, that he files nomination papers provided by the town clerk containing no less than fifty signatures certified as voters of the town.

SECTION 2. The preliminary election shall be held on the twenty-eighth day preceding every regular or special town election.

SECTION 3. No primary or caucus for the nomination of town officers shall be held. No ballot used at any preliminary, regular or special election in said town shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such political designation or mark.

SECTION 4. Nomination papers shall be filed with the town clerk not later than five o'clock in the afternoon of the twenty-eighth day preceding the preliminary election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it shall be filed with the clerk.

SECTION 5. The election officers shall, immediately upon the closing of the polls at the preliminary election, count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in regular elections, to the town clerk who shall canvass said returns and shall forthwith determine the result thereof.

SECTION 6. The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular or special election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to its validity.

If two or more persons are to be elected to the same office at such

ACTS, 1986. – Chap. 125.

regular or special election the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose name may be printed on the official ballot.

If the preliminary election results in a tie vote among candidates for the nomination receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon names of candidates to a number exceeding twice the number to be elected.

SECTION 7. If at the expiration of the time for filing nomination papers of candidates to be voted for at any preliminary election not more than twice as many such papers have been filed with the town clerk for an office as there are persons to be elected to such office, the candidates whose nomination papers have thus been filed shall be deemed to have been nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, as the case may be, and the town clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in the town, no preliminary election shall be held.

SECTION 8. Except as otherwise provided in this act, the laws of the commonwealth governing town elections, special elections of town officers and special elections in towns shall, so far as applicable, govern such elections in the town of East Longmeadow.

SECTION 9. The state secretary shall cause to be submitted to the voters of the town of East Longmeadow at the state election to be held in the year nineteen hundred and eighty-six in the form of the following question which shall be printed on the official ballot used for the election of state officers:– "Shall an act passed by the General Court in the year nineteen hundred and eighty-six, entitled 'An Act providing for nonpartisan preliminary elections in the town of East Longmeadow', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall thereupon take full effect, but not otherwise.

Approved June 23, 1986.

Chapter 125. AN ACT RELATIVE TO THE USE OF FLARES BY CERTAIN COMMERCIAL VEHICLES.

Be it enacted, etc., as follows:

ACTS, 1986. – Chap. 126.

Chapter 85 of the General Laws is hereby amended by striking out section 14B, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 14B. Whenever any commercial vehicle having a gross weight in excess of five thousand pounds other than a motor bus or taxicab, or any automobile service truck, so called, becomes disabled or stops to load or unload any motorized equipment from such vehicle or from a trailer upon the traveled portion of any street or highway the operator of such vehicle shall, during the time when lights are required to be displayed on motor vehicles, place three flares on the traveled part of the way in the following positions:– one flare in the center of the traffic lane in which such disabled vehicle remains and distant approximately one hundred feet from such vehicle in the direction of traffic approaching in that lane; one flare not less than one hundred feet from such vehicle in the opposite direction in said lane; and one flare at the traffic side of such vehicle, not nearer than ten feet from the front or rear of such vehicle; provided, that if such vehicle is disabled or stopped to load or unload any motorized equipment from such vehicle or from a trailer upon the traveled portion of any street or highway within three hundred feet of a curve, crest of a hill, or other place where the view of such vehicle is obstructed, the flare in that direction shall be so placed as to afford ample warning to other persons using such way, and in no case less than one hundred feet, nor more than three hundred feet, from the disabled vehicle. The word "flare" as used in this section shall mean either a lighted pot torch, a lighted red electric lamp, or a warning device meeting the requirements of Federal Motor Vehicle Safety Standard No. 125.

Every motor vehicle to which this section applies, when operated on any street or highway, shall carry at all times not less than three flares in a position where they are easily accessible to any person desiring to use the same and to any officer or official authorized to inspect said vehicle.

Violation of any provision of this section shall be punished by a fine of not more than fifty dollars and, in addition, the registrar of motor vehicles may, in the case of a motor vehicle not equipped as provided by this section, suspend for not more than fifteen days the certificate of registration of such vehicle. This section shall not apply to street railway cars and trackless trolley vehicles.

Approved June 23, 1986.

Chapter 126. AN ACT EXEMPTING THE OFFICES OF SEALERS AND DEPUTY SEALERS OF WEIGHTS AND MEASURES OF THE TOWN OF FRAMINGHAM FROM THE CIVIL SERVICE LAW AND PROVIDING FOR THE APPOINTMENT OF THE SEALERS AND DEPUTY SEALERS OF WEIGHTS AND MEASURES BY THE SELECTMEN OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the offices of sealers and deputy sealers of weights and measures of the town of Framingham shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. The present acting or temporary incumbent of the offices of sealers and deputy sealers of weights and measures of said town shall continue to serve until such time as their successors are duly appointed and qualified pursuant to this act.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, in the town of Framingham the sealers and deputy sealers of weights and measures shall be appointed for a three year term by the selectmen of said town, with the advice and consent of the personnel board. The provisions of law relative to sealers and deputy sealers of weights and measures shall apply to such offices and the persons so appointed shall have all of the powers and duties now or from time to time hereafter vested by general or special law or by the charter or by by-laws of the said town in the office of sealers and deputy sealers of weights and measures. The provisions of any such charter or by-law shall not be inconsistent with the provisions of any general law but may be in addition thereto.

SECTION 4. The persons appointed to the positions of sealers and deputy sealers of weights and measures shall at a minimum possess ability and experience in the field of weights and measures. They shall devote their entire time during regular business hours to the duties of the office. The term of office shall be three years from the first day of July next following the acceptance of this act by said town as hereinafter provided, but the initial term of the first person appointed under this act shall commence upon the date of his appointment. The person initially appointed need not be a resident of said town during his initial term, but said town may by by-law impose that requirement upon said person or his successor in office with respect to subsequent terms of office. The person appointed shall hold no other town office or position unless permitted by law, but may serve as an appointed member of any committee of said town.

SECTION 5. The town of Framingham may establish and amend by by-law such qualifications for the office as from time to time it may deem necessary and appropriate.

SECTION 6. Any vacancy in said office shall be filled in like manner for the unexpired portion of the term. The sealers and deputy sealers of weights and measures may be removed for cause by the selectmen after an opportunity for a hearing before the selectmen.

SECTION 7. The provisions of sections one to seven, inclusive, of this

ACTS, 1986. – Chap. 127.

act shall take effect in said town upon its acceptance by a majority vote of the town meeting members present and voting upon the question of its acceptance pursuant to an article duly appearing in the warrant for an annual town meeting or a special town meeting held following the effective date of this act.

SECTION 8. This act shall take effect upon its passage.

Approved June 24, 1986.

Chapter 127. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NORFOLK COUNTY TO BORROW MONEY FOR PREPARATION OF PLANS AND SPECIFICATIONS FOR THE REPAIR, RENOVATING, AND CONSTRUCTION, EQUIPPING AND FURNISHING OF BUILDINGS AT NORFOLK COUNTY AGRICULTURAL SCHOOL.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 922 of the acts of 1977 is hereby amended by striking out the second sentence and inserting in the place thereof the following sentence:– Said commissioners are hereby further authorized to cause plans and specifications to be prepared for the construction and renovation of said facilities; provided, however, that the total costs of said plans and specifications shall not exceed three hundred and sixty thousand dollars; and provided, further, that such plans and specifications shall be so drawn that the total cost for construction, renovations, equipping and furnishing said facilities, including architect's fees and expenses connected therewith, shall not exceed seven million four hundred and ninety-five thousand dollars.

SECTION 2. Section 2 of said chapter 922 of the acts of 1977 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– For the purpose authorized by section one, the treasurer of said county, with the approval of county commissioners and the county advisory board, may borrow upon the credit of the county such sums as may be necessary not exceeding, in the aggregate, seven million four hundred and ninety-five thousand dollars; and may issue bonds or notes of the county therefor, which shall bear on their face the words, Norfolk County Agricultural School Loan, Act of 1977.

SECTION 3. This act shall take effect upon its passage.

Approved June 24, 1986.

Chapter 128. AN ACT AUTHORIZING THE TOWN OF MASHPEE TO ESTABLISH A REVOLVING FUND FOR THE PROPAGATION, CULTIVATION, PROTECTION AND STUDY OF SHELLFISH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, or any other general or special law to the contrary, the town of Mashpee may establish in the town treasury a revolving fund which shall be kept separate and apart from all other monies by the treasurer of said town, and in which shall be deposited one hundred per cent of the receipts received from the issuance of all shellfish permits and licenses by said town. The principal and interest thereon shall be reserved for appropriation for the propagation, cultivation, protection and study of shellfish. Such money subject to appropriation may be expended in conjunction with, or as the matching portion of state or federal reimbursement or grants.

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

Approved June 24, 1986.

Chapter 129. AN ACT RELATIVE TO CERTAIN INCUMBENT TOWN MEETING MEMBERS IN THE TOWN OF ATHOL.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 382 of the acts of 1954 is hereby amended by inserting after the word "papers", in line 12, the words:– ; provided, however, that notwithstanding any general or special law to the contrary, any incumbent member who has failed to attend at least five of the previous ten special or annual town meetings shall be required to file nomination papers in the same manner and upon the same conditions as non-incumbent candidates for said position.

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

Approved June 24, 1986.

Chapter 130. AN ACT ESTABLISHING THE DEPARTMENT OF PARKS AND STADIUM IN THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all the rights, powers and duties now and from time to time vested in the board of park commissioners, the Chelsea stadium

ACTS, 1986. – Chap. 130.

commission, and the trustees of the Garden cemetery are hereby vested in the board of parks and stadium.

SECTION 2. There is hereby established a department of parks and stadium which shall be under the charge and control of the board of parks and stadium. All employees under the charge and control of the board of park commissioners, the Chelsea stadium commission, and the trustees of the Garden cemetery shall become employees of the department of parks and stadium, without a loss in pay to any employee so transferred.

The right to continue employment without loss in pay shall be personal to those employees transferred and shall not survive the retirement, removal or death in office of any such employee. Those employees transferred hereunder from the various departments to the department of parks and stadium shall retain the seniority rights to which such employees were entitled in the department from which they were transferred and all other rights to which they were entitled under the provisions of chapter thirty-one of the General Laws. The rights to continue without loss in pay and to seniority hereunder shall apply only to those employees transferred to the department of parks and stadium pursuant to the provisions of this act and shall not be granted to any employee who is transferred to or employed by the new department at any time subsequent to its creation hereunder.

SECTION 3. The Chelsea stadium commission and the officers of the trustees of the Garden cemetery and the board of park commissioners are hereby abolished.

SECTION 4. The board of parks and stadium shall consist of five persons appointed by the mayor and confirmed by the board of aldermen. Such appointees shall serve initially a one year term, a two year term, a three year term, a four year term and a five year term. Two of such appointees shall be members of the board of park commissioners serving on June first, nineteen hundred and eighty-six, two of such appointees shall be members of the Chelsea stadium commission, serving on June first, nineteen hundred and eighty-six, one of such appointees shall be a trustee of the Garden cemetery serving on June first, nineteen hundred and eighty-six. Upon the expiration of the initial term of office for each member of the board of parks and stadium, the mayor shall appoint a person, subject to confirmation to said board, whose term of office shall be for five years, or until his successor has been appointed and qualified. Upon the expiration of the initial term of office of the appointee who has been appointed to serve a one year term, the mayor shall appoint a veteran, as defined by section one of chapter thirty-one of the General Laws to fill such vacancy. Thereafter, the board of parks and stadium shall have at least one member at all times who is a veteran.

SECTION 5. No substantial change shall be made to any park, playstead, or any unit thereof, or to the Chelsea stadium or the Garden cemetery, unless a public hearing shall be held prior thereto before the

ACTS, 1986. – Chaps. 131, 132, 133.

mayor, board of aldermen, and the board of parks and stadium. Such hearing shall not be held less than fourteen days after the date of the advertisement of such hearing.

SECTION 6. The person employed as the superintendent of the Chelsea stadium upon the effective date of this act will become the superintendent of the parks and stadium. He shall so continue at said position until his retirement, resignation, death or removal. His successor shall be chosen by the board of parks and stadium.

SECTION 7. This act shall take effect upon its passage.

Approved June 24, 1986.

Chapter 131. AN ACT EXEMPTING VETERINARIANS FROM CIVIL LIABILITY AS A RESULT OF RENDERING EMERGENCY CARE TO NONDOMESTIC ANIMALS.

Be it enacted, etc., as follows:

Section 58A of chapter 112 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 4, the words "a domestic" and inserting in place thereof the word:– an.

Approved June 24, 1986.

Chapter 132. AN ACT RELATIVE TO THE RIGHTS OF SEQUESTERED JURORS.

Be it enacted, etc., as follows:

Chapter 234A of the General Laws is hereby amended by inserting after section 56 the following section:–

Section 56A. The court shall provide, upon request of a juror, meals consisting of food or food products prepared in accordance with the religious requirements of such juror when meals would otherwise be provided during any period in which the jury has been sequestered by the court. The court shall inform the jurors of their rights under this section.

Approved June 24, 1986.

Chapter 133. AN ACT AUTHORIZING THE COMPENSATION OF MEMBERS OF THE SCHOOL COMMITTEE OF THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

ACTS, 1986. – Chaps. 134, 135.

SECTION 1. The first paragraph of section 37 of chapter 280 of the acts of 1932, as appearing in section 1 of chapter 163 of the acts of 1983, is hereby amended by striking out the second sentence.

SECTION 2. The state secretary shall cause the following question to be placed on the official ballot to be used in the city of Pittsfield at the biennial state election to be held in the year nineteen hundred and eighty-six:–

"Shall an act passed by the general court in the year nineteen hundred and eighty-six, entitled 'An Act authorizing the compensation of members of the school committee of the city of Pittsfield', be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative then this act shall take full effect on January first, nineteen hundred and eighty-seven, but not otherwise.

Approved June 24, 1986.

**Chapter 134. AN ACT RELATIVE TO USE OF CERTAIN BUILDINGS
AT THE NORFOLK COUNTY HOSPITAL.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, within one month of the opening of a Norfolk county jail and house of correction constructed to replace the county facility located at 47 Village avenue in the town of Dedham, the so-called Braintree alternative center on the grounds of Norfolk county hospital shall be closed. The commonwealth shall not by eminent domain, purchase, gift, or otherwise take an ownership interest for the purposes of maintaining a correctional facility in any buildings or lands comprising the Norfolk county hospital and being temporarily used to house inmates in the custody of the county.

Approved June 24, 1986.

**Chapter 135. AN ACT PROVIDING FOR A CHARTER FOR THE CITY
OF WALTHAM.**

Be it enacted, etc., as follows:

SECTION 1. The following shall be the charter for the city of Waltham

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ARTICLE 1.

INCORPORATION, TITLE, FORM OF GOVERNMENT, POWERS.

Section 1-1 Incorporation

The inhabitants of the city of Waltham shall continue to be a municipal corporation under the name existing at the time of the adoption of this charter, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for in this charter, or otherwise pertaining to or incumbent upon said city as a municipal corporation.

Section 1-2 Title

This instrument shall be known and may be cited as the city of

Waltham Charter.

Section 1-3 Form of Government

The administration of the fiscal, prudential and municipal affairs of the city, with the government thereof, shall be vested in the executive branch, to consist of the mayor, and the legislative powers shall be vested in the legislative branch, to consist of the city council.

Section 1-4 Powers of the City

Subject only to express limitations in the exercise of any power or function by a city in the constitution or statutes of the commonwealth, it is the intent and the purpose of the charter to confer upon the city all powers it is possible to confer under the constitution and statutes of the commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

Section 1-5 Construction

The powers of the city under this charter shall be construed liberally, in favor of the city, and the specific mention of particular powers is not intended to limit in any way the general powers of the city, as stated in section 1-4.

Section 1-6 Intergovernmental Relations

Subject to express requirements of the constitution and statutes of the commonwealth, the city may exercise any of its powers and perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any civil division or agency thereof or the United States government or any agency thereof.

Section 1-7 Definitions

The following words as used in this charter shall, unless the context otherwise requires, have the following meanings:-

"Ordinance", a vote or order of the city council entitled "ordinance" and designed for permanent regulation of any matter within the jurisdiction of the city council as laid down in this charter.

"Elected at large", elected by and from all the voters of the city.

"Regular municipal election", the biennial election of municipal officers for which provision is made in this matter.

**ARTICLE 2.
CITY COUNCIL.**

Section 2-1 Composition, Eligibility, Election and Term

A. Composition – There shall be a city council consisting of fifteen members which shall exercise the legislative powers of the city. Nine of these members, to be known as ward councillors, shall be nominated and elected by and from the voters of nine council wards, one ward councillor to be elected from each such ward. Six of the members, to be known as councillors at large, shall be nominated and elected by and from the voters of the city at large. One of the members of the city council shall be elected by the council annually as its president.

B. Eligibility – Any voter shall be eligible to hold the office of councillor at large. A ward councillor shall be a voter and a resident of the ward from which he is elected, at the time of his election; provided,

however, that a ward councillor who removes from the ward from which he was elected to another ward in the city, may continue to serve and to discharge his duties until the expiration of the term for which he was elected.

C. Election and Term – The term of office of all members of the city council shall be for two years beginning at one o'clock post meridiem on the first Sunday in January of each even numbered year following their election, until their successors are qualified.

Section 2-2 Compensation

The members of the city council shall receive for their services such salary as the city council shall by ordinance determine, and they shall receive no other compensation from the city. No increase or reduction in the salaries of city councillors shall take effect during the year in which such increase or reduction is voted, and no change in such salaries shall be made between the election of a new council and the qualification of the new council.

Section 2-3 President of the Council

Officers of the Council – After a majority of the councillors-elect have been sworn, the city council shall be called to order by the city clerk or assistant city clerk or in the absence of both such officials, by the member present in senior years of service, who shall preside. The city council shall then elect from among its members, by roll call vote, a president. Eight votes shall be necessary for election. No other business shall be in order until the president has been elected. The president shall preside at meetings of the city council and perform such other functions as may be assigned by the charter, by ordinance or by vote of the city council.

Section 2-4 Exercise of Powers, Quorum, Vote Required

A. Exercise of Powers – Except as otherwise provided by law or the charter, the legislative powers of the city council shall be exercised in a manner determined by it.

B. Quorum, Vote Required – Every member of the council may vote on any question coming before it. A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all members of the council shall be necessary to adopt any motion, resolution or ordinance unless otherwise required by statute or any other provision of this charter.

Section 2-5 Rules of Procedure, Regular Meetings, Special Meetings

A. Rules of Procedure – The city council shall from time to time establish rules for its proceedings.

B. Regular Meetings – Regular meetings of the city council shall be held at a time and place fixed by ordinance.

C. Special Meetings – Special meetings of the city council may be held at the call of the mayor, as provided in section 3-10, on the call of the city council president or on the call of any three or more councillors, by written notice delivered in hand or to the place of residence of each member of the council at least forty-eight hours in advance of the time set, and which includes notice of the subjects which are to be acted upon, and no other business shall be in order.

D. Open Meetings – A full and accurate journal of the proceedings of

all meetings of the council shall be kept and shall be open to the inspection of any registered voter of the city, except as otherwise authorized by sections twenty-three A, twenty-three B and twenty-three C of chapter thirty-nine of the General Laws. All sessions of the council shall be open to the public and to the press and every matter coming before the council for action shall be put to a vote, the result of which shall be duly recorded.

Section 2-6 Filling of Vacancies

If a vacancy occurs at any time in the office of a councillor at large, such vacancy shall be filled forthwith by a majority vote of all the remaining members of the city council for the remainder of the unexpired term. If a vacancy occurs before the last nine months of the term in office of a ward councillor, the city council shall forthwith order an election to fill such vacancy for the remainder of the unexpired term.

Section 2-7 Council Request of Mayor to Attend Council Meeting

The city council at any time may request from the mayor, specific information on any municipal matter within its jurisdiction, and may request him to be present to answer questions relating thereto at a meeting to be held not earlier than one week from the date of receipt of said request. The council shall inform the mayor, in writing, of the subject matter to be discussed at said meeting.

Section 2-8 Passage of Ordinances, Repeal, Amendment

No ordinance shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property, and only then if no member of the city council objects thereto. No ordinance shall be regarded as an emergency measure unless the emergency is defined and declared in a preamble thereto separately voted on and receiving the affirmative vote of two-thirds of the members of the city council.

No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege shall be passed as an emergency measure, and except as provided in section seventy and seventy-one of chapter one hundred and sixty-four and in chapter one hundred and sixty-six of the General Laws, no such grant, renewal or extension shall be made otherwise than by ordinance.

No ordinance shall be amended or repealed except by an ordinance adopted in accordance with this charter.

Section 2-9 Order, Ordinance or Resolution, Passage at One Session

Any ordinance, order or resolution may be passed through all its stages of legislation at one session, provided that no member of the council objects thereto; but if any member of the council objects, the measure shall be postponed for that meeting.

Section 2-10 Ordinance, Publication

Every proposed ordinance or loan order, except emergency measures and revenue loan orders, shall be published once in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance, at least ten days before its final passage. After such final passage, it shall, in the same manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which may be passed as hereinbefore provided and

which shall take effect on its passage, and shall be so published at the earliest practicable moment; provided, however, that if any ordinance or proposed ordinance, or codification of ordinances or proposed ordinances, shall exceed in length eight octavo pages of ordinary book print, then, in lieu of the advertising required by this section, the same may be published by the city council in a municipal bulletin or printed pamphlet, and if so published in full at least ten days before its final passage, and thereafter, as amended and completed, again published in such bulletin or pamphlet, said publications shall be deemed sufficient without the newspaper publication as herein required.

Section 2-11 Election of City Clerk

The council shall, by a majority vote, elect a city clerk to hold office for three years and until his successor is qualified. He shall have such powers and perform such duties as the council may prescribe or as may be prescribed by law. He shall keep the records of the meetings of the council.

**ARTICLE 3.
MAYOR.**

Section 3-1 Election, Term of Office, Compensation

There shall be a mayor, elected by and from the qualified voters of the city. He shall hold office for the term of four years from the first Sunday in January following the election and until his successor is qualified. The mayor shall receive for his services such salary as the city council shall by ordinance, determine and he shall receive no other compensation from the city. No increase or reduction in the salary of the mayor shall take effect during the year in which such increase or reduction is voted, and no change in such salary shall be made between the election of a new council and the qualification of the new council.

Section 3-2 Executive Powers, Enforcement of Ordinances

The executive powers of the city shall be vested solely in the mayor and may be exercised by him either personally or through the several officers or boards in their respective departments, under his general supervision and control. The mayor shall cause the laws, ordinances and orders for the government of the city to be enforced and shall cause a record of all his official acts to be kept.

Section 3-3 Appointments by Mayor, Confirmation

The mayor shall appoint, subject to confirmation by a majority vote of all the members of the city council, all department heads and members of municipal boards except those for whom some other method of appointment is provided by the charter or by law, members of the school committee and officials appointed by the governor. Such persons shall hold office for the term for which they were appointed and until their successors are appointed, confirmed and qualified.

Section 3-4 Removal of Officials

The mayor may, with the approval of a majority of the members of the city council, remove the head of a department or member of a board before the expiration of his term of office, except members of the school committee and officials appointed by the governor. The person to

be removed shall receive a copy of the reasons for his removal, and he may, if he desires, request a hearing on the matter before the city council. He may be represented by counsel at the hearing. The city council shall request the mayor to appear at said hearing.

Section 3-5 Temporary Appointments

Whenever a vacancy in the office of the head of any department appointed by the mayor occurs, whether by reason of disability, death, resignation, or removal from office for any reason, the mayor may appoint the head of another city office or agency, or a city officer or employee, or some other person to perform the duties of the office for a period not to exceed three months. Whenever a vacancy continues beyond three months, the mayor may make a second three month appointment, but no temporary appointment shall be continued beyond six months without the approval of the city council. Any such appointee shall exercise all the rights and powers of the office including compensation, shall perform all of the duties and responsibilities of the office and shall be sworn to the faithful discharge of his duties.

Section 3-6 Temporary Absence of the Mayor

If the mayor is absent or unable from any cause temporarily to perform his duties, such duties shall be performed by the president of the city council. The person upon whom such duties shall evolve shall be called "acting mayor" and he shall possess the powers of mayor only in matters not admitting delay, but shall have no power to make permanent appointments.

Section 3-7 Vacancy in Office of Mayor

If a vacancy occurs in the office of mayor by death, removal or resignation at any time during the first three years of the term ending December thirty-first, the city clerk shall forthwith order an election to fill such vacancy for the remainder of the unexpired term.

If a vacancy occurs during the last year of the term beginning January first, a meeting of the city council shall be called by the city clerk, forthwith, and the city council shall elect, by majority vote of all members of the city council, one of its members as mayor for the remainder of the unexpired term. If the city council fails so to elect at said meeting or within thirty days thereafter, the president of the city council shall become acting mayor; provided however that if the president declines to serve as mayor the city councillor with the greatest number of years of service on the city council shall become mayor. Upon the qualification of any city councillor as mayor under the provisions of this section, he shall exercise all the rights and powers of mayor including compensation and shall be sworn to the faithful discharge of his duties and a vacancy shall exist in his seat on the city council.

Section 3-8 Mayor's Attendance at Council Meeting

The mayor, when requested by the city council to be present at a council meeting to answer questions relative to matters properly within the jurisdiction of the council, shall be informed, in writing, of the subject matter to be discussed. The mayor shall personally, or through the head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not

be obliged to answer any questions relating to any other matter. The mayor may attend and address the city council in person or through the head of a department, or a member of a board, upon any subject.

Section 3-9 Adoption of Measures, Mayor's Veto

Every measure relative to the affairs of the city adopted by the city council, except such measures as relate to the internal affairs of the city council, the election of officers whose election by the city council is authorized by law or by the charter, or budgets submitted under section thirty-two of chapter forty-four of the General Laws or to appropriations by the city council under section thirty-three of said chapter, shall be presented to the mayor for his approval. If the mayor does approve it, he shall signify his approval by signing it. If he does not approve of it, he shall return it, with his objections in writing, to the city council. The city council shall enter the objections of the mayor upon its records and shall again consider the measure. If the city council, notwithstanding such disapproval of the mayor, shall pass such measure by a two-thirds vote of all its members, it shall be considered approved and shall then be in force, but such vote shall not be taken for at least seven days after the measure has been returned to the city council. If any measure is not returned by the mayor within ten days following the date it is presented to him, it shall be considered approved. A filing with the clerk of the council shall be considered a return by the mayor to the city council. All votes taken on measures returned by the mayor shall be by roll call.

Section 3-10 Call of Special Council Meeting by Mayor

The mayor may at any time call a special meeting of the city council by causing a notice of such meeting, specifying the matters which he desires to be considered, to be delivered in hand or to the place of residence of each councillor. Public notice of said meeting shall be posted at least forty-eight hours in advance of the time set for such meeting; however, in the event of an emergency, of which the mayor shall be the judge, a lesser period shall suffice and no other business except as specified shall be in order.

Section 3-11 Employees in Mayor's Office not Subject to Civil Service

The civil service laws shall not apply to the appointment of the mayor's secretaries or of the stenographers, clerks, administrative assistant, and other employees in the mayor's office, and the mayor may remove such appointees without a hearing and without making a statement of the cause of their removal.

Section 3-12 Approval of Contracts by Mayor

All contracts made by any department, board or commission where the amount involved is two thousand dollars or more shall be in writing, and no such contract shall be deemed to have been made or executed until the approval of the mayor is affixed thereto. Any construction contract shall, and all other contracts may, where the amount exceeds five thousand dollars be required to be accompanied by a bond with sureties satisfactory to the mayor or by a deposit of money, certified check or other security for the faithful performance thereof, and such bonds or other securities shall be deposited with the city treasurer until the contract has been carried out in all respects; and no such contract shall

be altered except by a written agreement of the contractor, the sureties on his bond, if any, and the officer, department or board, as the case may be, making the contract, with the approval of the mayor affixed thereto. Any cash deposit or check payable to a city received as security for performance under this section may be deposited by said treasurer in any bank or trust company under a separate account to be known as a performance deposit account.

The provisions of this section shall be deemed to have been complied with on all purchases made under the provisions of sections twenty-two A and twenty-two B of chapter seven of the General Laws when one municipality acting on behalf of other municipalities complies with the provisions of this section, or when purchases are made from a vendor holding a contract with the commonwealth for the item or items being purchased.

ARTICLE 4. SCHOOL COMMITTEE.

Section 4-1 Composition, Election, Terms, Organization, Dual Employment

The school committee shall consist of seven members, one of whom shall be the mayor, who shall be chairman. The remaining six members shall be elected at large, each to serve four years, three of whom shall be elected biennially. The members of the school committee shall elect one of its members to serve as vice chairperson annually. The committee shall organize annually on the first Sunday in January, and shall elect one of its members as vice chairman, who shall preside at all meetings of the committee at which the mayor is not present. No member of the school committee shall, while a member thereof, hold any other office or position in the school department the salary or compensation for which is payable out of the city treasury.

Section 4-2 Powers and Duties

Except as otherwise provided in this charter and subject to any laws which limit the amount of money that may be appropriated in any city for school purposes, the school committee, in addition to the powers and duties conferred and imposed by law on school committees, may provide, when necessary, temporary accommodations for school purposes, may make all repairs, the expenditures for which are made from the regular appropriation for the school department, shall have control of all school buildings and grounds connected therewith and shall make all reasonable rules and regulations, consistent with law, for the management of the public schools of the city and for conducting the business of the committee.

Section 4-3 School Committee Vacancy

If a vacancy occurs at any time in the office of school committee by failure to elect, or otherwise, the city council and the remaining members of the school committee shall meet in joint convention, which shall be called by the city clerk forthwith, and elect a suitable person to fill the vacancy until the first Sunday in January following the next regular municipal election; and, if there would be a vacancy on said first

Sunday, it shall be filled at such regular municipal election for the balance of the unexpired term. The mayor, if present, shall preside at the convention.

Section 4-4 Open and Public Meetings, Roll Call Vote

All meetings of the school committee shall be open to the press and to the public, except as otherwise authorized by section twenty-three A and twenty-three B of chapter thirty-nine of the General Laws. The vote in any particular measure taken in open session shall be recorded by roll call vote when requested by two members. All votes taken in executive session shall be recorded by roll call vote.

Section 4-5 Superintendent of Schools, Selections, Appointment, Duties and Compensation of other School Employees

The school committee shall elect a superintendent of schools annually, except as provided in section forty-one of chapter seventy-one of the General Laws, and may under chapter thirty-one of the General Laws appoint, suspend, or remove at pleasure such subordinate officers or assistants, including janitors of school buildings, as it may deem necessary for the proper discharge of its duties and the conduct of its business; it shall define their terms of service and their duties and shall fix their compensation.

Section 4-6 Schools, Location and Erection of, Approvals Required

No site for a school building shall be acquired by the city unless the approval of the site by the school committee is first obtained. No plans for the construction of or alterations in a school building shall be accepted, and no work shall begin on the construction or alteration of a school building, except with the approval of the school committee and the mayor. The mayor shall notify the school committee in writing prior to or at the time of each change in plans after work is begun. This section shall not require such approval for the making of ordinary repairs.

**ARTICLE 5.
NOMINATIONS AND ELECTIONS.**

Section 5-1 Preliminary Elections, Contents of Notice or City Council Order

Not later than the fifth Tuesday preceding every regular city election and preceding every special election at which any office mentioned in this charter is to be filled, there shall be held, except as otherwise provided in section 5-7, a preliminary election for the purpose of nominating candidates for such general or special election, and section 9-2 of this charter shall not apply.

The notice, or order adopted by the city council, for regular, preliminary and special elections shall specify by name all the offices to be voted for and state, in the form in which it will appear upon the ballot, any question submitted to the voters. They shall specify the time when the polls will be opened and when the polls will be closed. The polls at such election shall be open during such hours as the city council may prescribe; provided, that they shall be opened not earlier than seven o'clock in the forenoon nor later than ten o'clock in the forenoon and shall be kept open at least six hours, but in no event later than eight

o'clock in the evening. The ballots to be used at such elections shall be governed by the provisions of section forty-nine of chapter forty-three of the General Laws.

Section 5-2 Inclusion of Name on Ballot, Prerequisites

Except as otherwise provided in section 5-7, there shall not be printed on the official ballot to be used at any regular or special election the name of any person as a candidate for any office unless such person has been nominated as such at a preliminary election for nomination, held as provided in sections 5-1 to 5-7, inclusive. There shall not be printed on the official ballot for use at such preliminary election the name of any candidate for nomination at such election, unless such person shall have filed, within the time limited by section 5-3, the statement and petition therein described.

Section 5-3 Candidates for Nomination, Qualifications, Statement and Petition

Any person who is qualified to vote for a candidate for any elective municipal office and who is a candidate for nomination thereto, shall be entitled to have the name of said person as such candidate printed on the official ballot to be used at a preliminary election; provided, that within the time prescribed by section ten of chapter fifty-three of the General Laws in the case of preliminary elections in cities such person shall file with the city clerk a statement, in writing, of such person's candidacy, and with it the petition of at least fifty voters, qualified to vote for the said office: Said statement and petition shall be in substantially the following form:

STATEMENT OF CANDIDATE

I (_____), on oath declare that I reside at (number if any) on (name of street) in city of _____; that I am a voter therein, qualified to vote for a candidate for the hereinafter mentioned office; that I am a candidate for the office of (name of office) for (state the term) to be voted for at the preliminary election to be held on Tuesday, the _____ day of _____, nineteen hundred and _____, and I request that my name be printed as such candidate on the official ballot for use at said preliminary election.

(Signed)_____

Commonwealth of Massachusetts, _____ ss.
Subscribed and sworn to on this day of _____, nineteen hundred and _____ before me, _____

(Signed)_____
Justice of the Peace,
or (Notary Public).

PETITION ACCOMPANYING STATEMENT OF CANDIDATE

Whereas (name of candidate) is a candidate for nomination for the office of (state the term), we the undersigned, voters of the city

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of _____, duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for nomination for said office be printed on the official ballot to be used at the preliminary election to be held on the _____ Tuesday of _____, nineteen hundred and _____.

We further state that we believe this person to be of good moral character and qualified to perform the duties of the office.

No acceptance by the candidate for nomination named in the said petition shall be necessary to its validity or its filing, and the petition, which may be on one or more papers, need not be sworn to.

Section 5-4 Official Ballot, Posting Lists of Candidates, Drawing for Position on Ballot

On the first day, other than Sunday or a legal holiday, following the expiration of the time for filing the above described statement and petition, the city clerk shall post in a conspicuous place in the city hall the names and residences of the candidates for nomination who have duly qualified as candidates for nomination, as they are to appear on the official ballots to be used at the preliminary election, except as to the order of the names, and shall cause the ballots which shall contain said names, in their order as drawn by the clerk, and no others, with a designation of residence, and of the office and term of service, to be printed, and the ballots so printed shall be official and no others shall be used at the preliminary election. In drawing for position on the ballot the candidates shall have an opportunity to be present in person or by one representative each. Blank spaces shall be left at the end of each list of candidates for nomination for the different offices equal to the number to be nominated therefor, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for such office. There shall be printed on such such directions as will aid the voter, as, for example: "vote for one", "vote for two", and the like, and the ballots shall be headed as follows:

OFFICIAL PRELIMINARY BALLOT

Candidates for nomination for the offices of () in the city of _____ at a preliminary election to be held on the _____ day of _____ in the year nineteen hundred and _____. (The heading shall be varied in accordance with the offices for which nominations are to be made.)

Section 5-5 Counting Ballots, Canvass of Returns

The election officers shall, immediately upon the closing of the polls at preliminary elections, count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in regular elections, to the city clerk who shall canvass said returns and shall forthwith determine the result thereof, insert the same in one or more newspapers published in the city, and post the same in a conspicuous place in the city hall.

Section 5-6 Determination of Candidates for Election

The two persons receiving at a preliminary election the highest

number of votes for nomination for an office shall, except as provided by section 5-7, be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular or special election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to its validity; provided, however, that a person nominated at a preliminary election may withdraw from nomination by a request signed and duly acknowledged by such person and filed with the city clerk within six days succeeding five o'clock in the afternoon of the day of holding such preliminary election. Such nominee shall be replaced by the candidate with the next highest number of votes in said preliminary, unless otherwise provided by the charter of the city.

If two or more persons are to be elected to the same office at such regular or special election, the several persons, equal in number to twice the number so to be elected, who receive at such preliminary election the highest number of votes for nomination for that office shall, except as provided by section 5-7, be the sole candidates for that office whose names may be printed on the official ballot.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon candidates to a number exceeding twice the number to be elected.

Section 5-7 Nomination of Candidates, Conditions Making Preliminary Election Unnecessary

If, at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, the number of statements which have been filed with the city clerk for a particular office does not exceed twice the number of persons to be elected to such office, the candidates whose statements have thus been filed shall be deemed to have been nominated to said office, and their names shall be voted on for such office at the succeeding regular or special election, as the case may be, and the city clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

ARTICLE 6.

ADOPTION OF CHARTER, EFFECT, TRANSITIONAL PROVISIONS.

Section 6-1 Effect of Charter on Legislative Powers of City

None of the legislative powers of the city shall be abridged or impaired by this charter, but all such legislative powers shall be possessed and exercised by the city council.

Section 6-2 Effect of Charter on Obligations, Taxes and Legal Acts

All official bonds, recognizances, obligations, contracts and other

instruments entered into or executed by or to the city before the adoption of this charter, and all taxes, special assessments, fines, penalties, forfeitures incurred or due or owing to the city, shall be enforced and collected, and all writs, imposed, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this charter; and no legal act done by or in favor of the city shall be rendered invalid by its adoption of this charter.

Section 6-3 Effect of Adoption of Charter on Ordinances, etc.

Ordinances, resolutions, orders or other regulations of the city, existing at the time of adoption of this charter, shall continue in full force and effect until repealed, modified or superseded.

Section 6-4 Existing Organization to Continue Until Superseded

Until superseded under this charter, the organization of the executive and administrative departments, and the powers and duties of the officers and employees of the city of Waltham Charter, and the fiscal year of the city shall remain as constituted at the time of the adoption of this charter; but the city council may, at any time by ordinance consistent with general laws, reorganize consolidate or abolish departments, in whole or in part, transfer the duties, powers and appropriations of one department to another, in whole or in part, establish new departments, and increase, reduce, establish or abolish salaries of heads of departments or members of boards. This section shall not authorize any action which is in conflict with chapter thirty-one of the General Laws.

Section 6-5 Officials to Expedite Transition to Adopted Plan

The mayor, the city council, and the city clerk in office when any plan set forth in this charter has been adopted, or is proposed for adoption, shall comply with all requirements of this charter relating to such proposed adoption and to the election of the officials specified in said plan, in order that all things necessary for the nomination and election of the officials first to be elected under the provisions of this charter and of the plan so adopted may be done.

**ARTICLE 7.
INITIATIVE AND REFERENDUM PETITION.**

Section 7-1 Initiative Petition, Measure Defined

A petition conforming to the requirements hereinafter provided and requesting the city council to pass a measure, except an order granted under section seventy or section seventy-one of chapter one hundred and sixty-four or chapter one hundred and sixty-six of the General Laws or requesting the school committee to pass a measure, therein set forth or designated, shall be termed an initiative petition, and shall be acted upon as hereinafter provided. In this and the seven following sections, "measure" shall mean an ordinance passed or which could be passed by the city council or a resolution, order or vote passed or which could be passed by the city council, or a resolution, order or vote passed or which could be passed by the school committee, as the case may be.

Section 7-2 Initiative Petitions, Validity of Signatures, Filing,

Certification

Signatures to initiative petitions need not be all on one paper. All such signature papers pertaining to any one measure shall be fastened together and shall be filed in the office of the city clerk as one instrument, with the endorsement thereon of the names and addresses of three persons designated as filing the same. With each signature to the petition shall be stated the place of residence of the signer, giving the street and number, if any.

Within seven working days after the filing of said petition the registrars of voters shall ascertain the number of registered voters who have signed the petition, shall determine the percentage which that number bears to the total number of registered voters in the city as of the last state election and shall attach to the petition their certificate showing the results of their examination.

The city clerk shall forthwith transmit the said certificate with the said petition to the city council or to the school committee, according as the petition is addressed, and at the same time shall send a copy of said certificate to the first ten persons designated on the petition as filing the same.

When such certificate has been so transmitted, said petition shall be deemed to be valid unless written objections are made thereto by a registered voter of the city within forty-eight hours after such certification by filing such objections with the city council or the school committee, and a copy thereof with the registrars of voters. A copy of the objections so filed shall forthwith be transmitted to the state ballot law commission which shall hold a public hearing on said objections, shall render a decision on the matter referred to it within fourteen days after the objections were filed and transmit a copy of its decision to the city council or the school committee.

Section 7-3 Initiative Petition, Requirements for Passage and Submission to Electorate; Date of Election

If any initiative petition is signed by registered voters equal in number to at least fifteen per cent of the whole number of registered voters, the city council or the school committee shall, within twenty days after the date of the certificate of the registrars to that effect:–

(1) Pass said measure without alteration, subject to the referendum vote provided by this charter, or

(2) The city council shall call a special election to be held on a Tuesday fixed by it not less than forty-five nor more than sixty days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the registered voters of the city at that election; provided, if the regular municipal election is otherwise to occur within one hundred and twenty days after the date of said certificate, the city council may, at its discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

Section 7-4 Procedure if Initiative Petition has Fewer Signatures

If an initiative petition is signed by registered voters equal in number to at least eight per cent but less than fifteen per cent of the total number of registered voters, and said measure be not passed without

alteration within twenty days by the city council or the school committee, as provided in the preceding section, such proposed measure, without alteration, shall be submitted by the city clerk to a vote of the registered voters of the city at the next regular municipal election. A proposed measure under this section or section 7-3 shall become effective if it shall be approved by registered voters of the city equal in number to one-third of the whole number thereof and also by a majority of the voters voting on such measure, but not otherwise.

Section 7-5 Contents of Ballot for Proposed Measure

The ballots used when voting upon a proposed measure under section 7-3 or section 7-4, or a measure of part thereof protested against under the following section, shall state the nature of the measure in terms sufficient to show the substance thereof.

Section 7-6 Referendum Petition; Effect on Final Passage

If within twenty days after the final passage of any measure, except a revenue loan order, by the city council or by the school committee, a petition signed by registered voters of the city, equal in number to at least twelve per cent of the total number of registered voters as of the last state election, and addressed to the city council or to the school committee, as the case may be, protesting against such measure or any part thereof taking effect, is filed with the city clerk, the same shall thereupon and thereby be suspended from taking effect; and the city council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded, the city clerk shall submit the same, by the method herein provided, to a vote of the registered voters of the city, either at the next regular municipal election, or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the registered voters voting on the same at such election vote in favor thereof.

The petition described in this section shall be termed a referendum petition and section 7-2, with the exception of the last paragraph, shall apply to the procedure in respect thereto, except that the words "measure of part thereof protested against" shall for this purpose be understood to replace "measure" in said section wherever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

Section 7-7 Submission of Proposed Measure to Voters

The city council may, of its own motion, and shall, upon request of the school committee if a measure originates with that committee and pertains to the affairs under its administration, submit to a vote of the registered voters of the city for adoption or rejection at a regular or special municipal election any proposed measure, or a proposition for the repeal or amendment of any measure. A proposed measure under this section or section 7-3 shall become effective if it shall be approved by registered voters of the city equal in number to one-third of the whole number thereof and also by a majority of voters voting on such measure, but not otherwise.

Section 7-8 Measures with Conflicting Provisions

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

ARTICLE 8.
GENERAL PROVISIONS.

Section 8-1 Oath of Office, Time of Taking

On the first Sunday in January following a regular municipal election, at one o'clock post meridiem in the afternoon, the mayor-elect, the councillors-elect, and school committee members-elect, shall meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by a justice of the peace, and a certificate thereof shall be entered in the journal of the city council. At any regular council meeting thereafter the oath may be administered in the presence of the city council to the mayor, or to any councillor or school committee member absent from the meeting on the first Sunday in January.

Section 8-2 Primaries and Caucuses Prohibited

No primary or caucus for municipal officers shall be held. Candidates for mayor, city council, school committee, shall be nominated in accordance with section six of chapter fifty-three of the General Laws.

Section 8-3 Public Contracts Prohibiting Public Employees from Having Financial Interest in, Penalty

No mayor or member of the city council or school committee and no officer or employee of the city shall directly or indirectly make a contract with the city, or receive any commission, discount, bonus, gift, contribution or reward from or any share in the profits of any person making or performing such contract, unless the mayor, such member, officer, or employee, immediately upon learning of the existence of such contract, or that such contract is proposed, shall notify in writing the mayor, city council or school committee of the nature of his interest in such contract and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to sign such contract on behalf of the city, the contract may be signed by any other officer of the city duly authorized thereto by the mayor or if the mayor has such interest by the city clerk; provided, that when a contractor with the city is a corporation or a voluntary stock association, the ownership of less than five per cent of the stock or shares actually issued shall not be considered as involving an interest in the contract within the meaning of this section, and such ownership shall not affect the validity of the contract unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both.

Section 8-4 Purchase or Taking of Land by City

The mayor, with the approval of the city council, may, in the name of the city, purchase or take by eminent domain, under chapter seventy-nine of the General Laws, any land within its limits for any municipal purpose. Whenever the price proposed to be paid for land for any municipal purpose is more than twenty-five per cent higher than its average assessed valuation during the previous three years the land shall not be purchased, but shall be taken as aforesaid. No land shall be taken or purchased until an appropriation by loan or otherwise for the general purpose for which land is needed has been made by the city council, by a two-thirds vote of all its members; nor shall a price be paid in excess of the appropriation, unless a larger sum is awarded by a court of competent jurisdiction. All proceedings in the taking of land shall be under the advice of the law department, and a record thereof shall be kept by said department.

Section 8-5 Failure to Fill Vacancy

When a vacancy occurs, for whatever reason, on a municipal multiple-member board whose members are subject to city council approval, the mayor shall submit to the city council the name of a person to fill such vacancy as soon as possible. If the mayor does not submit a name within ninety days after such a vacancy occurs, the city council shall submit names forthwith to the mayor who shall select one of the names submitted or a person of his own choosing for the vacancy within fifteen days.

Section 8-6 Capital Improvement Program

Submission – The mayor shall prepare and submit to the city council a five-year capital improvement program at least six months prior to the last day of each fiscal year.

Contents – The capital improvement program shall include: (1) a clear, concise summary of its contents; (2) a list of all capital improvements proposed to be undertaken during the next five fiscal years with supporting data; (3) cost estimates, method of financing, and recommended time schedules; (4) the estimated annual cost of operating and maintaining the facilities included; (5) a listing of all sources and amounts of revenue. The above information shall be revised and extended each year.

Section 8-7 Adoption or Change of Zoning Ordinance

Adoption or change of the zoning ordinance of the city may be initiated by the submission to the city of a proposed zoning ordinance by the city council, by the board of appeals, by an individual owning land to be affected by change or adoption, by ten registered voters in the city, by the board of survey and planning, by a regional planning agency or by one or more individual city councillors.

SECTION 2. The state secretary shall cause to be placed on the official ballot to be used in the city of Waltham at the biennial state election in the year nineteen hundred and eighty-six the following question:–

"Shall an act passed by the General Court in the year nineteen hundred and eighty-six, entitled 'An Act providing for a charter for the city of Waltham' be accepted?" If a majority of the votes cast in answer to said

ACTS, 1986. – Chaps. 136, 137, 138.

question is in the affirmative, this act shall take effect, but not otherwise.

Approved June 24, 1986.

Chapter 136. AN ACT RELATIVE TO THE USE OF FUNDS RECEIVED FROM THE PROVISIONS OF AMBULANCE SERVICES IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Section 5 of chapter 40 of the General Laws is hereby amended by striking out clause (21A), as appearing in the 1984 Official Edition, and inserting in place thereof the following clause:–

(21A) For the purchase or hire and for the maintenance of ambulances; provided, however, that the cost of maintenance and operation of such ambulances, including personnel and nonpersonnel expenses and maturing debt and interest, may be defrayed by charges, established by the city or town, upon persons transported by said ambulances.

Approved June 24, 1986.

Chapter 137. AN ACT FURTHER REGULATING THE TESTING OF NEWBORN CHILDREN FOR TREATABLE DISORDERS.

Be it enacted, etc., as follows:

SECTION 1. Section 110A of chapter 111 of the General Laws is hereby amended by striking out the first paragraph, as amended by section 2 of chapter 529 of the acts of 1985, and inserting in place thereof the following paragraph:–

The physician attending a newborn child shall cause said child to be subjected to tests for phenylketonuria, cretinism and such other specifically treatable genetic or biochemical disorders or treatable infectious diseases which may be determined by testing as specified by the commissioner. The commissioner may convene an advisory committee on newborn screening to assist him in determining which tests are necessary.

SECTION 2. This act shall take effect on June first, nineteen hundred and eighty-six.

Approved June 24, 1986.

Chapter 138. AN ACT REQUIRING THE PAYMENT OF CERTAIN STUMPAGE FEES.

ACTS, 1986. – Chap. 139.

Be it enacted, etc., as follows:

SECTION 1. Section 5D of chapter 59 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following two paragraphs:–

In addition to the tax payment hereinbefore provided, any municipality that owns watershed land located in another municipality shall pay annually to the municipality wherein such land is located, a stumpage fee equal to eight per cent of the stumpage value of all forest products cut therefrom with authorization of the owner.

The provisions of chapter sixty-one shall apply to the payment of stumpage fees hereunder.

SECTION 2. Section 5F of said chapter 59, as so appearing, is hereby amended by inserting after the second paragraph the following two paragraphs:–

In addition to the tax payment hereinbefore provided, any municipality that owns watershed land located in another municipality shall pay annually to the municipality wherein such land is located, a stumpage fee equal to eight per cent of the stumpage value of all forest products cut therefrom with authorization of the owner.

The provisions of chapter sixty-one shall apply to the payment of stumpage fees hereunder.

Approved June 24, 1986.

Chapter 139. AN ACT RELATIVE TO LOAN LIMITATIONS.

Be it enacted, etc., as follows:

Subsection A of section 14 of chapter 167E of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out paragraph 6 and inserting in place thereof the following paragraph:–

6. Obligations of all foreign governments and the political subdivisions thereof.

20% of capital stock, surplus account, and undivided profits; provided, however, that a stock corporation incorporated under the provisions of chapter one hundred and seventy-two shall not exceed a total of 50% of capital stock, surplus account, and undivided profits.

Approved June 24, 1986.

Chapter 140. AN ACT AUTHORIZING AND DIRECTING THE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO INSTALL AND MAINTAIN A PLAQUE IN HONOR OF LIEUTENANT FRANCES Y. SLANGER.

Be it enacted, etc., as follows:

The superintendent of state office buildings is hereby authorized and directed, subject to approval of the art commission as to size and content, to install and maintain a plaque in a suitable space in the Nurses Hall in the state house in honor of Lieutenant Frances Y. Slanger, the first American nurse to be killed by enemy action in the European theatre during World War II.

Approved June 24, 1986.

Chapter 141. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF KOREAN WAR VETERANS DAY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the annual observance of Korean War Veterans Day, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 12LL, inserted by chapter 233 of the acts of 1985, the following section:–

Section 12MM. The governor shall annually issue a proclamation setting apart July twenty-seventh as Korean War Veterans Day, in commemoration of the heroic achievements of the members of the armed forces of the United States during this difficult period in our history and recommending that the said day be observed in an appropriate manner by the people.

Approved June 25, 1986.

Chapter 142. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-SIX TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general

ACTS, 1986. – Chap. 142.

appropriation act and for certain other activities and projects, the sums set forth in section two for the several purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and forty of the acts of nineteen hundred and eighty-five, for the fiscal year ending June thirtieth, nineteen hundred and eighty-six or for such period as may be specified, the sums so appropriated to be in addition to any amounts available for the purpose.

SECTION 2.

Item

LEGISLATURE.

Senate.

0119-0000 For the senate art committee, including furnishings and other expenses for the Bulfinch and Brigham extension areas of the state house occupied by the senate, prior appropriation continued.

House of Representatives.

0129-0000 For the expenses of televising sessions of the house of representatives

\$221,025

Other Expenses.

0161-0000 For printing, binding, and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, for printing the manual of the general court, with the approval of the clerks of the respective branches, and for biographical sketches of certain state and federal officials and other expenses, prior appropriation continued

\$300,000

0185-7827 For the expenses of the special commission to investigate and study the needs of the Hispanic population in the commonwealth, established by section twenty of chapter two hundred and ninety-seven of the acts of nineteen hundred and eighty-three, prior appropriation continued

\$75,000

JUDICIARY.

Trial Court.

ACTS, 1986. – Chap. 142.

| | | |
|-----------|---|-------------|
| 0330–0300 | For the salaries and expenses of the administrative staff, including not more than seventy-three permanent positions | \$196,000 |
| 0330–2101 | For counsel to juvenile indigents | \$1,272,226 |
| 0330–3100 | For the payments of indigent court costs, including costs incurred in prior fiscal years, prior appropriation continued | \$100,000 |

Superior Court.

| | | |
|-----------|--|----------|
| 0331–0300 | For payments to be made by the chief justice of the superior court to medical malpractice tribunals established in accordance with the provisions of section sixty B of chapter two hundred and thirty-one of the General Laws, including payments of the prior year | \$25,000 |
|-----------|--|----------|

For Salaries and Expenses.

| | | |
|-----------|---|----------|
| 0331–2700 | Hampden superior court, including not more than thirty-five permanent positions | \$19,500 |
|-----------|---|----------|

Administration of District Courts.

For Salaries and Expenses.

| | | |
|-----------|---|----------|
| 0332–4200 | District court of Marlborough, for salaries and expenses, provided that the comptroller is authorized to write off a certain lost payment in the amount of two hundred dollars, including not more than twenty-three permanent positions. | |
| 0332–5800 | Second district court of Plymouth (Hingham), including not more than forty-two permanent positions | \$14,122 |
| 0332–7800 | Third district court of southern Worcester (Milford), including not more than eighteen permanent positions | \$17,938 |

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0332–8200 Northern Essex juvenile probation district,
including not more than twelve permanent
positions
\$7,978

0332–8500 Northern Worcester juvenile probation district,
including not more than eleven permanent
positions
\$5,724

DISTRICT ATTORNEYS.

For the salaries of district attorneys and assistants
for the eleven districts:

0340–0200 Northern, including not more than eighty–three
permanent positions and seventy–three
temporary positions
\$322,450

SECRETARY OF THE COMMONWEALTH.

0521–0998 For the payment of a certain court order
entered in Hampshire probate and family
court, docket number 45690
\$10,000

0521–0999 For the payment of a certain court order entered
in Suffolk superior court, civil action number
68172
\$6,825

TREASURER AND RECEIVER–GENERAL.

0611–5800 For distribution within each city and town within
which racing meetings are conducted,
provided that each city or town's distribution
shall be proportionate to its share of the
amount certified by the state racing
commission, pursuant to section eighteen D
of chapter fifty–eight of the General Laws,
at the end of the calendar year nineteen
hundred and eighty–five; and provided further
no city or town shall receive more than the
amount so certified for that city or town
\$94,942

Local Aid Fund 100.0%

State Board of Retirement.

0612–1000 For the payment of the commonwealth's share in

ACTS, 1986. – Chap. 142.

financing the state employees' retirement system, prior appropriation continued; provided, that the amounts of all reimbursements received on account of retirement allowances paid and all contributions received from the federal government and authorities and agencies of the commonwealth and political subdivisions thereof on account of the retirement of employees are to be in addition to this item and to be available for expenditure without further appropriation

| | |
|--------------------------------|-------------|
| | \$5,727,826 |
| Highway Fund | 15.0% |
| General Fund | 84.8% |
| Inland Fisheries and Game Fund | 0.2% |

Debt Service.

0699–3800 For the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Water District Fund

\$131,147

0699–3900 For certain serial bonds maturing, previously charged to the Metropolitan Water District Fund

\$34,771

0699–6800 For the payment on interest of certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of the fiscal year shall be charged to Highway Fund debt services reserve, prior appropriation continued

\$6,097,544

Highway Fund 100.0%

0699–7900 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve

\$176,820

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Central Services Division.

1102–3293 For the payment of a certain court judgment, entered in Suffolk superior court,

ACTS, 1986. – Chap. 142.

| | |
|---|-----------|
| docket number 17244 | \$276,297 |
| 1102-3295 For the payment of a certain court judgment, entered in Suffolk superior court, docket number 30695 | \$82,596 |
| 1102-3296 For the payment of a certain court judgment, entered in Middlesex superior court, docket number 83-3937 | \$20,000 |
| 1102-3399 For the payment of a certain court judgment, entered in Suffolk superior court, docket number 69948 | \$42,000 |

Department of Personnel Administration.

| | |
|---|----------|
| 1107-1000 For the administration of the department; provided, that notwithstanding any special or general law or rule or regulation to the contrary, the department of personnel administration is hereby authorized and directed to establish a fee of not less than ten dollars for each civil service examination given on or after September thirtieth, nineteen hundred and eighty-four; provided, that not less than one hundred and eighty thousand dollars be expended for the purposes of the Massachusetts Employee Assistance Program, and that no funds are obligated for the purposes of executive search programs except any executive search program which may be conducted pursuant to Executive Order No. 227 adopted on February 25, 1983, as amended, and provided further, that the department of personnel administration administer a program of state employee unemployment management, including but not limited to, agency training and assistance; and provided further that not less than sixty-nine thousand dollars be used to enhance the quality of the guide charts utilized in the job evaluation process; including not more than one hundred and ninety-six permanent positions and thirty-seven temporary positions | \$75,000 |
|---|----------|

ACTS, 1986. – Chap. 142.

Group Insurance Commission.

1120–2000 For the commonwealth's share of the group insurance premium; provided, that the group insurance commission shall charge the division of employment security and other departments, authorities, agencies and divisions which have federal or other funds allocated to them for this purpose for that portion of the cost of the program as it determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds, and amounts received in payments of all such charges or such transfers shall be credited to the General Fund; provided, that notwithstanding the provisions of section twenty-six of chapter twenty-nine of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts by April first of each year for a policy or policies of group insurance as authorized by chapter thirty-two A of the General Laws; and provided further, that the present level of health insurance coverage shall be maintained but shall not constitute payments in full charges for health care services; and provided further, that effective July first, nineteen hundred and eighty-five said commonwealth's share of the group insurance as provided, in section eight of said chapter thirty-two A shall be ninety per cent of the monthly premiums or rates as established by the commission effective July first, nineteen hundred and eighty-five; and provided, further, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother; and provided further, that the commission shall notify the house and senate committees on ways and means, by April fifteenth of each year, of the commonwealth's share of group insurance premiums for the next fiscal year

\$1,578,737

Division of Public Employee Retirement Administration.

ACTS, 1986. – Chap. 142.

1140–0200 For the purpose of workers' compensation paid to public employees, including previous fiscal years

\$4,579,000

| | |
|--------------|-------|
| Highway Fund | 35.0% |
| General Fund | 65.0% |

Miscellaneous.

1599–2038 For the payment of deficiencies in certain appropriations for previous fiscal years, based upon schedules provided to the house and senate committees on ways and means; provided, that the comptroller is hereby authorized to allocate the amounts of such payments to the several state or other funds to which said payments would have been chargeable if appropriations had been available thereof; provided further however, that where the item to which the deficiency is charged did not contain a balance sufficient to meet the required payment, at the end of the fiscal year during which the expenditure was incurred, no payment shall be made without the prior approval of the house and senate committees on ways and means; provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven

\$1,500,000

1599–3315 For the transportation of prisoners to and from the several departments of the trial court by the sheriffs of the various counties, including the cost of personal services and the purchase of vehicles and other equipment for said purposes; provided that, the commissioner of administration is hereby authorized to advance to the county treasurer of each county the sums set forth below for each respective county:
Barnstable, one hundred ninety-seven thousand seven hundred and eighty-six dollars; Berkshire, one hundred thirty-eight thousand seven hundred and forty-two dollars; Bristol, two hundred thirty-nine thousand seven hundred and thirty-two dollars; Dukes, sixty-four thousand seven hundred and seventy-six dollars; Essex, three

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hundred sixteen thousand seven hundred and twelve dollars; Franklin, one hundred and twenty-four thousand and thirty-eight dollars; Hampden, three hundred forty-three thousand and seventy-one dollars; Hampshire, one hundred fifty-five thousand and thirty-seven dollars; Middlesex, five hundred fifty-four thousand five hundred and fifty dollars; Norfolk, three hundred and four thousand three hundred and seventy-nine dollars; Plymouth, three hundred and twenty-two thousand three hundred and fifty-two dollars; Suffolk, two hundred seventy-six thousand two hundred and forty dollars; Worcester, three hundred fifteen thousand nine hundred and seventy dollars; provided that the commissioner of administration, upon agreement of the respective sheriffs, may adjust such amounts in such fashion as is necessary to meet the actual cost of said transportation; and, provided, further, that each such treasurer shall deposit said amounts into a fund to be expended solely for the purpose of this item; and, provided that any interest earned by said fund shall be deposited to said fund and made available for expenditure for the purpose of this item in addition to the amounts appropriated herein and that any unexpended balance of such fund including interest as of June thirtieth, nineteen hundred and eighty-six shall be returned to the commonwealth

\$15,161

Local Aid Fund

100.0%

1599–3396 For a reserve for the purchase of privately held land in the town of Gay Head, in settlement of Indian land claims in said towns, provided that funds shall become available upon enactment of legislation by the United States providing for the extinguishment of aboriginal and all other Indian Tribal land claims in said town

\$1,500,000

1599–3415 For a reserve to meet the fiscal year nineteen hundred and eighty-six costs of salary adjustments and other employee economic benefits authorized by existing ratified

collective bargaining agreements; and to meet the costs of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreements; provided, that the personnel administrator, with the approval of the commissioner of administration, shall determine such salary adjustments and other economic benefits for "confidential" employees in accordance with the provisions of the collective bargaining agreement then in effect which would otherwise cover said positions; provided, that the commissioner of administration is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and eighty-six such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal year nineteen hundred and eighty-six where the amounts otherwise available are insufficient for the purpose; and provided, that the commissioner of administration is further authorized to allocate the cost of such adjustments and benefits to the several state or other funds to which such items of appropriation are charged; provided however, that no transfer, allocation or payment shall be made from this item without prior approval of the house and senate committees on ways and means after said committees have received copies of said supplemental agreements, together with an analysis of all cost items contained in said agreements and all changes to be made in the schedules of permanent and temporary positions required by said agreements; provided further, that payments to health and welfare trust funds for health and welfare benefits may be made without said prior approval upon receipt of said copies of supplemental agreements, analyses and changes to be made as hereinbefore described; and provided further, that said payments to health and welfare trust funds shall be paid to said trust funds on a monthly basis, or on such other basis as the applicable collective bargaining agreement provides.

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- 1599–3418 For a reserve for educational reform, so-called; provided that the commissioner of administration is authorized to expend directly from this reserve or to transfer from this item to other items of appropriation such amounts as are necessary to meet the costs of said reform; provided further, that no such expenditures or transfers shall be made without the prior approval of the house and senate committees on ways and means; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven
- \$6,989,407
- Local Aid Fund 100.0%
- 1599–3435 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the division of employee relations, on behalf of the commonwealth, and the Alliance, AFSCME/SEIU, AFL–CIO, Local 509, covering certain employees in bargaining Units 8 and 10 in the department of education; provided, that the commissioner of administration is hereby authorized to transfer from the sum appropriated to other items of appropriation for the fiscal year nineteen hundred and eighty-six such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal year nineteen hundred and eighty-four and prior years where the amounts otherwise available are insufficient for the purpose; provided further, that the commissioner of administration is authorized to allocate the cost of such salary adjustments and benefits to the several state and other funds to which such items of appropriation are charged; provided further, that a copy of said collective bargaining agreement, together with an analysis of all cost items contained in said agreement and all changes to be made in the schedules of permanent and temporary positions required by said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet the cost of said adjustments and benefits; and

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provided further, that the comptroller shall notify the house and senate committees on ways and means of any transfers made from this item and of any charges made directly against this item

\$37,944

- 1599-3472 For a reserve to meet the costs of improvements to lockup facilities of cities and towns of the commonwealth, metropolitan district commission lockup facilities, and state police facilities as prescribed by section thirty-six B of chapter forty of the General Laws; provided, that the commissioner of administration is hereby authorized to distribute the sum appropriated herein to procure the materials and to remunerate the services of vendors authorized by the commonwealth to provide said improvements, and to reimburse the documented, reasonable expenses of said cities and towns, state police, or metropolitan district commission incurred in making said improvements pursuant to contracts entered into prior to July first, nineteen hundred and eighty-five; provided, that no said distribution shall be made until after inspection and certification by the department of public health of the improvements for which said distribution is made; prior appropriation continued.

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| General Fund | 1.5% |
| Highway Fund | 5.0% |

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| Local Aid Fund | 93.5% |
|----------------|-------|

- 1599-3500 For a reserve to fund the assumption by the commonwealth of certain costs of county jails and houses of correction; provided that no funds shall be expended from this reserve without the prior approval of the house and senate committees on ways and means.

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| Local Aid Fund | 100.0% |
|----------------|--------|

- 1599-3507 For the reimbursement by the state treasurer to certain insurers, as filed with the house and senate committees on ways and means, pursuant to the provisions of section seven of chapter one hundred and fifty-two of the General Laws as amended

\$63,807

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1599–3599 For the payment of a certain court judgment entered in Suffolk superior court, docket number 71952

\$5,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

2000–0151 For a grant to the town of Maynard for improvement along the Assabet river appropriation to expire June thirtieth, nineteen hundred and eighty-seven

\$55,000

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

2100–0100 For the administration of the department, for the operation of the division of forests and parks, including a program of public transportation assistance to the recreation areas and facilities of the Boston Harbor Islands, for the division of water resources, including the expenses of certain flood control commissions, for the expenses of the Ipswich river watershed commission, for the administration of the hazardous waste source reduction and facility siting program; provided that a sum not exceeding one hundred and ten thousand dollars be expended for a program in source reduction; for the dam safety program, for the maintenance of property in the town of Plymouth, for the operation and maintenance of state piers in New Bedford and Gloucester, for the expenses of the North river commission in an amount not to exceed fifteen thousand dollars, and for the expenses of the scenic rivers program; provided, further, that a sum not exceeding sixty-five thousand dollars be expended for the reconstruction of the scenic path at the Ames Nowell park in the town of Abington; provided, further, that the position of deputy commissioner of environmental management shall not be subject to the provisions of chapter thirty-one of the General Laws; provided, further, that the department of environmental management, with the approval of the secretary of environmental affairs, shall submit to the secretary of administration and finance and the house and senate committees on ways and means on or before August fifteenth,

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nineteen hundred and eighty-five, a plan for the distribution of the funds appropriated herein among the major programs as set forth above, such plan to include a narrative statement for each program contrasting the funding for that program in the plan for the fiscal year nineteen hundred and eighty-six and the amounts funded in fiscal year nineteen hundred and eighty-five and explaining the rationale for any major variations, the number of personnel to be assigned to each program and a subsidiary account analysis for each program for each quarter of the year; provided, further, that the department shall report quarterly to the secretary of administration and finance and the house and senate committees on ways and means on the status of each program including detailed descriptions of expenditures and explanation of any variances from the finance plan submitted on or before August fifteenth, nineteen hundred and eighty-five; including not more than ninety-five permanent positions and not more than thirty-one temporary positions.

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| 2100-0108 For | the operation and maintenance of the Gloucester State Pier, appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$82,000 |
| 2100-0997 For | the payment of a certain tort claims settlement, pursuant to section five of chapter two hundred and fifty-eight of the General Laws | \$5,500 |
| 2100-0998 For | the payment of a certain court judgment entered in Worcester district court, civil action number 225764 | \$3,016 |
| 2100-0999 For | the payment of a certain court judgment entered in Hampshire superior court, civil action number 82-059 | \$14,238 |
| 2150-0512 For | the cleaning and dredging of Walker pond in the town of Sturbridge, appropriation to | |

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| | expire June thirtieth, nineteen hundred and eighty-seven | \$348,000 |
| 2150-0513 For | the design, evaluation, study and repair of the dam within the Ames Nowell state park in the town of Abington, appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$500,000 |
| 2150-0534 For | a program for the removal of instream obstructions and debris and instream aeration of the Matfield river in the towns of West Bridgewater and East Bridgewater, prior appropriation continued | \$100,000 |
| 2150-0571 For | a program relative to certain dams in accordance with the provision in section one of chapter seven hundred and sixty-seven of the acts of nineteen hundred and eighty-five, appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$75,000 |
| 2150-0572 For | dredging and improvements to the East river in the town of Wareham, appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$376,000 |
| 2150-0573 For | the construction, reconstruction, and renovation of the Myles Standish Monument state park in the town of Duxbury | \$325,000 |
| 2150-0580 For | the purpose of developing an open space park on the eastern shore of Louisa lake, which shall include the construction of adequate parking facilities, landscaping, and the placing of barriers to prevent unauthorized motor vehicle traffic on said park land, appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$50,000 |
| 2150-8846 For | a study, and the preparation of plans, if necessary, and for improvements to the East Boat Basin in the town of Sandwich, appro- | |

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priation to expire June thirtieth, nineteen
hundred and eighty-seven

\$153,148

DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING.

- 2200–0205 For a study of the future adequacy of the physical plant of the Lawrence Experiment station, appropriation to expire June thirtieth, nineteen hundred and eighty-seven
\$50,000
- 2200–0307 For a grant to the town of North Andover in response to a water pollution emergency in said town; provided, however, that no funds may be expended from this item until said town has made application for and a determination has been made by the department of environmental quality engineering that no other funds are available for this purpose from any other program administered by said department; appropriation to expire June thirtieth, nineteen hundred and eighty-seven
\$2,500,000
Local Aid Fund 100.0%
- 2240–0500 For reimbursements to cities, towns, and districts for certain chemical costs in accordance with the provisions of section thirty-seven of chapter twenty-one of the General Laws; prior appropriation continued
\$2,750,000
Local Aid Fund 100.0%
- 2250–0900 For the control of algae, weed, and other aquatic nuisances in lakes, ponds, streams and other waters within the commonwealth, to be in addition to any private or public funds available for the purposes; provided, further, that an amount not exceeding eighteen thousand dollars shall be used for weed control and cleanup of Hoosac lake in the town of Cheshire; provided, that an amount of five thousand dollars shall be used for weed control of algae, weeds and other aquatic nuisances at Chandler's pond in the Brighton section in the city of Boston; provided, that the department shall complete a study and prepare plans and

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cost estimates of said project, upon completion, shall submit copies of said studies, plans and cost estimates to the house and senate committees on ways and means; appropriation to expire June thirtieth, nineteen hundred and eighty-seven

\$18,000

2250-0909 For a study and engineering survey to correct and restore the proper flow of stagnated water at Leesville pond around the New Swedish cemetery situated in Worcester and Auburn up to the dam at Webster street, Worcester, appropriation to expire June thirtieth, nineteen hundred and eighty-seven

\$30,000

2330-0000 For the purpose of reimbursing owners of shellfish destroyed at the Newburyport Depuration Plant on April seventh, nineteen hundred and eighty-six

\$3,045

DEPARTMENT OF FISHERIES, WILDLIFE AND ENVIRONMENTAL LAW ENFORCEMENT.

Division of Law Enforcement.

2350-0100 For the administration of the division of law enforcement; provided, however, that each county in the commonwealth shall be assigned at least one full-time natural resources officer, including not more than one hundred and fifty-two permanent positions

\$272,170

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|--------------------------------|-------|
| Inland Fisheries and Game Fund | 15.0% |
| General Fund | 85.0% |

DEPARTMENT OF THE METROPOLITAN DISTRICT COMMISSION.

2410-9061 For the Massachusetts summer youth program, to be allocated, with the approval of the commissioner of the department of the metropolitan district commission and the *commissioner of the department of public works*, to those agencies selected as participants in the program; provided, that the metropolitan district commission and the department of environmental management shall use funds from this item for con-

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servation activities; provided, further, that not less than forty per cent shall be allocated to participants in the city of Boston, twenty-five per cent shall be allocated to participants within those cities and towns which comprise the metropolitan parks, sewerage and water districts and watershed management division projects, and thirty-five per cent shall be allocated to participants in cities and towns other than those which comprise said districts; provided, that the provisions of section twenty-nine A of chapter twenty-nine of the General Laws shall not apply to expenditures made from this item; and provided, further, that allocations made in accordance with this item may be expended by the selected participants without further appropriation, prior appropriation continued

\$1,000,000

2430-0998 For the payment of a certain court judgment, entered in Middlesex superior court, docket number 83-6291

\$2,100

2430-0999 For the payment of a certain court judgment, entered in Middlesex superior court, civil action number 84-5

\$16,180

Metropolitan Parks District.

2440-0010 For the administration of the metropolitan district commission parks and recreation division, including, the Southwest Corridor Park System, division of central services and division of highways; for maintenance of parks, reservations and the Charles River Basin, for the maintenance of boulevards, parkways, locks, bridges and dams, for the maintenance of vehicles and metropolitan district commission parks' district garages and the purchase of supplies and equipment; and for a study for the general restoration, rehabilitation, flood control, water quality improvement and landscaping at Beaverbrook Reservation in the city of Waltham and the town of Belmont; and for a natural resources protection and management program at

Breakheart Reservation; and for a reservations and interpretive services program at the Harbor Islands, Blue Hills, and Middlesex Fells; including not more than five hundred and forty-five permanent positions and not more than sixteen temporary positions; provided, further, that the commission shall not permit access or curb cuts to Chestnut Hill reservoir driveway under its control to any proposed development which includes a structure of more than ten stories in height or two hundred feet in height and unless an environmental impact study is filed with the commission and it is determined that such structure does not adversely effect the use or enjoyment of such premises by the public; provided, further, that the division is hereby authorized to enter into contracts extending for a maximum term of five years, subject to appropriation, for the management and operation of the Franklin Park and Walter D. Stone Zoological Parks, provided, however, that a separate contract shall be entered into for each park only after the department has selected a contractor or contractors pursuant to a competitive procedure including issuance of a request for proposals and solicitation of responses thereto; provided, further, that such contract shall be reviewed at least once every six months by the division to determine compliance therewith, and in the event the division determines that significant portions of the contract are not being complied with and the welfare and well-being of the parks are endangered by said lack of compliance with the express terms of said contract, said division may cancel such contract at any time with no less than ninety days notice to said contractor; provided, however, that said contracts shall contain an article prohibiting discriminatory employment practices by said contractor because of race, creed, color, national origin, ancestry, military status, sex, age or condition of handicap, and requiring said contractor take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to such factors, consistent with the mandates of Executive Order No.

227 (the Governor's Code of Fair Practices), Executive Order No. 237 (Minority Business Development) and any relevant laws or regulations providing for equal employment or affirmative action; provided, further, that the division may directly or through said contracts require the charging and collection of admission fares at said zoological parks; provided, however, that said zoos shall be open for a reasonable period of time each day without such admission charge; provided, however, that persons of sixty-five years of age and over and uniformed members of the armed forces of the United States shall pay half price for such admission charge at all times when said charge applies and that school children in groups from Metropolitan District Commission Parks District communities shall be admitted without such admission charge on a scheduled basis; provided, further, that prior to issuance of the request for proposals the department shall submit for review and comment said request to the Special Senate Committee on Zoos; provided, further, that any contractor shall regularly submit to the division, to the special senate committee on zoos, and to the house and senate committees on ways and means a management plan for the operation of said zoos accompanied by an operating budget, said plan shall encompass a five year period and shall be kept current each year, and copies of a current annual phase of said plan shall likewise be submitted to said committees as aforesaid; provided, further, that the department shall submit to said committees for review and comment all responses to said request for proposals received by the department; provided, further, that during the term of any management contract herein authorized, the contractor shall meet at least semi-annually with said committee for the purpose of reporting on the operation of said zoos; provided, further, that the department shall report annually on March thirty-first to the house and senate committees on ways and means, the amounts of revenue generated from the collection of admission fees as authorized herein, the expenditures of the

same, and the details of operations and maintenance of the zoological parks pursuant to said management contract; provided, further, that revenues collected from admission fees charged at each zoological park up to but not exceeding one hundred and fifty thousand dollars may be expended by the department, without further appropriation, for the management and operation of said zoological park; provided, further, that said management contract may authorize any revenues collected by said contractor from such admission fees in excess of one hundred and fifty thousand dollars but not exceeding two hundred thousand dollars to be obtained, without further appropriation, by said contractor; and provided, further, that any revenues collected from such admission fees in excess of two hundred thousand dollars shall be transferred to a Capital Improvements Fund for each zoo which shall be established in the treasury of the commonwealth and provided further, the certain prior year expenses in an amount not exceeding two hundred and thirteen thousand three hundred dollars shall be allowed and paid from this item.

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| General Fund | 33.0% |
| Highway Fund | 67.0% |

2440-0015 For the administration of the metropolitan district commission police division; provided, that notwithstanding any provisions of chapter thirty-one of the General Laws, certain members may be temporarily allocated to special secondary ratings in accordance with the schedule approved by the joint committee on ways and means, a copy of which is on file with the personnel administrator; provided further, that certain prior year expenses in an amount not exceeding eighty-two thousand two hundred and fifty-five dollars shall be allowed and paid from this item; and provided further, that pursuant to the provisions of chapter seven of the resolves of nineteen hundred and eighty-five certain fiscal year nineteen hundred and eighty-four expenses in an amount not exceeding four thousand four hundred and eleven dollars and eighty cents

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| | shall be allowed and paid from this item, including not more than five hundred and seventy-nine permanent positions and including not more than seventy-nine temporary positions | \$100,000 |
| | General Fund | 33.0% |
| | Highway Fund | 67.0% |
| 2440-0040 For | the repairs and renovations of the Simoni Ice Skating Rink in the city of Cambridge, appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$300,000 |
| 2440-0900 For | a program of tree replacement; provided, however, that not less than fifty per cent of the trees provided under this program should be made available to cities and towns for use by them in city and town parks and streets | \$100,000 |
| 2440-0992 For | the payment of a certain court judgment, entered in Suffolk superior court, docket number 76346 | \$1,500 |
| 2440-0993 For | the payment of a certain court judgment, entered in Middlesex superior court, docket number 82-4372 | \$1,500 |
| 2440-0994 For | the payment of a certain court judgment, entered in Middlesex superior court, docket number 78-3176 | \$3,000 |
| 2440-0995 For | the payment of a certain court judgment, entered in Suffolk superior court, docket number 49294 | \$7,000 |
| 2440-0996 For | the payment of a certain court judgment, entered in Middlesex superior court, civil action number 85-6156 | \$10,000 |
| 2440-0997 For | the payment of a certain court judgment, entered in Middlesex superior court, civil | |

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| | action number 84-7442 | \$1,480 |
| 2440-0998 For | the payment of a certain court judgment, entered in United States district court, district of Massachusetts, civil action number 83-4041-T | \$6,000 |
| 2440-0999 For | the payment in accordance with the terms of a certain Equal Employment Opportunity Commission conciliation agreement referring to charge numbers 011850325 and 011852709 | \$14,000 |
| 2444-9004 For | certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill Center | \$150,000 |

Construction Division.

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| 2460-1000 For | the maintenance of the construction division, including the personal services and expenses relating to employees previously paid from metropolitan water district bond funds; provided, that, notwithstanding any provisions of any general or special law to the contrary, all officers and positions shall be subject to classification under section forty-five to fifty, inclusive, of chapter thirty of the General Laws, including not more than one hundred and thirty-one temporary positions | \$341,580 |
| | General Fund | 33.0% |
| | Highway Fund | 67.0% |

DEPARTMENT OF FOOD AND AGRICULTURE.

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| 2518-3000 For | the payment of certain prizes to promote the breeding of thoroughbred horses in the commonwealth, in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws; provided, however, that the balance of any funds accruing to the Massachusetts thoroughbred breeding program under the provisions of section fourteen of chapter four hundred and ninety-four of the acts of |
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nineteen hundred and seventy-eight and not appropriated hereunder or appropriated under item 2518-4000, shall be deposited by the treasurer in a separate account designated Massachusetts thoroughbred breeding program and shall not revert to the General Fund, prior appropriation continued

\$340,000

2518-4000 For the expenses of an equine research, loans and scholarship program in cooperation with the Tufts University School of Veterinary Medicine, and in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws; provided, however, that the balance of any funds accruing to the Massachusetts thoroughbred breeding program under the provisions of section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight and not appropriated hereinafter or appropriated under item 2518-3000, shall be deposited by the treasurer in a separate account designated Massachusetts thoroughbred breeding program and shall not revert to the General Fund, prior appropriation continued

\$84,375

2518-5000 For the payment of certain prizes, to promote the breeding of standardbred horses in the commonwealth, in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws; provided, however, that the balance of any funds accruing to or allocated to the Massachusetts standardbred agricultural fair and breeding fund committee established under section ten of chapter one hundred and twenty-eight of the General Laws, as most recently amended by section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight, shall be deposited by the treasurer in a separate account designated the Massachusetts standardbred agricultural fair and breeding fund and shall not revert to the General Fund, prior appropriation continued

\$250,000

Mosquito and Greenhead Fly

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Control Fund

100.0%

2520–1100 Berkshire County

\$11,000

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

Division of Community Development.

3722–9024 For payments to housing authorities for deficiencies caused by certain reduced rentals in housing for the elderly, the handicapped, veterans and relocated persons pursuant to sections thirty-two and forty of chapter one hundred and twenty-one B of the General Laws; provided, that of the funds appropriated herein, the sums set forth below shall be deposited in individual allocation accounts for the purpose of each respective housing subsidy program: twenty million one thousand nine hundred dollars for veterans and relocated persons, nine million seven hundred thousand dollars for the elderly, and one hundred fifty thousand dollars for the handicapped; provided further, that no monies shall be expended from this item for the purpose of reimbursing the debt service reserve and capital reserve included in the budget of the housing authorities; and provided further, that the secretary of the executive office of communities and development shall submit quarterly reports to the house and senate committees on ways and means detailing expenditures by each housing authority in said quarter of funds appropriated herein according to housing subsidy program. And, for a program of rental assistance for families and elderly of low-income; provided, that notwithstanding any provision of law to the contrary, first preference for admission shall be granted to the eligible elderly; provided further, that of the funds appropriated herein, thirty-one million seven hundred forty-one thousand three hundred and forty-six dollars shall be deposited in an individual allocation account for the purpose of the rental assistance program; and provided further, that not more than ten per cent of the amount expended for said rental assistance program may be used for administration of said program; and provided further, that the secretary of the

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executive office of communities and development shall submit quarterly reports to the house and senate committees on ways and means detailing expenditures, the number of certificates awarded and the number of new and existing units leased. Provided, that the house and senate committees on ways and means shall be notified within one week of any transfer of funds between allocation accounts as set forth in this item, and provided that not more than five hundred sixty-six thousand dollars of the amount appropriated herein may be expended to pay certain liability claims pending against certain local housing authorities; and provided further, that the executive office of communities and development may expend the funds appropriated herein for any deficiencies caused by certain reduced rentals which may be anticipated in the operation of housing authorities for the first quarter of the subsequent fiscal year, including not more than five temporary positions, prior appropriation continued.

EXECUTIVE OFFICE OF HUMAN SERVICES.
Massachusetts Commission for the Blind.

4110–1020 For support of a medical assistance program for the blind, including such expenses incurred in previous fiscal years; provided that the commission for the blind shall reimburse the department of public welfare for any medical assistance claims paid by said department on the commission's behalf and administrative expenses incurred in order to process such claims as may be determined to be appropriate under an interagency agreement between said commission and the department of public welfare subject to the approval of the secretary of the executive office of human services; and provided, further, that said commission may continue previously existing arrangements for the payment of such claims until such interagency agreement has become fully operative and including not more than three permanent positions and one temporary position

\$5,745,312

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Massachusetts Rehabilitation Commission.

- 4120-0051 For a program of personal care assistance, including not more than two permanent positions \$141,561
- 4120-0097 For a reserve to meet certain first year costs of establishing the commission for the deaf and hard of hearing; provided, that the funds appropriated herein shall be used solely for the purchase of equipment and for the rental of space and equipment, if necessary; provided further, that any expenditures pursuant to this item shall require the written approval of the secretary of human services and the house and senate committees on ways and means, such appropriation to expire on June thirtieth, nineteen hundred and eighty-seven \$300,000

Office for Children.

- 4130-0005 For field operations, provided that an on site inspection of every day care facility and after school day care program shall be conducted prior to January first, nineteen hundred and eighty-seven; and provided further, that the office shall submit to the house and senate committees on ways and means by October thirtieth, nineteen hundred and eighty-five a plan for the completion of said inspections; provided further, that the office shall submit to the house and senate committees by May first, nineteen hundred and eighty-six a study of the regulations, procedures and standards for licensing all day care and substitute care facilities and any recommendations for change; provided further, that not less than two million five hundred and sixty thousand eight hundred and eleven dollars shall be obligated for a program of licensing; provided further, that not less than one hundred and ninety thousand dollars shall be obligated for the Individual Kid Money program, including not more than seventy-two permanent positions and one hundred and ninety-eight temporary positions \$36,000

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Soldiers' Home in Holyoke.

4190-0100 For the maintenance of the home, including not more than three hundred and sixty-three permanent positions and seven temporary positions

\$186,000

DEPARTMENT OF CORRECTION.

4311-0004 For a health services program, including not more than fifty-seven permanent positions and ninety-five temporary positions

\$1,400,000

4349-0001 For the administration and operation of the commonwealth's correctional facilities; provided that the commissioner is hereby authorized to enter into an agreement with the sheriff of Hampden County for the operation of a correctional alcohol treatment facility in Hampden County; provided further, that the commissioner is hereby authorized to make quarterly advances to the treasurer of Hampden County pursuant to said agreement; provided further, that said treasurer shall deposit said advances into a fund to be expended solely for the purpose of said agreement; provided further, that any interest earned by said fund shall be deposited to said fund and that any unexpended balance including interest remaining in said fund as of June thirtieth, nineteen hundred and eighty-six shall be returned to the commonwealth; and, provided further, that all persons employed by said sheriff pursuant to said agreement shall be considered county employees; and provided further funds advanced to the county treasurer pursuant to this agreement may be spent for any services or items of supply or equipment which the sheriff requires to carry out the purpose of operating a correctional alcohol treatment facility, such expenditures may include but are not limited to salaries, travel, uniform allowance, purchase maintenance of equipment and selecting contractual and professional services; provided further, that no permission will be required for the sheriff to transfer funds

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among codes or subcodes at the county level, and that the department report quarterly to the house and senate committees on ways and means regarding expenditure of such funds; provided, further, that not less than four hundred and sixty thousand dollars be expended for third offender alcohol rehabilitation at the Longwood Treatment Center, including not more than one thousand six hundred and ninety-five permanent positions and one thousand five hundred and thirty-four temporary positions, said additional forty-five permanent positions to be filled at MCI-Norfolk

\$1,788,669

DEPARTMENT OF PUBLIC WELFARE.

4400-0998 For the payment of a certain court judgment entered in United States district court, district of Massachusetts, civil action number 79-643-G

\$117,461

4402-5000 For a medical assistance program, including a program of special education medical services provided to medicaid children; provided, that the medical assistance standard for one-person families shall not be less than the payment standard, including state supplement, for a disabled individual living alone who is eligible for Supplemental Security Income payments under the provisions of Title XVI of the Social Security Act; provided further, that no expenditure or commitment made pursuant to this item or to any agreements authorized by chapter eight hundred of the acts of nineteen hundred and sixty-nine, as amended, for the purpose of complying with the provisions of Public Law 89-97, Title XIX, shall be incurred in excess of available funds which have been appropriated therefor; provided further, that all judgments, appeals, rate changes and settlements authorized by chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-two, as amended, for services provided in prior fiscal years, but finally determined during the current fiscal year may be paid from this

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item, subject to the approval of the house and senate committees on ways and means; provided further, that an amount not to exceed one hundred and ninety million four hundred and twenty-two thousand dollars may be expended from this item for expenses incurred in a prior fiscal year; provided further, that collections of prior year expenditures from liens, estate recoveries, retroactive rate adjustments, and third party recoveries, not to exceed thirteen million two hundred thousand dollars, shall be credited to this item and may be expended without further appropriation for the purposes of this program; and provided further, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother

\$96,000,000

4402-5012 For the costs of correcting an error in the medicaid hospital payment formula for hospital rate years nineteen hundred and eighty-four and nineteen hundred and eighty-five, as stipulated in chapter three hundred and forty-seven of the acts of nineteen hundred and eighty-five, provided that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven

\$32,000,000

4402-5013 For the costs of discharging obligations in the medicaid program to Boston City Hospital for services rendered in hospital rate year nineteen hundred and eighty-three in accordance with the level allowed by chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-two, provided that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven

\$10,000,000

4403-2000 For a program of aid to families with dependent children; provided, that the payment standard shall be increased nine per cent as of July first, nineteen hundred and eighty-five, and rounded to the next whole dollar; provided, further, that a nonrecurring clothing allowance in the amount of one hundred

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twenty-five dollars be provided to each child eligible under this program on September first, nineteen hundred and eighty-five; provided further, that such allowance is federally reimbursable; provided further, that such clothing allowance shall not be counted as income for determination of eligibility or amount of benefits under the food stamp program; provided further, that such clothing allowance shall be included in the standard of need for the month of September, nineteen hundred and eighty-five; provided further, that a program of assistance, including medical assistance be provided to families otherwise eligible for aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing on child abuse; provided further, that child support payments collected pursuant to Title IV-D of the Social Security Act, not to exceed an amount of sixty million dollars, shall be credited to this account and may be expended without further appropriation for the purposes of this program; provided further, that certain families which will suffer a reduction in benefits due to their loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for this loss

\$32,000,000

4405-2000 For the state supplement to the supplemental security income program for the aged and disabled, including a program for emergency needs for supplemental security income recipients; provided, that the expenses of special grants to recipients in rest homes as provided in section seven A of chapter one hundred and eighteen A may be paid from this item, prior appropriation continued

\$6,400,000

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DEPARTMENT OF PUBLIC HEALTH.

- 4510-0114 For the reimbursement of the uncompensated care provided by community health centers pursuant to the provisions of chapter five hundred and seventy-four of the acts of nineteen hundred and eighty-five, provided, however, that the department shall notify the house and senate committees on ways and means of the amounts of such reimbursement to each individual community health center; provided further, that such notification shall include a description of the distribution formula used to determine such reimbursement
- \$2,900,000
- 4510-0607 For the initial cost of a urea foam formaldehyde insulation program
- \$125,000
- 4510-0790 For an office of emergency medical services, provided, however, that not less than three hundred and fifty thousand dollars shall be expended on the expansion of operations by regional emergency medical services councils and the expansion of operations by regional communication centers, including not more than eight temporary positions; and provided further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or of any other special or general law to the contrary, an amount not exceeding eleven thousand two hundred and fifty dollars shall be allowed and paid from this item for certain contracted services rendered in fiscal year nineteen hundred and eighty-six for which certain regulations and procedures adopted under the authority of said section twenty-nine A or any other special or general law were not properly followed.
- 4512-0550 For the provisions of funds to cities and towns for fluoridation programs; provided that certain fiscal year nineteen hundred and eighty-four obligations may be paid from this item.
- 4513-1000 For the administration of a family health program, and for the provision of services to

ventilator-dependent children under eighteen years of age who reside at home; provided, that not less than ninety-four thousand dollars shall be expended for a diethylstilbestrol program to identify women who took diethylstilbestrol during their pregnancy and their offspring who were exposed prenatally; and to educate the public and medical professionals; and to establish screening clinics concerning the symptoms and prevention of associated malignancy and other changes; provided further, that not less than fifty thousand dollars shall be expended as the annualized cost of an environmental information service for pregnant women; and provided further, that not less than one hundred and ninety thousand dollars shall be expended as the annualized cost of a poison control hotline; provided further, that not less than five hundred and thirty thousand dollars shall be expended for a rape prevention and victim services program; provided further, that not less than fifty thousand dollars be obligated to study the cost of and need for providing medical services to genetically handicapped adults; provided further, that a multidisciplinary team of health and allied health professionals shall certify all nursing home placements for individuals from birth to age twenty-two; and provided further, that in the event the medical review team denies certification, it shall recommend an alternative care program appropriate to each individual's needs, including not more than eighteen permanent positions and sixteen temporary positions; and provided further, that certain prior years' obligations not exceeding one hundred thousand dollars shall be allowed and paid from this item.

4516-1000 For the administration of the center for laboratory and communicable disease control services, including the division of communicable and venereal diseases, the division of tuberculosis control, and the state laboratory institute; provided that notwithstanding any provisions of law to the contrary, an amount not to exceed three hundred thousand dollars accrued through the

program at the institute of laboratories of selling biological products and performing various laboratory tests may be expended without further appropriation subject to schedules approved by the commissioner of the department of public health and the house and senate committees on ways and means and the state comptroller; provided further, that not less than two hundred and thirty thousand dollars shall be expended for Varicella-Zoster Immune Globulin, cytomegalovirus, and Whooping Cough vaccine programs; provided further, that not less than eight hundred thousand dollars shall be used for the purpose of providing vaccines, for childhood diseases and not less than four hundred thousand dollars shall be obligated for the purposes of providing influenza vaccines for the elderly and the chronically ill; provided further, that not less than two hundred thousand dollars shall be obligated for a new vaccine to prevent Haemophilus influenza type b disease; provided further, that not less than three hundred and fifty thousand dollars shall be obligated for the expansion of the drug analysis laboratory; provided further, that not less than two hundred thousand dollars shall be obligated for the purpose of providing laboratory services, counseling, and education related to screening and monitoring of research regarding Acquired Immune Deficiency Syndrome and its related complex; and provided further, that not less than two hundred thousand dollars shall be obligated for a toxoplasmosis screening program; including not more than one hundred ninety-five permanent positions and fifty-one temporary positions; and provided further, that certain prior years' obligations not exceeding fifteen thousand dollars incurred in appropriation account 4515-0100 shall be allowed and paid from this item.

4531-0001 Lakeville Hospital Rehabilitation center, provided, however, that not less than two hundred thousand dollars shall be expended for the purchase of equipment, including not more than two hundred and eighty-seven permanent positions and fifty temporary

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positions

\$200,000

4532-0001 Lemuel Shattuck hospital, including not more than six hundred and seventy-one permanent positions and thirty-three temporary positions; and provided further that certain prior year obligations not exceeding two hundred and eight thousand dollars shall be allowed and paid from this item.

DEPARTMENT OF MENTAL HEALTH.

5011-0025 For transportation services for mentally retarded persons attending educational, habilitational or day care services or facilities of the department, said persons being no longer eligible for such services under the provisions of chapter seven hundred and sixty-six of the acts of nineteen hundred and seventy-two, notwithstanding the provisions of any general or special law to the contrary; provided, however, that not more than four hundred and three thousand dollars shall be expended on the administration of said services; provided, that the commissioner of mental health shall submit semi-annually to the house and senate committees on ways and means a report detailing expenditures made and expected to be made pursuant to this item for said six-month period; provided further, that said report shall include a comparison of actual expenditures versus originally projected expenditures and reasons for any disparity and projected costs for the next period, including not more than five temporary positions

\$2,506,604

5011-0995 For the payment of a certain court judgment, entered in Hampden superior court, docket number 82-1725

\$6,524

5011-0996 For the payment of a certain court judgment, entered in United States district court, docket number 81-0268-MA

\$63,140

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|-----------|--|-----------|
| 5011-0997 | For the payment of a certain court judgment, entered in Middlesex superior court, number 82-1514 | \$39,200 |
| 5011-0998 | For the payment of a certain court judgment, entered in Suffolk superior court, number 62924 | \$5,243 |
| 5011-0999 | For the payment of a certain court judgment, entered in United States district court, district of Massachusetts, civil action number 76-4423-F | \$138,080 |
| 5017-0100 | For the office of the court monitor | \$7,669 |
| 5021-0000 | For a program of children's services, for the purpose of providing mental health and mental retardation services to children and adolescents, including those who are inappropriately placed on adult inpatient units at state mental hospitals and mental health centers, provided, that not less than two million seven hundred and twenty thousand dollars shall be obligated for three residential programs to provide appropriate residential treatment for such children and adolescents; provided further, that not less than two hundred and eighty thousand dollars shall be obligated for prevocational rehabilitation programs for adolescents; provided further, that not less than one million two hundred thousand dollars shall be obligated for two statewide residential treatment programs; provided further, that not less than seventy-five thousand dollars shall be obligated for an after-school respite care program in the Wes-Ros-Park area for developmentally disabled children aged twelve to twenty-two; and, provided further, that the department of mental health shall submit quarterly, in writing, by region and by program, status reports, including all expenditures from this item, to the house and senate committees on ways and means | \$549,000 |

Region One.

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5195-0100 For the maintenance of the Northampton state hospital; provided however, that no funds from this item may be expended for a contracted secure treatment facility; provided further, that no funds from this item may be expended for persons delivering services or performing administrative functions in community-based programs, including not more than four hundred and forty-two permanent positions and not more than fifteen temporary positions

\$1,447,886

Region Four A.

5483-0100 For the maintenance of the Walter E. Fernald state school, including not more than one thousand one hundred permanent positions and not more than one thousand two hundred and ninety-six temporary positions; provided, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or of any other special or general law to the contrary, an amount not exceeding one hundred and fifteen thousand dollars shall be allowed and paid from this item for certain contracted services rendered by E.K. Shriver Medical Center from July first through July eighteenth, nineteen hundred and eighty-five, for which certain regulations and procedures adopted under the authority of said section twenty-nine A or any other special or general laws were not properly followed.

Region Five.

5592-0100 For the maintenance of the Taunton state hospital; provided however, that no funds may be expended from this item for salaries for persons delivering services or performing administrative functions in community-based programs, including not more than three hundred and fifty-six permanent positions and not more than thirty-eight temporary positions

\$550,000

EXECUTIVE OFFICE FOR TRANSPORTATION AND CONSTRUCTION.
Office of the Secretary.

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6001–3625 For contract assistance to be allocated by the secretary of transportation and construction for the net additional expenses of the operation of demonstration inter-regional passenger rail services in Southeastern Massachusetts on lines acquired by the commonwealth or on lines over which any railroad corporation may operate; provided that the secretary shall submit an annual report to the house and senate committees on ways and means detailing the revenues and the number of passengers serviced, the net operating costs for the fiscal year, a five year revenue and expense projection, as well as the anticipated operating deficit for the succeeding fiscal year, the first such report to be filed no later than December fifteenth, nineteen hundred and eighty-six; and provided further that no funds shall be available for expenditure after December fifteenth, nineteen hundred and eighty-six, until the secretary of transportation and construction submits a schedule of approval, to the house and senate committee on ways and means, detailing the capital and operational expenditures and revenues estimates for calendar year nineteen hundred and eighty-seven

\$5,500,000

DEPARTMENT OF PUBLIC WORKS.

Highway Activities.

Personal Services.

6010–0001 For personal services of the department, provided, that notwithstanding the provisions of section four of chapter sixteen of the General Laws, the commissioner may appoint six additional assistants who shall serve at the pleasure of the commissioner and shall not be subject to chapter thirty-one of the General Laws and may also appoint a deputy chief counsel (counsel III) who shall not be subject to chapter thirty-one of the General Laws; including not more than two thousand eight hundred and sixty permanent positions and five hundred and fifty-eight temporary positions

\$458,218

Highway Fund 100.0%

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Administrative and Engineering Expenses.

| | | |
|-----------|---|----------|
| 6020-2595 | For the payment of a certain court judgment, entered in Suffolk court, civil action number 48124 | \$1,800 |
| 6020-2596 | For the payment of a certain court judgment, entered in Suffolk superior court, civil action number 65320 | \$4,500 |
| 6020-2597 | For the payment of a certain court judgment, entered in Hampden superior court, civil action number 84-1210 | \$12,000 |
| 6020-2598 | For the payment of a certain court judgment, entered in Worcester superior court, civil action number 12821 | \$500 |
| 6020-2599 | For the payment of a certain court judgment entered in Essex superior court, civil action number 7741 | \$5,000 |

Maintenance and Operation of State Highways and Bridges.

| | | |
|-----------|--|-------------|
| 6030-7201 | For the expenses of snow and ice control, provided that not less than three million dollars be obligated for two fully funded snow and ice removal projects in District 1 and District 2 and provided a detailed report on district cost comparisons for fiscal year nineteen hundred and eighty-six expenditures be filed with the house and senate committees on ways and means on or before May first, nineteen hundred and eighty-six; and provided further, that any surplus after May first, nineteen hundred and eighty-six from said demonstration projects may be expended, for bridge repairs in said districts; including the removal of sand, and including the cost of sand, salt and chemicals | \$5,100,000 |
| | Highway Fund | 100.0% |

DEPARTMENT OF EDUCATION.
Division of Special Education.

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7028-0001 For the administration of the division of special education, to be in addition to any federal funds available for the purpose, including not more than sixty-two permanent positions; provided that certain fiscal year nineteen hundred and eighty-four costs in the amount of one hundred and eighty-two dollars shall be allowed and paid from this item.

7028-0031 For the expenses of school age children in institutional school departments as required under section twelve of chapter seventy-one B of the General Laws; provided that the department shall provide services to eligible inmates in county houses of correction in accordance with and during the preliminary injunction issued by the United States District Court, District of Massachusetts, including not more than one hundred and five permanent positions and forty-three temporary positions; provided further, that certain fiscal year nineteen hundred and eighty-five costs of certain salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the division of employee relations, on behalf of the commonwealth, and the Alliance, AFSCME/SEIU, AFL-CIO, Local 509, covering certain employees in bargaining Units 8 and 10 in the department of education shall be allowed and paid from this item

\$100,000

7028-0302 For the educational expenses of certain school age children with special needs attending schools under the provisions of section two of chapter seventy-one B of the General Laws and for the educational expenses of school age children with special needs attending day or residential programs who have no father or mother or guardian living in the commonwealth; provided, that notwithstanding the provisions of any general or special law to the contrary, all increases in the rate paid to any institution or school for services provided in prior fiscal years may be funded with monies appropriated herein; and provided further, that no payments or approvals shall be given or

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made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation.

- 7028–0303 For expenses relating to the provisions of special education to certain children to be transferred from the department of public welfare to the department of education; provided, that said children were placed by the department of public welfare in a private special education program as of September first, nineteen hundred and seventy-four, have continued to attend such program at the expense of the department of public welfare up to the date of said transfer, and continue to need such special education program; and provided further, that the total number of children to be transferred from the department of public welfare to the department of education shall not exceed the number that can be served by funds available in this appropriation

\$52,670

Division of School Facilities and Related Services.

- 7053–1907 For partial assistance in the furnishing of lunches to school children, as authorized by chapter five hundred and thirty-eight of the acts of nineteen hundred and fifty-one, and, if necessary, for supplementing federal funds allowed for the special milk program; provided, that notwithstanding the provisions of any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79–396, as amended, cited as the National School Lunch Act, and in the regulations implementing said act, prior appropriation continued

\$60,671

- 7053–1909 For the reimbursement of cities and towns for partial assistance in the furnishing of lunches to school children and for supplementing funds allocated for the special milk program; provided, that notwithstanding any provisions

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of any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act, and in the regulations implementing said act, prior appropriation continued

Local Aid Fund \$1,513,655
100.0%

BOARD OF REGENTS.
Compact for Education.

7070-0070 For a reserve for a contract administered by the board of regents for the data processing and other support needs of the scholarship office; provided that no funds shall be expended from this item without the prior written approval of the house and senate committees on ways and means; provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven \$300,000

7070-0071 For a reserve for the expenses of the administration of the scholarship program; provided that no funds shall be expended from this item without the prior written approval of the house and senate committees on ways and means; provided, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven \$150,000

7070-0075 For the expenses of a statewide youth awareness program; to be administered by a higher education information center as outlined in section eight of chapter fifteen A of the General Laws; and provided, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven \$90,000

New England Board of Higher Education.

7077-0021 For payments to certain universities, on acceptance of certain Massachusetts students into medical, dental, veterinary medical and

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related health programs; provided, that new contracts relative thereto include a provision for payback service to the commonwealth for a period after said students have fulfilled all internship and residency requirements; provided further, that all contracts relative thereto are approved by the chancellor of the board of regents; and provided further, that no payment may be made from this item except in accordance with a schedule established by the chancellor of the board of regents and approved by the commissioner of administration and the house and senate committees on ways and means

\$48,000

7100-0100 For a reserve for the administration and maintenance of the system of institutions of higher education, including the office of the president of the University of Massachusetts; provided, that notwithstanding any provisions of law to the contrary, the board of regents shall allocate such appropriation in accordance with an allocation plan approved by the house and senate committees on ways and means; and provided further, that the University of Massachusetts board of trustees shall institute and maintain learning contracts for students admitted on or after the fall of nineteen hundred and seventy-eight which include provisions for "payback" service or monetary payback to the commonwealth for a period after said students have fulfilled all internship and residency requirements; and provided further, that all sums so approved shall be allocated and expended in accordance with the provisions of section twenty-seven and twenty-seven A of chapter twenty-nine of chapter one thousand two hundred and thirty of the acts of nineteen hundred and seventy-three; provided, that of the sum appropriated herein, not less than twenty-four thousand five hundred dollars shall be obligated for the operation of a maritime oriented fire fighting training program at Massachusetts Maritime Academy, provided, that said program shall be conducted annually by said academy, utilizing the services and facilities of the

Barnstable County Police and Fire Fighting Academy; provided further, that said funds shall be administered by said Massachusetts Maritime Academy for the benefit of providing maritime oriented fire fighting training to the cadets of the regiment; provided further, that of the sum appropriated herein, not less than one hundred thousand dollars shall be expended for a study of Massachusetts infrastructure, including but not limited to, the survey and assessment of capital projects, including educational facilities, public health care facilities, modes of transportation, and public utilities to be administered by the University of Massachusetts at Amherst; provided further, that said study shall include business study shall include business and economic forecasting and the preparation of cost estimates relating to infrastructure options; provided further, that a copy of said study shall be filed with the house and senate committees on ways and means on or before the first day of January, nineteen hundred and eighty-six; provided further, that of the sum appropriated herein, not less than six hundred twenty thousand four hundred and forty-three dollars shall be expended for the purposes of the area health education centers program, also known as "AHEC" to be administered by the University of Massachusetts Medical School; provided further, that in the event any said collective bargaining agreement requires a payment to a union or a joint union-management trust fund said payment made may be charged by the comptroller against this item; and provided further, that no transfer or payment to said unions or joint union-management trust fund shall be made from this item without the prior approval of the house and senate committees on ways and means after said committees have received copies of said collective bargaining agreement, together with an analysis of all cost items contained in said agreement, including not more than thirteen thousand five hundred and thirty-eight permanent positions and four hundred and two temporary positions; provided further, that notwithstanding the

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provisions of any general or special law to the contrary, certain prior year expenses in an amount not exceeding nine thousand nine hundred and ninety-one dollars shall be allowed and paid from this item.

University of Lowell.

| | | |
|---------------|---|--------------|
| 7100–9500 For | a reserve for the purchase of scientific laboratory, computer, and other related educational equipment and supplies for certain engineering and nursing education programs offered by institutions within the public system of higher education; provided, that the board of regents of higher education shall allocate such funds; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven | \$12,500,000 |
| 7109–0500 For | the purchase of certain equipment at Bridgewater State College | \$35,000 |
| 7507–0999 For | the payment of a certain court judgment, entered in Middlesex superior court, civil action number 81–1979 | \$40,000 |
| 7511–0999 For | the payment of a certain court judgment, entered in Essex superior court, docket number 83–2581 | \$24,000 |
| 7514–0999 For | payment to the Veterans Administration, in accordance with the terms of a certain covenant not to sue Springfield Technical Community College | \$54,000 |
| 7518–0999 For | the payment of a certain court judgment, entered in Norfolk superior court, civil action number 84–3048 | \$1,000 |

EXECUTIVE OFFICE OF PUBLIC SAFETY.
Division of State Police.

8312–0100 For the administration of the division, provided,

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however, that not less than one hundred fifty thousand dollars be expended on investigation concerning prescription drug abuse to be conducted by the Drug Investigation Unit, so-called; provided, further, that not less than one hundred twenty-five thousand dollars shall be used for mounted units which shall patrol Walden Pond, Salisbury Beach and other state facilities as appropriate, provided further, that not less than two hundred thousand dollars shall be expended on the operation of a Missing Persons Resource Unit with particular emphasis placed on investigations concerning the location of missing children, including not more than one thousand one hundred and eighty-seven positions

\$4,081,041

| | |
|--------------|-------|
| General Fund | 15.0% |
| Highway Fund | 85.0% |

8312-0200 For the administration of the narcotics unit in the bureau of investigative services within the division of the state police; provided, that there shall be a minimum of one hundred state police officers assigned to full-time duty with said unit and under the command of a commissioned officer of the state police; all such officers shall be exclusively assigned on a full-time basis to undercover operations, smuggling operations, the investigation of the diversion of legally manufactured drugs, and the investigation of illegal distribution of controlled substances among minors; officers assigned to said unit shall not be discharged to details other than those described above unless they are replaced by another officer, including not more than one hundred temporary positions

\$200,000

| | |
|--------------|-------|
| General Fund | 15.0% |
| Highway Fund | 85.0% |

8312-0300 For the implementation of wellness programs, so-called, including without limitations a program of physical fitness maintenance and enhancement for the personnel of the division of state police

\$77,665

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| | | |
|-----------|--|----------|
| 8312–0998 | For the payment of a certain court judgment, entered in Norfolk superior court, docket number 132312 | \$85,000 |
| 8312–0999 | For the payment of certain attorney's fees incurred in prior fiscal years in connection with Norfolk superior court civil action number 132312 | \$7,965 |

Division of Fire Prevention.

| | | |
|-----------|---|----------|
| 8314–2000 | For reimbursement of the costs of purchasing fire equipment; provided that such equipment shall remain under the custody, control and maintenance of the towns of Shirley, Taunton, and Lancaster, and shall be used for the protection of state institutions located in said towns | \$32,000 |
| | Local Aid Fund 100.0% | |

Registry of Motor Vehicles.

| | | |
|-----------|--|----------|
| 8400–0999 | For the payment of a certain court judgment, entered in Suffolk superior court, docket number 41243 | \$90,000 |
| 8600–0001 | For the administration of the Committee on Criminal Justice, including not more than fifteen temporary positions | \$13,375 |

Military Division.

| | | |
|-----------|---|-----------|
| 8700–0200 | For compensation for special and miscellaneous duty, for transportation of officers to and from military meetings and drills, for expenses of camps of instruction, for compensation for accidents and injuries sustained in the performance of military duty, for small claims for damages to private property and for allowances to companies and other administrative units to be expended under the direction of the adjutant general, including not more than four permanent positions | \$237,500 |
|-----------|---|-----------|

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| | | |
|---------------|---|----------|
| 8700–0997 For | the payment of a certain court judgment, entered in Suffolk superior court, docket number 43891 | \$12,000 |
| 8700–0998 For | the payment of a certain court judgment, entered in Suffolk superior court, civil action number 70088 | \$12,500 |
| 8700–0999 For | the payment of a certain moral obligation, pursuant to the provisions of chapter nine of the resolves of nineteen hundred and eighty-four | \$8,978 |

Civil Defense Agency.

| | | |
|---------------|--|---------|
| 8800–0001 For | the service of the civil defense agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities and shall be expended with at least an equivalent amount of federal funds for the purposes of this item, including not more than forty permanent positions | \$9,866 |
| 8800–0012 For | the maintenance of existing emergency communications equipment operated by the civil defense agency | |

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

| | | |
|---------------|--|-------------|
| 9000–0112 For | the operation of satellite job training centers in Boston, Springfield, and Cambridge, said appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$1,000,000 |
| 9000–1710 For | the provision of capital for the economic stabilization fund, as provided by section seven to fifteen, inclusive, of chapter twenty-three C of the General Laws, to be used for making loans to or investments in businesses and persons that comply with said sections, prior appropriation continued | \$1,500,000 |

Division of Employment Security.

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9081-7000 For the payment of reemployment assistance benefits as provided by section seventy-one F of chapter one hundred and fifty-one A of the General Laws; provided that a study which identifies the areas of growth in payments made pursuant to this section, which analyzes the effectiveness of the program to date and which recommends improvements to the program be submitted to the house and senate committees on ways and means on or before January first, nineteen hundred and eighty-seven

\$480,000

9091-0211 For financial assistance for local tourist councils, including an additional two hundred thousand dollars for the Chambers of Commerce of Northern Middlesex; provided that the division develop a formula for the distribution of said funds which shall be filed with the house and senate committees on ways and means. This appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven.

Division of Economic Development.

9091-0404 For the expenses of the Foreign Business Council; and provided that no funds from this account be expended for any travel by members of the general court

\$90,000

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

State Racing Commission.

9210-0001 For the administration of the commission, including not more than thirty-three permanent positions; provided that a sum not exceeding one hundred thousand dollars shall be expended by the commission to contract with an accredited school of veterinary medicine in the commonwealth, to establish a drug testing and research program to insure the legitimacy and integrity of the racing industry

\$58,898

Alcoholic Beverage Control Commission.

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9212-0999 For the payment of post-judgment interest on certain attorney's fees incurred in prior fiscal years, pursuant to order of the United States court of appeals, first circuit, 749 F.2d 945 (1984)

\$13,842

Division of Registration.

For the services of the following agencies in the division:

9230-0150 Board of registration and discipline in medicine; and board of acupuncture; including not more than eight permanent positions and sixteen temporary positions.

Executive Office of Labor.

Department of Labor and Industries.

For the personal services and expenses of the following agencies of the department:

9412-0200 For the division of occupational hygiene; provided, that all funds appropriated under this item shall be for a program to evaluate the asbestos level in public schools and other public buildings; the division for this purpose may employ staff which shall not be subject to chapter thirty-one of the General Laws and engage engineering and medical and other consultants, including not more than nine temporary positions

\$30,000

9413-0100 For the expenses of the department in enforcing the minimum wage laws, including not more than fourteen permanent positions; provided, that one hundred and seventy-two thousand eight hundred and ninety-two dollars of the amount appropriated herein is authorized for the purpose of determining wage rates for certain local housing authority positions in conformance with the decision in Receiver of Boston Housing Authority v. Commissioner of Labor and Industries, 396 Mass. 50 (1985)

\$172,892

Division of Industrial Accidents.

9440-0100 For the administration of the division and for clerical and other assistance for the industrial accident rehabilitation board,

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including not more than two hundred and twenty-nine permanent positions and four temporary positions.

SECTION 3. Item 2440-0029 of section 2 of chapter 234 of the acts of 1984 is hereby amended by inserting after the word "purchase", in line 1, the word:- fabrication,- and by inserting after the word "River", in line 2, the words:- appropriation expires June thirtieth, nineteen hundred and eighty-seven.

SECTION 4. Item 1599-3386 of section 2 of chapter 200 of the acts of 1985 is hereby amended by striking out, in line 19, the word "eighty-six" and inserting in place thereof the word:- eighty-seven,- and by striking out, in line 30, the words "prior appropriation continued" and inserting in place thereof the words:- appropriation to expire on June thirtieth, nineteen hundred and eighty-seven.

SECTION 5. Item 2520-1200 of said section 2 of said chapter 200 is hereby amended by adding the following paragraph:- Mosquito and Greenhead Fly Control Fund .. 100.0%.

SECTION 6. Item 2520-1400 of said section 2 of said chapter 200 is hereby amended by striking out, in lines 5 and 6, the words "September first, nineteen hundred and eighty-five" and inserting in place thereof the words:- June thirtieth, nineteen hundred and eighty-six.

SECTION 7. Item 1599-3520 of section 2 of chapter 757 of the acts of 1985 is hereby amended by striking out, in line 8, the words "and towns" and inserting in place thereof the words:- , towns, and local housing authorities.

SECTION 8. Notwithstanding the provisions of any general or special law to the contrary, for the period ending June thirtieth, nineteen hundred and eighty-seven, the secretary of administration and finance shall, with respect to any charges or fees which the secretary was heretofore authorized to establish under the provisions of section three B of chapter seven of the General Laws, (1) determine the amount to be charged by the commonwealth for each service of any kind performed by any state personnel or agency which is primarily for the benefit of any individual person or corporation, other than services in hospitals, clinics or other health facilities and services rendered by a correctional institution for inmates therein; (2) shall determine the charge to be made by the commonwealth for each use for private purposes or gain of state-owned buildings, houses, facilities, and equipment; (3) shall determine the charge to be made by the commonwealth for meals served in state institutions or facilities to employees thereof; and, (4) shall determine the amount to be charged for any other service, registration, regulation, license, fee, permit or other public function; provided, however, that said secretary shall not determine the rates of tuition at state colleges, state community

colleges, state universities, and the Massachusetts Maritime Academy or any fees or charges relative to the administration and operation of the trial court, appeals court, supreme judicial court and any other department of the judiciary of the commonwealth; provided further, that said secretary shall not increase or decrease any existing fee or charge or establish any new fee or charge unless notice of said increase or decrease is filed with the clerks of the house and senate while the general court is in session and the general court has failed to pass a resolve disapproving said proposed action within the next sixty days after said filing.

SECTION 9. Notwithstanding the provisions of any general or special law to the contrary, revenues not exceeding six thousand dollars received from the sale of state surplus personal property may be expended by the purchasing agent's division, without further appropriation, for expenses incidental to the advertisement and sale of such property. The expenditure of such funds shall be subject to approval by the commissioner of administration and the state comptroller.

SECTION 10. Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or any other general or special law to the contrary, the comptroller is hereby authorized to approve payments for certain contracted services rendered in fiscal year nineteen hundred and eighty-six for which certain regulations and procedures adopted under the authority of said section twenty-nine A or any other such special or general law were not properly followed; provided, however, that the secretary of the executive office overseeing the agency which was a party to such a contract shall certify in writing that such services were actually performed; provided further, that such payments shall be based on schedules provided to the house and senate committees on ways and means; provided further, that sufficient funds for such payments existed within the appropriate line-item accounts as of June thirtieth, nineteen hundred and eighty-six and that such amounts were encumbered for the purpose of making said payments by such agencies; provided further, that said comptroller is hereby authorized to make payments for certain contracted services rendered in prior fiscal years for which certain regulations and procedures adopted as aforesaid were not properly followed; provided further, that the secretary of the executive office overseeing the agency which was a party to such a contract shall certify in writing that such services were actually performed and that such payments shall be based on schedules provided to the house and senate committees on ways and means and charged to and expended according to the provisions of an account established for the purpose of paying prior year deficiencies and shall not be paid from any such current agency appropriation; and provided, however, that such payments, where appropriate, may be paid from capital appropriations; provided, that such payments from capital appropriations shall be based on schedules approved by the house and senate committees on ways and means; and provided further, that this shall not apply to payments authorized pursuant to section two for such purposes.

SECTION 11. For the purposes of discharging a moral obligation of the commonwealth, the department of social services is hereby authorized to make payments in an amount not exceeding ninety-seven thousand one hundred and four dollars and sixty cents from funds appropriated in item 4400-1009 and 4800-0060 of section two of chapter one hundred and forty of the acts of nineteen hundred and eighty-five, to subcontractors of Day Care Fair, Inc., for certain voucher day care and family day care services rendered during fiscal year nineteen hundred and eighty-five and not paid due to default of said payments by Day Care Fair, Inc.; provided, that the secretary of the executive office of human services shall certify in writing that said services were provided by said subcontractors.

SECTION 12. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance shall, after notice and hearing in accordance with the provisions of chapter thirty A of the General Laws, determine the amount to be charged for any service, registration, regulation, license, fee, permit or public function which is not provided for in section three B of chapter seven of the General Laws other than services in hospitals, clinics or other health facilities and services rendered by a correctional institution for inmates therein; provided, however, that said secretary shall not determine the rates of tuition at state colleges, state community colleges, state universities, and the Massachusetts Maritime Academy or any fees or charges relative to the administration and operation of the trial court, supreme judicial court or any other department of the judiciary of the commonwealth; and provided, further, that said secretary shall not increase or decrease any existing fee or charge or establish any new fee or charge unless notice of said increase or decrease is filed with the clerks of the house and senate while the general court is in session and the general court has failed to pass a resolve disapproving said proposed action within the next sixty days after said filing.

SECTION 13. Notwithstanding the provisions of any general or special law to the contrary, hospitals within the department of public health may expend certain revenues without further appropriation, subject to the approval of the commissioner of public health and the state comptroller, and further subject to the following schedule, for patient care. Each hospital shall report the amounts of revenue generated from the collection of charges for services from third party reimbursements and from individuals, by category of payor, and a detailed summary of the expenditures made by each hospital for inpatient care. Such reports shall be filed quarterly with the commissioner of administration and the house and senate committees on ways and means. The hospitals and the authorized amounts of revenues to be expended are as follows: for Lakeville Hospital, revenues in excess of four million eight hundred and five thousand dollars but not exceeding five million five hundred and ninety thousand dollars; for Lemuel Shattuck Hospital, revenues in excess of seven million three hundred thousand dollars but not exceeding eight million nine hundred and eleven

ACTS, 1986. – Chaps. 143, 144.

thousand dollars; for the Massachusetts Hospital School, revenues in excess of two million eight hundred and forty thousand dollars but not exceeding three million two hundred thousand dollars; for Rutland Heights Hospital, revenues in excess of three million five hundred thousand dollars but not exceeding four million four hundred thousand dollars; for Tewksbury Hospital, revenues in excess of ten million six hundred and five thousand dollars but not exceeding twelve million one hundred and seventy thousand dollars; for Western Massachusetts Hospital, revenues in excess of three million seven hundred and seventy-five thousand dollars but not exceeding four million two hundred and ninety thousand dollars; and for Cushing Hospital, revenues in excess of five million twenty thousand dollars but not exceeding five million eight hundred and fifty thousand dollars. Any remaining balances of the amounts available to the hospitals within the department, at the end of fiscal year nineteen hundred and eighty-five, pursuant to section sixty-one of chapter two hundred and thirty-four of the acts of nineteen hundred and eighty-four, shall not revert to the General Fund, but shall be available to said hospitals within the department for the purposes provided herein during fiscal year nineteen hundred and eighty-six.

SECTION 14. This act shall take effect upon its passage.

Approved June 26, 1986.

Chapter 143. AN ACT DESIGNATING THE BRIDGE ON ROUTE 20 OVER ROUTE I-395 IN THE TOWN OF AUBURN AS THE FRANCES E. THOMPSON MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge located in the town of Auburn on route 20 over route I-395, Bridge #A-17-38, shall be designated and known as the Frances E. Thompson Memorial Bridge in memory of Frances E. Thompson who was the first woman resident engineer in the department of public works. Suitable markers bearing said designation shall be attached thereto in compliance with the standards of said department.

Approved June 26, 1986.

EMERGENCY LETTER: JUNE 26, 1986 @ 3:09 P.M.

Chapter 144. AN ACT DESIGNATING A PORTION OF THE STATE HIGHWAY ROUTE 12 IN THE TOWN OF AUBURN AS PATROLMAN STEPHEN A. LUKAS MEMORIAL HIGHWAY.

Be it enacted, etc., as follows:

That portion of the highway, Route 12, in the town of Auburn which

ACTS, 1986. – Chaps. 145, 146, 147.

runs southerly from the Worcester city line to the intersection of Route 20 in the town of Auburn shall be designated and known as Patrolman Stephen A. Lukas Memorial Highway, in memory of Stephen A. Lukas, a member of the Auburn police department who was killed in the line of duty. The department of public works shall erect suitable markers along said highway bearing said designation, in compliance with the standards of said department.

Approved June 26, 1986.

Chapter 145. AN ACT PROHIBITING CERTAIN MINORS FROM TESTIFYING AGAINST A PARENT IN CRIMINAL PROCEEDINGS.

Be it enacted, etc., as follows:

Section 20 of chapter 233 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following clause:–

Fourth, An unemancipated, minor child, living with a parent, shall not testify before a grand jury, trial of an indictment, complaint or other criminal proceeding, against said parent, where the victim in such proceeding is not a member of said parent's family and who does not reside in the said parent's household. For the purposes of this clause the term "parent" shall mean the natural or adoptive mother or father of said child.

Approved June 26, 1986.

Chapter 146. AN ACT EXTENDING THE MALDEN SCHOOL CHILDREN TRANSPORTATION CONTRACT FOR AN ADDITIONAL FIVE YEARS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section four of chapter forty of the General Laws or any other general or special law to the contrary, the city of Malden is hereby authorized to extend its school children transportation contract #1283 with Yellow Cab of Malden Inc., upon the same terms and conditions as contained in said contract, for an additional five year term, commencing September first, nineteen hundred and eighty-six.

Approved June 30, 1986.

EMERGENCY LETTER: JUNE 30, 1986 @ 4:18 P.M.

Chapter 147. AN ACT RELATIVE TO CERTAIN FINANCIAL CONDITIONS IN THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Chelsea is hereby authorized to borrow at one time or from time to time, a sum in the aggregate not exceeding five million dollars from the commonwealth for the purpose of maintaining and operating the city of Chelsea in fiscal years nineteen hundred and eighty-six, eighty-seven and eighty-eight. No interest shall be payable by the city on account of such loan.

Such loan or loans shall be payable not more than ten years from their dates. For each loan the amounts payable annually shall be as nearly equal from year to year as practicable in the opinion of the chief financial officer of the city of Chelsea or shall be arranged by said chief financial officer in accordance with a schedule providing for a more rapid amortization of the loan balance.

The state treasurer shall deduct and withhold the amount of principal due the commonwealth in any year on account of such loan from the distribution of aid payable to the city of Chelsea pursuant to chapter fifty-eight and chapter seventy of the General Laws.

Debt incurred under authority of this act shall not be included in determining the limit of indebtedness of the city as established by law.

SECTION 2. All proceeds of any loan authorized by section one of this act shall be deposited in a separate fund which shall be set up on the books of the city and maintained separate and apart from all other funds and accounts of the city. Such fund shall be called the City of Chelsea Finance Control Fund of 1986, hereinafter referred to as the fund. Amounts deposited in such fund shall, upon the written direction of the mayor and with the approval of the board of aldermen and of the city of Chelsea finance control board as established in section three of this act, be expended without further appropriation for the purpose of maintenance and operation of the city in fiscal years nineteen hundred and eighty-six, eighty-seven and eighty-eight.

If on June thirtieth, nineteen hundred and eighty-eight any amount borrowed under authority of section one of this act remains undisbursed for the purposes provided herein, such undisbursed amount shall be returned to the commonwealth and the amount due the commonwealth by the city of Chelsea on account of borrowing pursuant to section one shall be diminished by the amount of such reversion.

SECTION 3. Prior to the issuance of any loan from the commonwealth to the city of Chelsea under authority of section one of this act, there shall be established in the executive office for administration and finance, a city of Chelsea finance control board consisting of the secretary of administration and finance, or his designee; the commissioner of education or his designee; the commissioner of revenue, or his designee; the director of accounts, or his designee; the mayor of the city of Chelsea; president of the board of aldermen, or his designee; chairman of Chelsea school committee, or his designee; and a representative of the Chelsea business community, to be selected by the governor.

Said board is constituted to initiate and assure the implementation of appropriate initiatives to secure the financial stability of the city of Chelsea. The board is further empowered to approve disbursements from the fund established by section two of this act solely for the purposes provided in that section. Until such time as the finance control board shall cease to exist, no appropriation by the board of aldermen whether from the fund or otherwise, shall take effect until approved by the finance control board. The finance control board shall prepare and report its findings and reviews to appropriate departments and agencies of the commonwealth and to the mayor and board of aldermen of the city of Chelsea. In addition, the board shall recommend to such departments and agencies such further action as the board determines necessary. The members shall serve without compensation.

The city of Chelsea finance control board shall continue in existence until June thirtieth, nineteen hundred and eighty-eight unless the members by majority vote shall annually vote to continue the operation of the board from year to year during the term of the loan as provided in section one.

SECTION 4. Prior to approval by the said finance control board of the disbursement of funds from the fund, that board shall require the filing of a detailed work plan by each municipal department which shall be approved by the mayor, setting forth certain actions which will be implemented by every such department through its department head to ensure greater efficiency in the delivery of services to the citizens of Chelsea.

Each workplan shall include but not be limited to the following: (1) a plan for improved financial and spending controls; (2) budget guidelines and objectives for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight, and for such other fiscal years for which the board may remain in existence; (3) professional and non-professional staffing plan; (4) other proposed savings to be implemented in fiscal years nineteen hundred and eighty-seven, nineteen hundred and eighty-eight, and for such other fiscal years for which the board may remain in existence provided however that the plan submitted by the school department shall be approved by the school committee. In addition to the foregoing requirements the said school department workplan shall include the following: (1) a plan for curriculum review with the goal of upgrading student test scores on scholastic aptitude tests and state basic skills tests; (2) a review of school facilities and school organizations; (3) a plan for conducting a comprehensive review of vocational and occupational programs and services; (4) review of school transportation and school lunch programs; and (5) a review of special education programs. Every workplan submitted hereunder shall set forth a detailed implementation schedule. A status report shall be filed by each department head with the board on a quarterly basis.

Every request for authorization to disburse funds from the fund into the General Fund shall be submitted in writing to the finance control board by the mayor with the approval of the board of aldermen. Within twenty-one days after the submission of such request, the finance

control board shall authorize the disbursement if it is satisfied that the disbursement is appropriate. The authorization shall be recorded in a resolution adopted by the board. If the board is not satisfied, it shall so indicate by the adoption of a resolution stating its disapproval. Failure to adopt an authorizing resolution within twenty-one days shall constitute a denial of the request for disbursement.

Prior to March first of each year for which the finance control board shall remain in existence, the school committee shall file with the said board a detailed proposed budget for the ensuing fiscal year. The board shall review the proposed budget and issue a report of its findings by June first following the date of filing.

SECTION 5. On or before August first of each year, or within ten days after approval by the board of aldermen and the mayor of the annual appropriation order for such fiscal year, whichever shall occur later, the department heads or agencies including the superintendent of schools for the school department, shall submit to the chief financial officer, with a copy to the city clerk in such form as the chief financial officer may prescribe, an allotment schedule of the appropriations of all personnel categories included in said budget, indicating the amounts to be expended by the department or agency for such purposes during each of the fiscal quarters of said fiscal year, or such shorter time periods as the mayor and chief financial officer may prescribe.

Whenever the chief financial officer determines that any department or agency including the school department, will exhaust or has exhausted its quarterly or shorter time period allotment and any amounts unexpended in previous periods, he shall give notice in writing to such effect to the department head, the mayor, the city solicitor, and the city clerk who shall transmit the same to the board of aldermen. Upon such a determination and upon being given such notice, the chief financial officer shall provide the foregoing officials additional reports on at least a monthly basis indicating the status of such accounts.

The mayor within seven days after receiving such notice, shall determine whether to waive or enforce such allotment. If the allotment for such period is enforced or not waived, the department head shall thereafter terminate all personnel expenses for the remainder of such period. All actions, notices, and decisions provided for in this section shall be transmitted to the board of aldermen and the city clerk within seven days.

No personnel expenses earned or accrued, within any department, shall be charged to or paid from such department's allotment of a subsequent period without approval by the mayor. Approval of a payroll for payment of wages, or salaries or other personnel expense which would result in an expenditure in excess of the allotment shall be a violation of this section by the department head, including the superintendent of schools and the school committee. If the continued payment of wages, salaries or other personnel expenses is not approved in a period where a department has exhausted the period allotment or allotments as specified above, or, in any event, if a department has exceeded its entire appropriation for a fiscal year, the city shall have no obligation to pay

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such personnel cost or expense arising after such allotment or appropriation has been exhausted.

Notwithstanding the provisions of chapter one hundred and fifty E of the General Laws, every collective bargaining agreement entered into by the city or the school department after the effective date of this act shall be subject to and shall expressly incorporate the provisions of this section.

SECTION 6. No official of the city of Chelsea, except in case of emergency involving the health or safety of people or property, shall expend intentionally in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the city in any contract for the future payment of money in excess of such appropriations.

Any official who violates the provisions of this section shall be personally liable to the city for any amounts expended intentionally in excess of an appropriation to the extent the city does not recover such amounts from the person to whom paid. The trial court of the commonwealth or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the city hereunder and to order such relief as the court may find appropriate to prevent further violations of this section. Any official who violates the provisions of this section shall be subject to removal for cause.

SECTION 7. There shall be in the city a department known as the assessing department, which shall be under the charge and control of a three member board of assessors whose members shall be appointed by the board of aldermen for a term of three years. A full time director of assessing shall assist the board of assessors in performing the duties conferred or imposed upon assessors of cities in the commonwealth by General Laws, except as otherwise provided herein. To this end the director shall submit written recommendations to the board of assessors for its review and action as to matters affecting the administration, valuation and assessing of properties. The director shall review every application for an exemption or abatement of a tax and shall submit his written recommendation thereon to the board of assessors. The director shall appoint an operations director subject to the approval of the board of assessors and the mayor, and shall further recommend to the board of assessors the organization of the department as he shall adjudge necessary for the proper conduct thereof.

SECTION 8. A department of finance is hereby established under the charge and control of a chief financial officer who shall be appointed by the mayor subject to board of aldermen confirmation for a term of five years. The chief financial officer shall report to the mayor and shall be a person especially suited by education, training and experience to perform the duties of the office. The chief financial officer shall not hold any elective office nor shall he engage in any other business or occupation. The chief financial officer shall appoint a treasurer/collector, auditor, director of assessing with the approval of

the board of assessors, and the purchasing agent subject to the approval of the mayor and board of aldermen, for a term of three years.

The powers and duties of the chief financial officer shall include the following: coordination, administration, and supervision of all financial services and activities; assistance in all matters related to municipal financial affairs; implementation and maintenance of uniform systems, controls, and procedures for all financial activities in all departments, including the school department, and including but not limited to maintenance of all financial and accounting data and records; implementation and maintenance of uniform data processing capabilities for all departments; supervision of all data processing activities; implementation and maintenance of uniform budget guidelines and procedures; assistance in development and preparation of all department budgets and spending plans; review of all contracts and obligations; monitoring of the expenditure and investment of all funds, including periodic reporting to appropriate departments of the status of accounts; establishment of a spending plan for each department; and the allotment of funds on a periodic basis as provided in section five. In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the chief financial officer to promote, secure, and preserve the financial interests of the city.

All department budgets and requests for budget transfers must be submitted to the chief financial officer for review and recommendations prior to submission to the mayor, board of aldermen or school committee as appropriate.

The chief financial officer shall report on at least a quarterly basis to the mayor and board of aldermen on the financial status of the city.

The treasurer/collector, auditor, and director of assessing and purchasing agent shall be subject to removal for cause by the chief financial officer, subject to the approval of the mayor and board of aldermen.

The mayor with the approval of the board of aldermen may remove the chief financial officer before his term of office expires. At least fifteen days before such proposed removal shall become effective there shall be filed with the city clerk a preliminary written resolution setting forth in detail the reason for the proposed removal and a copy of said resolution shall be served upon the person to be removed.

SECTION 9. Notwithstanding the provisions of section eight of this act, if the mayor of the city of Chelsea shall have failed to appoint a chief financial officer within ninety days after the effective date of this act, the city of Chelsea finance control board, shall appoint a chief financial officer to serve pursuant to the provisions of this act for such term as indicated.

Notwithstanding the provisions of section seven of this act, if the chief financial officer of the city of Chelsea shall have failed to appoint a director of assessing within one hundred and twenty days after the effective date of this act, the city of Chelsea finance control board, shall appoint a director of assessing to serve pursuant to the provisions of this act.

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SECTION 10. Notwithstanding the provisions of section eight of this act, the mayor of the city of Chelsea subject to board of aldermen approval shall appoint a chief financial officer from a list of three names submitted by the commissioner of revenue. The provisions of this section shall expire ninety days from the effective date of this act.

SECTION 11. This act shall take effect upon its passage, except that the provisions of section five as to the enforcement or waiver of allotments shall be in effect only with respect to quarters ending forty-five days or more after the effective date of this act; and an allotment schedule must be submitted as provided within fifteen days of the appointment of a chief financial officer.

SECTION 12. The provisions of this act shall be deemed to supercede any ordinance which is contrary or inconsistent with the provisions of this act.

SECTION 13. No successor may be appointed to replace any individual serving as treasurer/collector, auditor, purchasing agent or assessors on the effective date of this act until the term of office shall have expired or a vacancy shall exist, whichever shall come first.

Approved July 1, 1986.

Chapter 148. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF JAMES REED KEITH AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of James Reed Keith as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The personnel administrator of the division of personnel administration shall certify James Reed Keith for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved July 1, 1986.

ACTS, 1986. – Chaps. 149, 150.

Chapter 149. AN ACT AUTHORIZING THE CITY OF NEWTON TO INCREASE CERTAIN SURVIVOR'S PENSIONS TO A PERCENTAGE OF THE EMPLOYEE'S PENSION BENEFITS PAYABLE AT THE TIME OF DEATH OF THE EMPLOYEE, UP TO A MAXIMUM AMOUNT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section ninety-five B of chapter thirty-two of the General Laws or any other general or special law to the contrary, the city of Newton, in granting the annuity pursuant to said section ninety-five B shall only be limited to an amount not to exceed sixty-five per cent of the annual pension benefit payable to the official or employee at the date of death of such official or employee or six thousand dollars, whichever is less; provided, however, that if any such annuity is less than three thousand five hundred dollars, it may be increased to an amount not exceeding three thousand five hundred dollars; provided, further, that nothing in this act shall be construed to limit any such annuity by an amount less than the amount otherwise provided for under said section ninety-five B.

SECTION 2. The payment of any such pension amount provided in section one shall apply retroactively to November seventeenth, nineteen hundred and eighty-two or the date of death of the employee or official, whichever is later.

SECTION 3. This act shall take effect upon its passage.

Approved July 1, 1986.

Chapter 150. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Gordon A. Martin, Jr., as he is a justice of the Roxbury division of the trial court, in the town of Lexington on July twelfth, nineteen hundred and eighty-six between Tami Lora Miller of the town of Lexington and Edmundo Vasquez Padillo of San Francisco, California and the state secretary shall issue to said Gordon A. Martin,

ACTS, 1986. – Chaps. 151, 152.

Jr. in his capacity as aforesaid a certificate of such authorization.

Approved July 1, 1986.

**Chapter 151. AN ACT AUTHORIZING THE STATE SECRETARY TO
AUTHORIZE THE SOLEMNIZATION OF A CERTAIN
MARRIAGE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Andrew Gill Meyer, as he is a judge of the superior court division of the trial court of the commonwealth, in the town of Sherborn on August tenth, nineteen hundred and eighty-six between Sheila C. Bernard of said town of Sherborn and Stanley Leven of the town of Braintree, and the state secretary shall issue to said Andrew Gill Meyer in his capacity as aforesaid a certificate of such authorization.

Approved July 1, 1986.

**Chapter 152. AN ACT RELATIVE TO GUARANTEES AND THE
ISSUANCE OF STOCK BY CORPORATIONS.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 156B of the General Laws is hereby amended by inserting after section 9A, as appearing in the 1984 Official Edition, the following section:–

Section 9B. A corporation may make contracts of guarantee and suretyship, whether or not in furtherance of the contracting corporation's purposes; provided, however, that such contracts are necessary or convenient to the conduct, promotion or attainment of the business of (a) a corporation all of the outstanding stock of which is owned, directly or indirectly, by the contracting corporation, (b) a corporation which owns, directly or indirectly, all of the outstanding stock of the contracting corporation, or (c) a corporation all of the outstanding stock of which is owned, directly or indirectly, by a corporation which owns, directly or indirectly, all of the outstanding stock of the contracting corporation; provided, however, that the board of directors of the contracting corporation has determined that such

ACTS, 1986. – Chaps. 153, 154.

contracts are necessary or convenient to the conduct, promotion or attainment of the business of the contracting corporation.

SECTION 2. Said chapter 156B is hereby amended by striking out section 21A, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 21A. Shares of stock previously issued which have been reacquired by the corporation, may, unless the articles of organization or by–laws otherwise require, be restored to the status of authorized but unissued shares by vote of the stockholders or by vote of the board of directors, without amendment of the articles of organization.

Approved July 1, 1986.

Chapter 153. AN ACT DIRECTING THE TRUSTEES OF THE ESSEX AGRICULTURAL TECHNICAL INSTITUTE TO CONVEY CERTAIN LAND TO THE COUNTY COMMISSIONERS OF ESSEX COUNTY.

Be it enacted, etc., as follows:

The trustees of Essex Agricultural and Technical Institute are hereby authorized and directed to convey so much of the land conveyed to said trustees under the provisions of chapter two hundred and twenty–nine of the acts of nineteen hundred and seventy–five, provided said conveyance does not exceed twenty acres, and as deemed necessary by the division of capital planning and operations, to the county commissioners of Essex county for use by said county for the construction of a county correctional facility.

Approved July 1, 1986.

Chapter 154. AN ACT REQUIRING DESTRUCTION OF DAMAGED ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

Section 2 of chapter 138 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the second sentence the following sentence:– Notwithstanding any other provision of this section, beer or other malt beverage, which has been determined by the alcoholic beverages control commission, to have been damaged by fire or other casualty shall not be offered for sale in the commonwealth and shall be destroyed by the owner on such terms and conditions as said commission shall determine.

Approved July 1, 1986.

Chapter 155. AN ACT RELATIVE TO THE DISTRIBUTION OF CERTAIN HURRICANE RELIEF FUNDS IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, any amounts received by a town from the civil defense program in connection with the costs incurred by the town as a result of the hurricane which struck the commonwealth on September twenty-seventh, nineteen hundred and eighty-five, shall be deposited with the treasurer and held as a separate account and may be expended without further appropriation, subject however to the approval of the board of selectmen. Distribution to respective departments shall be in exact correlation to the bills approved by the town for work done by respective departments as a result of such hurricane.

Approved July 1, 1986.

Chapter 156. AN ACT RELATIVE TO INVESTMENTS IN CERTAIN CORPORATIONS OR ASSOCIATIONS CONTROLLED BY BANKS.

Be it enacted, etc., as follows:

Paragraph 4 of section 3 of chapter 167F of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following two sentences:-

No bank shall make an investment pursuant to this paragraph in any such corporation or association controlled by said bank. For the purposes of this paragraph a bank shall be deemed to control a corporation or association if; (1) the bank owns or controls twenty-five per cent or more of the voting stock of any such corporation or association; or (2) the bank, in any manner controls the election of a majority of the directors of any such corporation or association; or (3) twenty-five per cent or more of the vote or voting stock of any such corporation or association is held by trustees for the benefit of said bank.

Approved July 1, 1986.

EMERGENCY LETTER: August 7, 1986 @ 3:25 P.M.

Chapter 157. AN ACT RELATIVE TO MALICIOUS KILLING OR POISONING OF ANIMALS.

Be it enacted, etc., as follows:

Section 112 of chapter 266 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 2 and 4, the word "beast" and inserting in place thereof, in each instance, the word:- animal.

Approved July 1, 1986.

Chapter 158. AN ACT FURTHER REGULATING THE TRASH CONTRACTS OF THE DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 31A of chapter 111 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:– Motor vehicles owned by the commonwealth or any of its political subdivisions and motor vehicles engaged under contract with the commonwealth in the transportation of garbage or refuse shall be exempt from the provisions of this section; provided, however, that a city or town may recommend to the department of public works, in writing, an alternative route of travel for such motor vehicles whereby the noise or nuisance incident to such travel shall be minimized or abated and said department shall consider such alterations or changes in the travel routes of such motor vehicles as will result in the minimization of such noise or nuisance.

SECTION 2. Section 13 of chapter 159B of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Motor vehicles owned by the commonwealth or any of its political subdivisions and motor vehicles engaged under a contract with the commonwealth or a city or town in the transportation of garbage or refuse shall be subject to section eighteen, but shall be exempt from all other provisions of this chapter.

Approved July 1, 1986.

Chapter 159. AN ACT PROHIBITING THE COUNTERFEITING OF TAGS AND SEALS ISSUED BY THE DIVISION OF FISHERIES AND WILDLIFE.

Be it enacted, etc., as follows:

Chapter 131 of the General Laws is hereby amended by striking out section 33, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 33. A person shall not alter, forge or counterfeit any license, permit, permit application, certificate, tag or seal issued under any provisions of this chapter or any rule or regulation made under authority thereof, nor possess or use any such altered, forged or counterfeited license, permit, permit application, certificate, tag or seal, nor procure or attempt to procure a license, permit, permit application, certificate, tag or seal by fraud or false statements of any kind, nor use or attempt to use any license, permit, permit application, certificate, tag or seal of another, nor loan or allow another person to use his license, permit, permit application, certificate, tag or seal.

Approved July 1, 1986.

ACTS, 1986. – Chaps. 160, 161.

Chapter 160. AN ACT REGULATING THE TRANSPORTATION OF CERTAIN REPTILES AND AMPHIBIANS FOR COMMERCIAL PURPOSES.

Be it enacted, etc., as follows:

Chapter 131 of the General Laws is hereby amended by striking out section 85, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 85. Except as prohibited or limited by federal legislation or regulation, any person who holds a sporting, hunting, fishing or trapping license issued to him as a nonresident may carry from the commonwealth such fish, reptiles, amphibians, birds or mammals as have been lawfully taken within the commonwealth, but no person shall transport or cause to be transported into or out of the commonwealth any fish, reptiles, amphibians, birds or mammals protected by this chapter which have been unlawfully taken or killed therein, nor shall any person transport or cause to be transported into the commonwealth any fish, reptiles, amphibians, birds or mammals which have been taken or killed or are possessed contrary to the laws of any state or of any foreign nation.

Approved July 1, 1986.

Chapter 161. AN ACT AUTHORIZING CITIES AND TOWNS TO LEASE CERTAIN PROPERTY TO THE VIETNAM COMBAT VETERANS COMBINED ARMED FORCES, FOR USE AS A CHAPTER HEADQUARTERS.

Be it enacted, etc., as follows:

Section 9 of chapter 40 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 40 of the acts of 1985, and inserting in place thereof the following sentence:– A city or town may, for the purpose of providing suitable headquarters for such post or posts of any veterans' organization incorporated or chartered by the congress of the United States, as have been in operation for at least three years, or for the purpose of providing suitable headquarters for a camp of the United Spanish War Veterans, or for a post of the Polish–American Veterans, Inc., of the Lithuanian War Veterans Organization, Inc., of the Unity War Veterans Association, Inc., Post No. 1, of the 3.54 American Veterans of World War II, AMVETS, of the Italian American War Veterans of the United States, Incorporated, of the Armenian American Veterans Association, Inc., of the War Veterans Civic Association of Massachusetts, Inc., for the Yankee Division Veterans Association or any chapter thereof, for a barracks of the Veterans of World War I of the U.S.A., for the United American Veterans of the U.S.A., Inc. or any chapter thereof, for the Massachusetts Vietnam–ERA Veterans Association, Inc. or any chapter thereof, or for the Vietnam Combat Veterans Combined Armed Forces or any chapter

thereof lease for a period not exceeding five years building or parts of buildings which shall be under the direction and control of such post, camp or barracks subject to regulations made in cities by the mayor with the approval of the council and in towns by vote of the town, and for said purposes a town with a valuation of less than five million dollars may annually appropriate not more than two thousand dollars; a town with a valuation of five million dollars but not more than twenty-five million dollars may annually appropriate not more than three thousand dollars; a town with a valuation of more than twenty-five million dollars but not more than fifty million dollars may annually appropriate not more than four thousand dollars; a town with a valuation of more than fifty million dollars but not more than seventy-five million dollars may annually appropriate not more than five thousand dollars; a town with a valuation of more than seventy-five million dollars but not more than one hundred million dollars may annually appropriate not more than six thousand dollars; a town with a valuation of more than one hundred million dollars but not more than one hundred and twenty-five million dollars may annually appropriate not more than seven thousand dollars; a town with a valuation of more than one hundred and twenty-five million dollars but not more than one hundred and fifty million dollars may annually appropriate not more than ten thousand dollars; and a town with a valuation of more than one hundred and fifty million dollars may annually appropriate ten thousand dollars, and in addition three thousand dollars for each additional one hundred and fifty million dollars of valuation, or major fraction thereof.

Approved July 1, 1986.

Chapter 162. AN ACT TRANSFERRING THE REGULATION OF SWIMMING POOLS, BATHING BEACHES AND FAMILY TYPE CAMP GROUNDS FROM THE ENVIRONMENTAL CODE TO THE SANITARY CODE.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 21A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 9 and 10, the words "swimming pools, bathing beaches, family type camp grounds and".

SECTION 2. Section 127A of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting after the word "children", in line 11, the words:– , standards for swimming pools, bathing beaches, family type camp grounds.

SECTION 3. Regulations adopted, and orders and permits and approvals issued under the authority of the laws amended by this act and in effect prior to the effective date of this act shall continue in full force and effect following said effective date. The department of public

ACTS, 1986. – Chaps. 163, 164.

health shall have the authority to enforce any such regulations, orders, permits and approvals. No suit, action, cause of action or other proceeding arising or brought under the provisions of said regulations or orders, permits, or approvals issued thereunder shall abate or be impaired by reason of the passage of this act.

Approved July 1, 1986.

Chapter 163. AN ACT AUTHORIZING THE TOWN OF EAST-HAMPTON TO RELEASE AN AGRICULTURAL PRESERVATION RESTRICTION.

Be it enacted, etc., as follows:

SECTION 1. The town of Easthampton, acting through its board of selectmen is hereby authorized to release a certain parcel of land from the agricultural restriction acquired by said town pursuant to the provisions of section thirty-two of chapter one hundred and eighty-four of the General Laws. Said parcel of land is described as Parcel 1 on a plan entitled, "Land in Easthampton, Massachusetts, surveyed for Robert J. York", dated May 20, 1985, by Almer Huntley, Jr. & Associates, Inc., and is on file in the office of the town clerk of said town, and is further described as follows: Beginning at a point in the remains of an old fence at other land of Robert J. York and Alice S. York and at other land of the Inhabitants of the Town of Easthampton and at the most Northerly corner of Parcel "2" shown on said plan, the same being at the most Southerly corner of the parcel to be released from the agricultural preservation restriction, said point being located N. 78° 07' 55" E. 138.38 feet as measured along the Northwesterly line of said Parcel "2" from an iron pin (designated as "A" on said plan) set on said Northeasterly line of Oliver Street, and thence running N. 22° 23' 11" W. along said other land of Robert J. York and Alice S. York 77.02 feet to a point; thence running S. 85° 41' 10" E. along said other land of Robert J. York and Alice S. York 372.41 feet to an iron pin set at said other land of the Inhabitants of the Town of Easthampton 192.40 feet to an iron pin; thence running S. 78° 07' 53" W. along said other land of the Inhabitants of the Town of Easthampton 153.26 feet to the point at the place of the beginning; containing 10,662 square feet of land, more or less.

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

Approved July 3, 1986.

Chapter 164. AN ACT AUTHORIZING THE TOWN OF ROCKPORT TO LEASE A CERTAIN BUILDING FOR THIRTY YEARS.

Be it enacted, etc., as follows:

ACTS, 1986. – Chaps. 165, 166.

SECTION 1. Notwithstanding the provisions of section three of chapter forty of the General Laws or any other general or special law to the contrary, the town of Rockport is hereby authorized to lease for a term not exceeding thirty years the V.F.W. building, so-called, located at Dock Square in said town. Any authorization for a lease in excess of ten years shall be approved by a two-thirds vote of a town meeting.

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

Approved July 3, 1986.

Chapter 165. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ANNUAL ELECTION IN THE TOWN OF BRIMFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of Brimfield at its annual election held on May nineteenth, nineteen hundred and eighty-six, and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the warrant for such election had been published and posted as required by law.

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

Approved July 3, 1986.

Chapter 166. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ANNUAL ELECTION AND THE ANNUAL TOWN MEETING IN THE TOWN OF FOXBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of Foxborough at its annual election held on May fifth, nineteen hundred and eighty-six, and its annual town meeting held on May twelfth, nineteen hundred and eighty-six, and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the warrants for such election and annual town meeting had been published and posted as required by law.

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

Approved July 3, 1986.

ACTS, 1986. – Chaps. 167, 168, 169.

Chapter 167. AN ACT REQUIRING A NONBINDING QUESTION ON THE BALLOT REGARDING A NATIONAL ACID RAIN CONTROL PROGRAM.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, for the purpose of ascertaining the will of the voters relative to a national acid rain reduction program, the state secretary shall cause to be placed on the official ballot to be used at the biennial state election to be held in the year nineteen hundred and eighty-six, the following nonbinding question:– "Shall the Commonwealth of Massachusetts urge the President of the United States and the United States Congress to enact a national acid rain control program which would require a fifty per cent reduction in total national sulfur dioxide emissions by the year nineteen hundred and ninety-five and which would allocate the required reductions in sulfur dioxide emissions, and the costs of achieving those reductions, equitably among the states?"

Approved July 3, 1986.

Chapter 168. AN ACT AUTHORIZING THE PLACING OF A PUBLIC POLICY QUESTION ON THE BALLOTS TO BE USED IN BERKSHIRE COUNTY AT THE STATE ELECTION.

Be it enacted, etc., as follows:

For the purpose of ascertaining the will of the people of Berkshire county, the state secretary shall cause to be placed on the official ballot to be used in the cities and towns of said county at the biennial state election held in the year nineteen hundred and eighty-six the following nonbinding question on public policy:–

This question is not binding.

Do you approve that the laws be amended to permit the opening of certain retail establishments on the Commonwealth's observance of Columbus day?

Approved July 3, 1986.

Chapter 169. AN ACT EXEMPTING THE POSITION OF DEPUTY CHIEF OF POLICE IN THE TOWN OF AVON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of deputy chief of police in the town of Avon shall be exempt from the provisions of chapter thirty-one of the General Laws.

ACTS, 1986. – Chaps. 170, 171, 172.

SECTION 2. The provisions of section one shall not impair the civil service status of any incumbent holding the position of deputy chief of police in the town of Avon on the effective date of this act.

Approved July 3, 1986.

Chapter 170. AN ACT AUTHORIZING THE DEPARTMENT OF ELDER AFFAIRS TO REFER SUSPECTED ELDER ABUSE IN LONG-TERM CARE FACILITIES TO THE ATTORNEY GENERAL.

Be it enacted, etc., as follows:

Section 31 of chapter 19A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:—

The ombudsman or his designee shall notify the attorney general and the department of public health forthwith, upon the receipt of an oral or written report or complaint that a resident of a long-term care facility has been abused, mistreated or neglected as defined in section seventy-two F of chapter one hundred and eleven.

Approved July 3, 1986.

Chapter 171. AN ACT RELATIVE TO THE BUILDING INSPECTOR IN THE TOWNS OF LUNENBURG AND TOWNSEND.

Be it enacted, etc., as follows:

SECTION 1. Chapter 391 of the acts of 1981 is hereby amended by striking out sections 2 to 5, inclusive.

SECTION 2. This act shall take effect as of July first, nineteen hundred and eighty-six.

Approved July 3, 1986.

Chapter 172. AN ACT RELATIVE TO DIRECTORS OF CREDIT UNIONS.

Be it enacted, etc., as follows:

Section 18 of chapter 171 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence.

Approved July 3, 1986.

ACTS, 1986. – Chaps. 173, 174, 175.

Chapter 173. AN ACT FURTHER REGULATING THE POWERS OF APPOINTMENT IN CERTAIN WILLS AND TRUSTS.

Be it enacted, etc., as follows:

SECTION 1. Section 1B of chapter 191 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "power", in line 8, the following words:– and including new powers of appointment, general or more limited, in objects of said power, even though the objects of the new powers may include one or more that are not objects of said power.

SECTION 2. This act shall apply to all powers of appointment.

Approved July 3, 1986.

Chapter 174. AN ACT RELATIVE TO THE HOLDING OF SESSIONS OF THE PROBATE AND FAMILY COURT DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 215 of the General Laws is hereby amended by striking out section 62, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 62. The court shall be held by one of the justices, and when so held shall have and exercise all the power and jurisdiction committed to said court. The administrative justice, after consultation with the chief administrative justice, shall make such assignments for the attendance of a justice at the several times and places appointed for holding the court as will be most convenient and as will insure the prompt performance of its duties.

SECTION 2. Section sixty-three of said chapter two hundred and fifteen is hereby repealed.

Approved July 3, 1986.

Chapter 175. AN ACT FURTHER REGULATING THE RETAIL SALE OF DUCKLINGS.

Be it enacted, etc., as follows:

Section 80D of chapter 272 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:–

Nothing in this section shall be construed to prohibit the sale or display of baby chickens, ducklings or other fowl under two months of

ACTS, 1986. – Chaps. 176, 177.

age by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising; provided, however, that prior to May first in any year, such ducklings may be sold or purchased only in quantities of twenty-four or more.

Approved July 3, 1986.

**Chapter 176. AN ACT FURTHER REGULATING THE TIME IN WHICH
A TOWN MAY ACQUIRE CERTAIN LAND FOR
HIGHWAY PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. Section 24 of chapter 82 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 4, the word "ninety" and inserting in place thereof the words:—one hundred and twenty.

SECTION 2. The provisions of this act shall apply to all acquisitions of land by purchase or otherwise, orders of taking adopted by eminent domain pursuant to chapter seventy-nine and proceedings instituted pursuant to chapter eighty A of the General Laws whether occurring prior to or after the effective date of this act.

Approved July 3, 1986.

**Chapter 177. AN ACT RELATIVE TO OUT-OF-STATE LOANS BY
MASSACHUSETTS BANKS.**

Be it enacted, etc., as follows:

Chapter 385 of the acts of 1980 is hereby amended by striking out section 2, as most recently amended by section 18 of chapter 795 of the acts of 1981, and inserting in place thereof the following section:—

Section 2. The commonwealth of Massachusetts hereby declares and explicitly states by the terms of this act that it does not want any of the provisions of paragraph (1) of subsection (a) of Section 501 of Part A of Public Law 96-221 to apply with respect to loans, mortgages, credit sales and advances made in this commonwealth; and that it does not want the provisions of subsection (a) of Section 511 of Part B of said Public Law to apply with respect to loans made in this commonwealth. It is the intent of the commonwealth under the provisions of this section to exercise all authority granted by the Congress of the United States and to satisfy all requirements imposed by said Congress in paragraph (2) of subsection (b) of Section 501 of Part A and Section 512 of Part B for the purpose of rendering the above provisions of Public Law 96-221 Title V inapplicable in this commonwealth.

Approved July 3, 1986.

EMERGENCY LETTER: July 8, 1985 @ 3:03 P.M.

ACTS, 1986. – Chaps. 178, 179, 180.

Chapter 178. AN ACT EXEMPTING CERTAIN POSITIONS IN THE CITY OF WORCESTER FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of city treasurer and city clerk in the city of Worcester shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any incumbent holding permanent civil service status in the position of city treasurer or city clerk in the city of Worcester on the effective date of this act.

Approved July 3, 1986.

Chapter 179. AN ACT EXEMPTING THE POSITION OF PLUMBING INSPECTOR IN THE TOWN OF WESTBOROUGH FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any other general or special law to the contrary, the position of plumbing inspector in the town of Westborough shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any incumbent holding the position of plumbing inspector in the town of Westborough.

Approved July 3, 1986.

Chapter 180. AN ACT RELATIVE TO LOANS TO OFFICERS OF TRUST COMPANIES.

Be it enacted, etc., as follows:

Section 18 of chapter 172 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

No officer or director of a trust company shall, except as hereinafter provided, borrow from or otherwise become indebted to a trust company of which he is an officer or director, and no trust company shall, except as hereinafter provided, make any loan or extend credit in any other manner to any of its own officers or directors; provided, however, that with the prior approval of a majority of the entire board of directors,

excluding any member thereof involved in the loan or extension of credit, a trust company may loan or extend credit to any such officer and such officer may become indebted to such trust company, in an amount not exceeding twenty thousand dollars on a loan or extension of credit, secured or unsecured, and in an amount not exceeding sixty thousand dollars on a loan or extension of credit intended or secured for educational purposes, and in an amount not exceeding one hundred and fifty thousand dollars on a loan secured by a mortgage on real estate improved with a single family dwelling which is occupied, or is to be, occupied by such officer, or by such director who is not an officer of such trust company, subject to the limitations contained in chapter one hundred and sixty-seven E. Such trust company shall not give a preferential rate of interest or other preferential terms on any such loan or extension of credit to any such officer or to any such director.

Approved July 3, 1986.

**Chapter 181. AN ACT AUTHORIZING ESTIMATED TAX PAYMENTS
IN THE CITY OF NEWTON.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the city of Newton, undertaking a general revaluation of its property under a program approved by the commissioner of revenue for completion and implementation for fiscal year nineteen hundred and eighty-seven and the commissioner of revenue is satisfied that full and fair valuations shall be established prior to February first, nineteen hundred and eighty-seven for certification under paragraph (c) of section two A of chapter fifty-nine of the General Laws and said commissioner certifies, in writing, that these conditions have been met, is hereby authorized to issue a notice of estimated tax and require the payment of such estimated tax, which shall in no event exceed fifty per cent of the tax payable during the preceding fiscal year, in lieu of the actual assessment and issuance of the tax bill. Upon the completion of the revaluation, but no later than April first, nineteen hundred and eighty-seven, the assessors of the city of Newton shall establish the tax rate for fiscal year nineteen hundred and eighty-seven. Payment of the balance of such tax bill, after credit is given for the estimated tax payment previously made, shall represent the second payment upon such bill that is payable on or before May first, nineteen hundred and eighty-seven without the payment of interest.

All provisions of law regarding the procedures for issuing, mailing and collecting tax assessments upon real and personal property and betterment assessments shall be applicable to the notice of estimated tax provided hereunder including the payment of interest under section forty-seven of said chapter fifty-nine. To the extent that any rights or remedies under law accrue from the date that the tax bill is issued, only the tax bill issued upon the establishment of the tax rate for fiscal year

ACTS, 1986. – Chaps. 182, 183.

nineteen hundred and eighty-seven shall govern such rights or remedies.

The provisions of section twenty-one C of said chapter fifty-nine shall apply to the tax rate for fiscal year nineteen hundred and eighty-seven established by the city of Newton.

Approved July 3, 1986.

Chapter 182. AN ACT INCREASING THE AMOUNT OF PROPERTY WHICH MAY BE HELD BY THE MASTER, WARDENS AND MEMBERS OF THE GRAND LODGE OF MASONS IN MASSACHUSETTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to grant to the Master, Wardens and Members of the Grand Lodge of Masons in Massachusetts an immediate extension of its authority to hold additional funds and property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 23 of the special acts of 1916 is hereby amended by striking out section 1, as amended by chapter 188 of the acts of 1965, and inserting in place thereof the following section:–

Section 1. The Master, Wardens and Members of the Grand Lodge of Masons in Massachusetts may hold real and personal estate such as may be deposited with or received by the corporation.

Approved July 8, 1986.

Chapter 183. AN ACT AUTHORIZING THE MASONIC EDUCATION AND CHARITY TRUST TO HOLD ADDITIONAL FUNDS AND PROPERTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to grant to the Masonic Education and Charity Trust an immediate extension of its authority to hold additional funds and property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 24 of the special acts of 1916 is hereby amended by striking out section 1, as most recently amended by chapter 196 of the acts of 1965, and inserting in place thereof the following section:–

Section 1. The Masonic Education and Charity Trust may hold such real and personal estate as may be deposited with or received by it.

Approved July 8, 1986.

Chapter 184. AN ACT DIRECTING THE CITY OF REVERE TO GRANT A CERTAIN PENSION TO RUSSELL E. VITALE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary and in order to promote the public good, the retirement board of the city of Revere is hereby authorized and directed to retire firefighter Russell E. Vitale, of the fire department of the city of Revere who as the result of injuries sustained by him while in the performance of his duties as a firefighter is totally and permanently incapacitated for further service as a firefighter. The annual amount of pension payable to said Russell E. Vitale under this act shall be fixed in an amount equal to the regular rate of compensation which he would have been paid had he continued in service as a firefighter of said city at the grade held by him at the time of his retirement. The annual pension payable by said city to said Russell E. Vitale under the provisions of this act shall be reduced by the amount of any compensation he may receive from any gainful employment after the effective date of his retirement. Said Russell E. Vitale shall be entitled to and shall receive all annual cost-of-living adjustments, in his annual pension, granted under the provisions of any general or special law. Such retirement shall become effective as of the date following the last day on which he received regular compensation. Upon the retirement of Russell E. Vitale, the retirement board of said city shall forthwith pay to him all amounts standing to his credit in the annuity savings funds of the retirement system of said city.

SECTION 2. The provisions of section one hundred of chapter forty-one of the General Laws shall continue to apply to said Russell E. Vitale, relative to his indemnification by said city for any hospital, medical and related expenses which may be incurred by him after the date of his retirement as a result of the aforementioned incapacity.

SECTION 3. Upon the death of said Russell E. Vitale, if he shall leave a wife surviving him, said city shall pay to her for as long as she remains unmarried a pension in the amount of three-fourths of the amount of the pension payable to him at the time of his death. Upon the death of the survivor wife of said Russell E. Vitale, the city of Revere shall pay to the surviving children of Russell E. Vitale and his survivor wife, until the age of eighteen, a pension of equal proportion to each child which shall total three-fourths of the amount of the pension payable to Russell E. Vitale, at the time of his death. If said Russell E. Vitale is unmarried at the time of the passage of this act, any determinations as to the right of survivorship shall be determined by the retirement board of the city of Revere.

SECTION 4. This act shall take effect upon its passage.

Approved July 8, 1986.

Chapter 185. AN ACT AUTHORIZING CERTAIN TERMS FOR BORROWING BY THE TOWN OF DARTMOUTH FOR WATER SYSTEM PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the maturities of bonds or notes issued by the town of Dartmouth for the comprehensive water system improvement project authorized under Article 8 of the warrant for its nineteen hundred and eighty-six annual town meeting shall either be arranged so that for each issue the annual combined installments of principal and interest payable in each year be as nearly equal as practicable in the opinion of the town treasurer and the board of selectmen, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. Project costs to be financed by the issue of said bonds or notes may include interest on temporary notes issued in anticipation of said bonds or notes or of any state or federal aid to be received for project costs. Any net earnings derived from investment of the proceeds of the bonds or notes described herein, including temporary notes, may be expended and shall be used only to offset appropriation made for construction, equipping, operation or maintenance of the town's water supply and distribution system facilities, including payments of principal and interest on said bonds or notes. Except as otherwise provided in this act, indebtedness incurred by the town of Dartmouth for the purposes herein described shall be subject to the applicable provisions of chapter forty-four of the General Laws.

SECTION 2. The board of public works of the town of Dartmouth shall at least annually conduct a review of the rates and charges for use of the town's water supply and distribution system, with a view to assuring that such rates and charges shall be sufficient to cover the costs of operating and maintaining such water supply and distribution system, including the annual payments of principal and interest on bonds or notes issued for additions and improvements to said system.

SECTION 3. This act shall take effect upon its passage.

Approved July 8, 1986.

Chapter 186. AN ACT RELATIVE TO THE ISSUANCE OF CAPITAL STOCK BY BUSINESS CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Subsection (c) of section 13 of chapter 156B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out clause (4).

ACTS, 1986. – Chap. 186.

SECTION 2. Section 18 of said chapter 156B, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Capital stock may be issued for cash, tangible or intangible property, services, or for a debt or note.

SECTION 3. Said section 18 of said chapter 156B, as so appearing, is hereby further amended by striking out, in line 4, the words "this section" and inserting in place thereof the words:– the second sentence.

SECTION 4. Section 26 of said chapter 156B, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:–

If shares of any series established by the directors are restored to the status of authorized but unissued shares pursuant to section twenty-one A, such shares may be reissued by vote of the directors, either as shares of the same series or as shares of one or more new series. Any such new series shall be established and designated, and the variations in the relative rights and preferences as between such series and any other series shall be fixed and determined by the directors in accordance with the first paragraph of this section.

SECTION 5. Said section 26 of said chapter 156B, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

Prior to the issue of any shares of a series established by the directors, other than a reissue of restored shares as shares of the same series pursuant to the second paragraph of this section, the corporation shall submit to the state secretary a certificate signed under the penalties of perjury by the president or a vice president and by the clerk or an assistant clerk setting forth a copy of the vote of the directors establishing and designating the series and fixing and determining the relative rights and preferences thereof, the date of adoption of such vote, and a certification that such vote was duly adopted by the directors.

SECTION 6. Said chapter 156B is hereby further amended by striking out section 33, as so appearing, and inserting in place thereof the following section:–

Section 33. There shall be an annual meeting of stockholders within six months after the end of the fiscal year of the corporation. The date, hour and place of the annual meeting and the manner of conducting it shall be fixed in or determined in the manner provided in the by-laws. In the event that no date for the annual meeting is established or said meeting has not been held on the date so fixed or determined, a special meeting in lieu of the annual meeting may be held with all of the force and effect of an annual meeting.

SECTION 7. Section thirty-eight of said chapter one hundred and fifty-six B is hereby repealed.

ACTS, 1986. – Chaps. 186.

SECTION 8. Section 40 of said chapter 156B, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– Nothing in this section shall be construed as limiting the right of any corporation to vote shares of stock held directly or indirectly by it in a fiduciary capacity.

SECTION 9. Section 41 of said chapter 156B, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:– Notwithstanding the provisions of the fourth sentence, a proxy coupled with an interest sufficient in law to support an irrevocable power, including, without limitation, an interest in the shares or in the corporation generally, may be made irrevocable if it so provides, need not specify the meeting to which it relates, and shall be valid and enforceable until the interest terminates, or for such shorter period as may be specified in the proxy.

SECTION 10. Said chapter 156B is hereby further amended by striking out section 41A, as so appearing, and inserting in place thereof the following section:–

Section 41A. An agreement between two or more stockholders or between one or more stockholders and one or more other persons, if in writing and signed by the parties thereto, whether or not such parties include all of the stockholders of the corporation, may provide that the shares held by such stockholders shall be voted under procedures set forth in said agreement.

SECTION 11. The first paragraph of section 55 of said chapter 156B, as so appearing, is hereby amended by striking out clauses (c) and (d).

SECTION 12. Subsection (a) of section 75 of said chapter 156B, as so appearing, is hereby amended by inserting after the word "thirty-six", in line 12, the words:– but at least twenty days prior to the date of such meeting.

SECTION 13. Section 78 of said chapter 156B, as so appearing, is hereby amended by striking out, in line 49, the word "thirty" and inserting in place thereof the word:– twenty.

SECTION 14. Section 109 of said chapter 156B, as so appearing, is hereby amended by adding the following subsection:–

(5) The date, hour and place of the latest annual meeting of stockholders or special meeting in lieu thereof.

SECTION 15. Said chapter 156B is hereby further amended by adding the following section:–

Section 116. A corporation shall be deemed to be in good standing with the state secretary if such corporation has filed all annual reports required to be filed by it with the state secretary, has paid all fees due with respect to such reports, no proceedings are then pending under section one hundred and one for its dissolution, and no articles of

ACTS, 1986. – Chaps. 187, 188.

dissolution have been filed by it. Upon the request of any person and payment of such fee as may be prescribed by law, the state secretary shall issue a certificate stating, in substance, as to any corporation meeting the requirements of this section, that such corporation appears from the records in his office to be in good standing.

Approved July 8, 1986.

Chapter 187. AN ACT RELATIVE TO THE INCAPACITY OF A CHILD UNDER FOURTEEN YEARS OF AGE TO CONSENT TO AN INDECENT ASSAULT AND BATTERY.

Be it enacted, etc., as follows:

Section 13B of chapter 265 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:—

In a prosecution under this section, a child under the age of fourteen years shall be deemed incapable of consenting to any conduct of the defendant for which said defendant is being prosecuted.

Approved July 8, 1986.

Chapter 188. AN ACT FURTHER PROTECTING THE CONFIDENTIALITY OF PATIENTS RECEIVING HEALTH CARE.

Be it enacted, etc., as follows:

SECTION 1. Section 135 of chapter 112 of the General Laws, as amended by chapter 524 of the acts of 1985, is hereby further amended by adding the following paragraph:—

The provision of information acquired by a social worker in any licensed category from persons consulting him in his professional capacity, to any insurance company, nonprofit hospital service corporation, medical service corporation, or health maintenance organization, or to a board established pursuant to section twelve of chapter one hundred and seventy-six B, pertaining to the administration or provision of benefits, including utilization review or peer review, provided for expenses arising from the out-patient diagnosis or treatment, or both, of mental or nervous conditions, shall not constitute a waiver or breach of any right to which a person consulting said social worker is otherwise entitled under this section.

SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after section 108D the following section:—

Section 108E. No company may, without the express and informed written consent of its insured or a covered family member of the insured, disclose any information it may have acquired from or about any

such insured or covered family member pertaining to the administration of benefits provided for expenses arising from the out-patient diagnosis or treatment, or both, of mental or nervous conditions; provided, however, that:

(a) no such written consent from such subscriber or covered family member shall be made a condition of the receipt of such benefits or any other benefits for which the insured is covered under any blanket or general policy of insurance described in subdivision (A), (C), or (D) of section one hundred and ten;

(b) nothing contained in this section shall prohibit the disclosure of any information held by such company which is not privileged pursuant to section one hundred and thirty-five of chapter one hundred and twelve or section twenty B of chapter two hundred and thirty-three;

(c) a company shall not be prohibited from disclosing aggregate patient data if such data contains no information personally identifying any insured or family member of the insured;

(d) a company shall not be prohibited from disclosing patient utilization data to a law enforcement authority, a state board of registration, or a court of competent jurisdiction if the company, a law enforcement authority, or a state board of registration has reason to believe (i) a patient is committing or has committed fraud, or (ii) a provider is committing or has committed fraud or professional misconduct related to the provision of such diagnosis or treatment;

(e) nothing contained herein shall prohibit a company from using or disclosing patient information for coordination of benefits, subrogation, peer review or utilization review. For the purposes of this clause the term "coordination of benefits" shall mean the determination of primary and secondary responsibility for the payment of a claim between or among two or more insurers providing the same or similar coverage to an insured. Nothing contained herein shall prohibit a company from disclosing patient or provider identifiers to a self-insured plan administered by said company; provided, however, that such identifiers shall be used only for purposes of billing and audit; or

(f) nothing contained herein shall prohibit a company from disclosing patient information to an account which is self-insured in whole or in part, and administered by such company for research to be conducted by the account; provided, however, that no patient shall be the subject of such research without having first been notified by the account in writing of the scope and purpose of the research. Such written notice shall clearly state that the patient will not be a participant in any such research and will not be penalized in any way if the patient elects in writing to be excluded. Any research conducted by an account under this clause shall maintain the confidentiality of all identifiable patient information.

SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after section 14A the following section:–

Section 14B. No nonprofit hospital service corporation may, without the express and informed written consent of its subscriber or a covered family member of its subscriber, disclose any information it may have

acquired from or about any such subscriber or covered family member pertaining to the administration of benefits provided for expenses arising from the out-patient diagnosis or treatment, or both, of mental or nervous conditions; provided, however, that:

(a) no such written consent from such subscriber or covered family member shall be made a condition of the receipt of such benefits or any other benefits for which the insured subscribes;

(b) nothing contained herein shall prohibit the disclosure of any information held by such nonprofit hospital service corporation which is not privileged pursuant to section one hundred and thirty-five of chapter one hundred and twelve or section twenty B of chapter two hundred and thirty-three;

(c) a nonprofit hospital service corporation shall not be prohibited from disclosing aggregate patient data if such data contains no information personally identifying any insured or family member of the insured;

(d) a nonprofit hospital service corporation shall not be prohibited from disclosing patient utilization data to a law enforcement authority, a state board of registration, or a court of competent jurisdiction if the nonprofit hospital service corporation, a law enforcement authority, or a state board of registration has reason to believe (i) a patient is committing or has committed fraud, or (ii) a provider is committing or has committed fraud or professional misconduct related to the provision of such diagnosis or treatment;

(e) nothing contained herein shall prohibit a nonprofit hospital service corporation, from using or disclosing patient information for coordination of benefits, subrogation, peer review or utilization review. For the purposes of this clause the term "coordination of benefits" shall mean the determination of primary and secondary responsibility for the payment of a claim between or among two or more insurers providing the same or similar coverage to an insured. Nothing contained herein shall prohibit a nonprofit hospital service corporation from disclosing patient or provider identifiers to a self-insured plan administered by said nonprofit hospital service corporation; provided, however, that such identifiers shall be used only for purposes of billing and audit; or

(f) nothing contained herein shall prohibit a nonprofit hospital service corporation from disclosing patient information to an account which is self-insured in whole or in part, and administered by such corporation for research to be conducted by the account; provided, however, that no patient shall be the subject of such research without having first been notified by the account in writing of the scope and purpose of the research. Such written notice shall clearly state that the patient will not be a participant in any such research and will not be penalized in any way if the patient elects in writing to be excluded. Any research conducted by an account under this clause shall maintain the confidentiality of all identifiable patient information.

SECTION 4. Section 12 of chapter 176B of the General Laws is hereby amended by adding the following paragraph:–

Any dispute or controversy arising between a medical service

corporation and any participating psychiatrist, psychologist or social worker licensed under the laws of the commonwealth, or any subscriber, which is submitted by any aggrieved person to a board established pursuant to the provisions of this section shall be heard by such board in such a manner as to protect the privacy of all patient information which is the subject of such dispute or controversy or which comes to the attention of the board in its review. In furtherance of the protection of such privacy a board may and is hereby authorized to exclude the public during its hearing and deliberation of such cases.

SECTION 5. Said chapter 176B is hereby further amended by adding the following section:–

Section 20. No medical service corporation may, without the express and informed written consent of its subscriber or a covered family member of its subscriber, disclose any information it may have acquired from or about any such subscriber or covered family member pertaining to the administration of benefits provided for expenses arising from the out-patient diagnosis or treatment, or both, of mental or nervous conditions; provided, however, that:

(a) no such written consent from such subscriber or covered family member shall be made a condition of the receipt of such benefits or any other benefits for which the insured subscribes;

(b) nothing contained herein shall prohibit the disclosure of any information held by such medical service corporation which is not privileged pursuant to section one hundred and thirty-five of chapter one hundred and twelve or section twenty B of chapter two hundred and thirty-three;

(c) a medical service corporation shall not be prohibited from disclosing aggregate patient data if such data contains no information personally identifying any insured or family member of the insured;

(d) a medical service corporation shall not be prohibited from disclosing patient utilization data to a law enforcement authority, a state board of registration, or a court of competent jurisdiction if the medical service corporation, a law enforcement authority, or a state board of registration has reason to believe (i) a patient is committing or has committed fraud, or (ii) a provider is committing or has committed fraud or professional misconduct related to the provision of such diagnosis or treatment;

(e) nothing contained herein shall prohibit a medical service corporation from using or disclosing patient information for coordination of benefits, subrogation, peer review or utilization review. For the purposes of this clause the term "coordination of benefits" shall mean the determination of primary and secondary responsibility for the payment of a claim between or among two or more insurers providing the same or similar coverage to an insured. Nothing contained herein shall prohibit a medical service corporation from disclosing patient or provider identifiers to a self-insured plan administered by said medical service corporation; provided, however, that such identifiers shall be used only for purposes of billing and audit; or

(f) that nothing contained herein shall prohibit a medical service

corporation from disclosing patient information to an account which is self-insured in whole or in part, and administered by such corporation for research to be conducted by the account; provided, however, that no patient shall be the subject of such research without having first been notified by the account in writing of the scope and purpose of the research. Such written notice shall clearly state that the patient will not be a participant in any such research and will not be penalized in any way if the patient elects in writing to be excluded. Any research conducted by an account under this clause shall maintain the confidentiality of all identifiable patient information.

SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after section 4A the following section:

Section 4B. No health maintenance organization may, without the express and informed written consent of a member, disclose any information it may have acquired from or about such member pertaining to the administration of benefits provided for expenses arising from the out-patient diagnosis or treatment, or both, of mental or nervous conditions; provided, however, that:

(a) no such written consent shall be made a condition of the receipt of such benefits or any other benefits for which the member is otherwise covered;

(b) nothing contained herein shall prohibit the disclosure of any information held by such health maintenance organization which is not privileged pursuant to section one hundred and thirty-five of chapter one hundred and twelve or section twenty B of chapter two hundred and thirty-three;

(c) a health maintenance organization shall not be prohibited from disclosing aggregate patient data if such data contains no information personally identifying any member;

(d) a health maintenance organization shall not be prohibited from disclosing patient utilization data to a law enforcement authority, a state board of registration, or a court of competent jurisdiction if the health maintenance organization, a law enforcement authority, or a state board of registration has reason to believe (i) a patient is committing or has committed fraud, or (ii) a provider is committing or has committed fraud or professional misconduct related to the provision of such diagnosis or treatment;

(e) nothing contained herein shall prohibit a health maintenance organization from using or disclosing patient information for coordination of benefits, subrogation, peer review or utilization review. For the purposes of this clause the term "coordination of benefits" shall mean the determination of primary and secondary responsibility for the payment of a claim between or among two or more insurers providing the same or similar coverage to an insured. Nothing contained herein shall prohibit a health maintenance organization from disclosing patient or provider identifiers to a self-insured plan administered by said health maintenance organization; provided, however, that such identifiers shall be used only for purposes of billing and audit; or

(f) nothing contained herein shall prohibit a health maintenance

ACTS, 1986. – Chaps. 189, 190.

organization from disclosing patient information to an account which is self-insured in whole or in part, and administered by such organization for research to be conducted by the account; provided, however, that no patient shall be the subject of such research without having first been notified by the account in writing of the scope and purpose of the research. Such written notice shall clearly state that the patient will not be a participant in any such research and will not be penalized in any way if the patient elects in writing to be excluded. Any research conducted by an account under this clause shall maintain the confidentiality of all identifiable patient information.

SECTION 7. Section 20B of chapter 233 of the General Laws is hereby amended by adding the following paragraph:-

The provision of information acquired by a psychotherapist relative to the diagnosis or treatment of a patient's emotional condition, to any insurance company, nonprofit hospital service corporation, medical service corporation, or health maintenance organization, or to a board established pursuant to section twelve of chapter one hundred and seventy-six B, pertaining to the administration or provision of benefits, including utilization review or peer review, for expenses arising from the out-patient diagnosis or treatment, or both, of mental or nervous conditions, shall not constitute a waiver or breach of any right to which said patient is otherwise entitled under this section.

Approved July 8, 1986.

Chapter 189. AN ACT FURTHER REGULATING THE PROCEDURE FOR DIVORCE ON THE GROUND OF IRRETRIEVABLE BREAKDOWN OF MARRIAGE.

Be it enacted, etc., as follows:

Section 1B of chapter 208 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 5, 10 and in line 14, the word "twelve" and inserting in place thereof, in each instance, the word:- six.

Approved July 8, 1986.

Chapter 190. AN ACT FURTHER DEFINING A TERMINAL.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the definition of "Routes of reasonable access" in place thereof the following definition:-

"Routes of reasonable access", routes of access between (1) the

ACTS, 1986. – Chap. 191.

National Network as defined in section nineteen F and (2) terminals, specific business locations, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers.

SECTION 2. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of "Semi-trailer unit" the following definition:–

"Specific business locations", the locations of wholesale or retail business activities, including, without limitation, warehouses, which are within a travel distance of a mile and one-half of the nearest interchange with the National Network.

SECTION 3. Section 19G of said chapter 90, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

The operator of any terminal may apply to the department for, and the department may issue, a special permit designating a route of reasonable access for use by motor vehicles authorized to operate on the National Network under said section nineteen F, between the National Network and such terminal, and such permit may be subject to such conditions as the department may determine are necessary for promoting public safety and convenience. The operator of any terminal may apply to the department for, and the department may issue, a special permit designating a route of reasonable access for use by tandem units between the National Network and a specific business location as defined in section one, provided such terminal is more than five travel miles from the National Network interchange which is nearest to that specific business location, and such permit may be subject to such conditions as the department may determine are necessary for promoting public safety and convenience. The department may, from time to time, revoke any special permit issued under this section. In determining whether or not a proposed route of reasonable access to a terminal or specific business location should be so designated, the department shall consider the proximity of the terminal of the National Network; the physical dimensions and safety characteristics of the forty-eight foot semi-trailers and tandem units as each relates to the ways included in the proposed route, the current and projected traffic volumes and capacities of such ways, whether the terminal was established and operating prior to January first, nineteen hundred and eighty-four, and such other criteria as the department may determine necessary for promoting the public safety and convenience.

Approved July 8, 1986.

EMERGENCY LETTER: July 8, 1986 @ 3:03 P.M.

Chapter 191. AN ACT INCREASING THE DISTRIBUTIVE SHARE OF THE ESTATE OF A DECEASED PERSON TO WHICH THE SURVIVING SPOUSE IS ENTITLED WHERE THERE IS KINDRED AND NO ISSUE.

ACTS, 1986. – Chaps. 192, 193, 194.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (1) of section 1 of chapter 190 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 8, 10, 12 and 25, the word "fifty" and inserting in place thereof, in each instance, the words:– two hundred.

SECTION 2. This act shall apply only to estates of persons dying on or after January first, nineteen hundred and eighty-seven.

Approved July 8, 1986.

Chapter 192. AN ACT AUTHORIZING RAYMOND J. KOCHIN TO PARTICIPATE IN THE WAKEFIELD RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or rule or regulation to the contrary Raymond J. Kochin, assistant assessor in the town of Wakefield, is hereby authorized to participate as an active member of the Wakefield retirement system pursuant to the provisions of paragraph (g) of subdivision (1) of section five of chapter thirty-two of the General Laws.

Approved July 8, 1986.

Chapter 193. AN ACT RELATIVE TO GROUP INSURANCE COVERAGE FOR DIRECTORS.

Be it enacted, etc., as follows:

The third paragraph of section 36 of chapter 175 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "employees", in line 18, the following words:– and directors.

Approved July 8, 1986.

Chapter 194 AN ACT AUTHORIZING A CITY OR TOWN TO ESTABLISH A SCHOLARSHIP FUND.

Be it enacted, etc., as follows:

Any city or town which accepts the provisions of this act, is hereby authorized, subject to the approval of the commissioner of revenue, to design and designate a place on its municipal tax bills, or the motor vehicle excise tax bill, whereby the taxpayer of said city or town can

ACTS, 1986. – Chaps. 195, 196.

voluntarily checkoff, donate, and pledge an amount not less than one dollar or such other designated amount which shall increase the amount otherwise due, and to establish a city or town scholarship fund, the purpose of said fund shall be to provide educational financial aid to deserving city and town residents. Said fund shall be under the jurisdiction of the city or town treasurer or the board of selectmen acting for and in behalf of the city or town, and all monies which are collected as a result of the voluntary checkoff shall be transferred to the principal of said fund, and the city or town treasurer shall be the custodian of the fund and may deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loan associations situated in the commonwealth. In any city or town establishing a scholarship fund, there shall be a scholarship committee to consist of the superintendent of schools, or his designee, and no fewer than five residents of the city or town appointed to a three-year term by the board of selectmen.

Approved July 8, 1986.

Chapter 195. AN ACT REPEALING THE TEACHERS' LOYALTY OATH.

Be it enacted, etc., as follows:

Section thirty A of chapter seventy-one of the General Laws is hereby repealed.

Approved July 8, 1986.

Chapter 196. AN ACT RELATIVE TO THE THEFT OF CERTAIN PUBLIC RECORDS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 231 of the General Laws is hereby amended by inserting after section 94B the following section:–

Section 94C. In an action for false arrest or false imprisonment brought by any person by reason of having been detained for questioning on or in the immediate vicinity of the custodian of the record, it shall be a defense to such action if such person was detained in a reasonable manner and for not more than a reasonable length of time by a person authorized to make arrests or by the custodian or his agent authorized for such purpose and if reasonable grounds existed at the time of such detention to believe that such person so detained was committing or attempting to commit a violation of section one hundred and forty-five of chapter two hundred and sixty-six.

SECTION 2. Chapter 266 of the General Laws is hereby amended by

ACTS, 1986. – Chaps. 197, 198.

adding the following section:–

Section 145. Any person who intentionally conceals upon his person or otherwise any record of the commonwealth or a political subdivision thereof, as defined in section three of chapter sixty-six, with the intention of permanently depriving said commonwealth or said political subdivision of its use shall be punished by a fine of not more than five hundred dollars.

A custodian of such records or his agent who has probable cause to believe that a person has violated the provisions of this section may detain such person in a reasonable manner and for a reasonable time.

A law enforcement officer may arrest without warrant any person he has probable cause to believe has violated the provisions of this section. The statement of a custodian of such records or his agent that a person has violated the provisions of this section shall constitute probable cause for arrest by a law enforcement officer authorized to make an arrest in such jurisdiction.

Approved July 8, 1986.

Chapter 197. AN ACT PROVIDING FUNDS TO ESTABLISH PROGRAMS AND OTHER SERVICES FOR ABUSED WOMEN.

Be it enacted, etc., as follows:

Section 5 of chapter 40 of the General Laws, as amended by section 19B of chapter 231 of the acts of 1985, is hereby further amended by adding the following clause:–

(74) For the purpose of providing funds to establish programs or services for abused women or to contract with organizations which provide such services to abused women.

Approved July 8, 1986.

Chapter 198. AN ACT FURTHER REGULATING CERTAIN COLLECTIVE BARGAINING IMPASSES.

Be it enacted, etc., as follows:

Section 9 of chapter 150E of the General Laws, as amended by section 2 of chapter 357 of the acts of 1985, is hereby further amended by inserting after the eighth paragraph the following paragraph:–

Upon the filing of a petition pursuant to this section for a determination of an impasse following negotiations for a successor agreement, an employer shall not implement unilateral changes until the collective bargaining process, including mediation, fact finding or arbitration, if applicable, shall have been completed and the terms and conditions of employment shall continue in effect until the collective

ACTS, 1986. – Chaps. 199, 200.

bargaining process, including mediation, fact finding or arbitration, if applicable, shall have been completed; provided, however, that nothing contained herein shall prohibit the parties from extending the terms and conditions of such a collective bargaining agreement by mutual agreement for a period of time in excess of the aforementioned time. For purposes of this paragraph, the board shall certify to the parties that the collective bargaining process, including mediation, fact finding or arbitration, if applicable, has been completed.

Approved July 8, 1986.

Chapter 199. AN ACT RELATING TO THE USE OF JUVENILE RECORDS IN BAIL DETERMINATIONS.

Be it enacted, etc., as follows:

Section 60 of chapter 119 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "except", in line 8, the words:– in determining bail and.

Approved July 8, 1986.

Chapter 200. AN ACT EXEMPTING CERTAIN RESIDENTIAL IMPROVEMENTS FROM PROPERTY TAXATION.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 59 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following clause:–

Fiftieth, The value of alterations or improvements to residential real property; provided, however, that said alterations or improvements are necessary to provide housing for a person who is at least sixty years old and who is not the owner of the premises. A person applying for said exemption shall furnish to the assessors a certificate from the local housing authority which states that said improvements are necessary to provide housing for a person at least sixty years old. Said certificate shall be furnished each year. This exemption shall terminate when the premises are no longer occupied by such an elderly person in need of housing. This clause shall take effect upon its acceptance by any city or town.

SECTION 2. The provisions of section one of this act shall apply only to alterations or improvements made to residential real property on or after the date of acceptance of this act by a city or town.

Approved July 8, 1986.

ACTS, 1986. – Chaps. 201, 202, 203.

Chapter 201. AN ACT AUTHORIZING COUNTIES TO ASSUME RESPONSIBILITY AND LIABILITY FOR DOG LICENSING, CONTROL AND REGULATION.

Be it enacted, etc., as follows:

SECTION 1. Section 147A of chapter 140 of the General Laws, inserted by chapter 308 of the acts of 1985, is hereby amended by inserting after the word "dogs", in line 6, the words:– or any special law relating to the regulation of dogs.

SECTION 2. Said chapter 140 is hereby further amended by inserting after section 147A the following section:–

Section 147B. Any county which by a two-thirds vote of the county commissioners and with advisory board approval accepts the provisions of this section is hereby authorized to establish rules and regulations relative to the regulation of dogs; provided, however, that such rules and regulations shall not have effect in a city or town which accepts the provisions of section one hundred and forty-seven A. Except as hereinafter provided in clauses (a), (b) and (c), and notwithstanding any contrary provision of sections one hundred and thirty-seven to one hundred and seventy-four D, inclusive, relating to the regulation of dogs, such rules and regulations may relate to, but not be limited to, dog licensing, establishing dog fees, disposition of fees, appointment of dog officers, kennel licensing and regulations, procedures for the investigation of and reimbursement for damage caused by dogs, restraining of dogs and establishing penalties for a breach thereof. No such rule or regulation shall be inconsistent with the provisions of this chapter relating to (a) the turning over or sale of animals to any business or institution licensed or registered as a research facility or animal dealer, as provided in section one hundred and fifty-one; (b) the minimum confinement period of dogs as provided in section one hundred and fifty-one A; (c) the methods of execution, as provided in said section one hundred and fifty-one A; (d) emergency care, treatment or disposal of injured dogs or cats, as provided in section one hundred and fifty-one B.

Approved July 8, 1986.

Chapter 202. AN ACT EXEMPTING THE POSITION OF MEDICAL WORKER AT THE CITY OF SALEM CHRONIC DISEASE AND REHABILITATION FACILITY FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of medical worker also known as nursing assistant at the city of Salem chronic disease and rehabilitation facility shall be exempt from the provisions of chapter thirty-one of the General Laws.

ACTS, 1986. – Chaps. 203, 204, 205.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding said position on the effective date of this act.

Approved July 8, 1986.

Chapter 203. AN ACT RELATIVE TO FEDERAL GRANTS FOR EDUCATIONAL PURPOSES.

Be it enacted, etc., as follows:

Section 53A of chapter 44 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 36 to 39, inclusive, the words "to school committee employees compensation for services rendered in such federal grant programs, such compensation to be paid no later than ten days after the rendition of such services" and inserting in place thereof the words:– compensation for services rendered and goods supplied to such federal grant programs, such payments to be made no later than ten days after the rendition of such services or the supplying of such goods.

Approved July 8, 1986.

Chapter 204. AN ACT AUTHORIZING THE CEMETERY COMMISSIONERS OF THE TOWN OF LINCOLN TO REFUND CERTAIN MONIES PAID FOR CEMETERY PURPOSES.

Be it enacted, etc., as follows:

The cemetery commissioners of the town of Lincoln are hereby authorized to refund monies paid by any person for burial rights in the public cemeteries in said town, provided such person or the heirs or assigns of the same, convey back to said town the burial rights so purchased.

Approved July 8, 1986.

Chapter 205. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the

ACTS, 1986. – Chap. 205.

solemnization of a marriage by the Bennington Monthly Meeting of Friends as they are a Quaker Monthly Meeting in the state of Vermont in the town of Adams on August second, nineteen hundred and eighty-six between Anita Bower of the town of Williamstown and David Ross of the town of Williamstown, and the state secretary shall issue to the clerk or keeper of records of the Bennington Monthly Meeting of Friends in his capacity as aforesaid, a certificate of such authorization.

Approved July 8, 1986.

EMERGENCY LETTER: July 8, 1986 @ 3:03 P.M.

Chapter 206 AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-SEVEN FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions, of sundry other services, and for certain permanent improvements, and to meet certain requirements of law, the sums set forth in sections two, two A and two B, for the several purposes and subject to the conditions specified in said sections two, two A, two B and three, are hereby appropriated from the General Fund unless specifically designated otherwise in the item, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending June thirtieth, nineteen hundred and eighty-seven, in this act referred to as the year nineteen hundred and eighty-seven, or for such period as may be designated.

SECTION 1A. To provide for a program of studies, preparation of plans, renovation, alteration, and improvement of various state institutions and properties, for the purchase of furnishings and equipment, and for the retirement of recurrent short-term debt used for operating purposes, the sums set forth in sections two C through two D, inclusive, for the several purposes and subject to the conditions specified under the provisions of this act are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

LEGISLATURE.

Senate.

Item

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| 0111-0000 | For the compensation of senators, prior appropriation continued | \$1,600,000 |
| 0111-8000 | For expenses of senators, including travel, prior appropriation continued | \$200,000 |
| 0112-0000 | For the office of the senate clerk, prior appropriation continued | \$480,000 |
| 0112-0100 | For in-house printing and duplicating, prior appropriation continued | \$90,000 |
| 0113-0000 | For the salary of the chaplain of the senate | \$6,000 |
| 0114-0000 | For the office of the senate counsel, prior appropriation continued | \$575,000 |
| 0115-0000 | For administrative and legislative aides to the senators, prior appropriation continued | \$4,100,000 |
| 0116-0000 | For secretarial and clerical assistance to the senators, prior appropriation continued | \$1,200,000 |
| 0116-0030 | For a legislative intern program for the senate, prior appropriation continued | \$100,000 |
| 0117-0000 | For the office of the senate committee on ways and means, prior appropriation continued | \$950,000 |
| 0118-0000 | For the office supplies and other expenses of the senators, prior appropriation continued | \$660,000 |
| 0119-0000 | For the senate art committee, including furnishings and other expenses for the Bulfinch and Brigham extension areas of the state house occupied by the senate, prior appropriation continued | \$35,000 |

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House of Representatives.

Item

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| 0121-0000 | For the compensation of representatives | \$5,225,000 |
| 0121-8000 | For expenses of representatives, including travel | \$980,000 |
| 0122-0000 | For the office of the clerk of the house of representatives | \$437,840 |
| 0123-0000 | For the salary of the chaplain of the house of representatives | \$11,726 |
| 0124-0000 | For the office of the house counsel | \$940,000 |
| 0125-0000 | For the office of the house committee on rules | \$1,133,600 |
| 0125-0010 | For the expenses of standing and special committees of the house of representatives authorized by order of the house of representatives to sit and travel during the session and recess of the general court, said funds to be allocated to committees only upon written approval of the speaker; provided, that no money shall be authorized for travel or reimbursement for travel expenses unless by prior vote of the house of representatives; provided further, that any member, committee staff person or others so authorized to travel shall file a report on the purpose and relevant information gathered from such travel | \$16,000 |
| 0125-0020 | For the expenses of standing and special committees of the house of representatives, authorized by the speaker under joint rule 3 to sit and travel during the recess of the general court, said funds to be allocated to committees only upon written approval of the speaker | \$10,000 |
| 0126-0000 | For the office of the house committee on ways and means | \$931,000 |
| 0127-0000 | For clerical and other expenses of the members of the house of representatives | \$2,477,280 |
| 0127-0020 | For administrative and legislative aides to the members of the house of representatives | \$3,192,000 |
| 0127-0021 | For the two administrative assistants to work within the county in which they reside under the direction of the elected representative from the Cape and Islands District; provided, that such assistants shall be residents of the district; provided further, that each reside in separate counties and neither shall reside in the county in which the elected representative resides; and provided further, that such assistants shall be appointed by said elected representative | \$46,126 |
| 0127-0030 | For a legislative intern program providing one intern for each legislator; provided, however, that each member of the house of representatives shall have the opportunity to select one intern to work in his/her office, prior appropriation continued | \$320,000 |
| 0127-0040 | For office supplies and other expenses of the house of representatives | \$653,235 |
| 0129-0000 | For the expenses of televising sessions of the house of representatives | \$500,000 |

Sergeant-at-Arms.

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| 0131-0000 | For the office of the sergeant-at-arms, prior appropriation continued | \$405,908 |
| 0132-0000 | For the salaries of the chief general court officers, assistant chief general court officer, general court officers and pages of the senate and house of representatives with the approval of the sergeant-at-arms, prior appropriation continued | 2,300,000 |

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| 0132-1000 | For the salaries of clerks employed in the legislative document room | \$359,705 |
| 0133-0000 | For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, with the approval of the sergeant-at-arms, prior appropriation continued | \$150,000 |
| 0135-0000 | For the rental, maintenance and updating of an electric roll call system, prior appropriation continued | \$15,000 |

Other Expenses.

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| 0141-0000 | For the expenses of the legislative research council | \$9,000 |
| 0142-0000 | For the legislative research bureau, prior appropriation continued | \$589,319 |
| 0143-0000 | For the legislative service bureau | \$909,500 |
| 0143-0001 | For the administration of the office of legislative data processing, prior appropriation continued | \$850,000 |
| 0143-0003 | For the compilation, indexing, annotating, printing and other expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, prior appropriation continued | \$145,600 |
| 0144-0000 | For legislative committee services for the house of representatives | \$4,034,311 |
| 0144-0100 | For the expenses of the office of the house committee on personnel administration | \$54,350 |
| 0145-0000 | For legislative committee services for the senate, prior appropriation continued | \$1,650,000 |
| 0147-0000 | For the administration of the legislative engrossing division, prior appropriation continued | \$185,000 |
| 0161-0000 | For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, for printing the manual of the general court, with the approval of the clerks of the respective branches, and for biographical sketches of certain state and federal officials and other expenses, prior appropriation continued | \$1,950,000 |
| 0161-1000 | For telephone and telegraph service, prior appropriation continued | \$1,600,000 |
| 0161-2000 | For the emergency service of a physician, for medical supplies in the state house and for expenses, including the purchase of equipment in connection therewith, subject to the approval of the joint committee on rules; provided, that section twenty-one of chapter thirty of the General Laws shall not apply to the payments made under this item, prior appropriation continued | \$25,000 |
| 0163-0000 | For the expenses of the joint committee on rules and for clerical and other assistance to the joint committees, prior appropriation continued | \$175,000 |
| 0164-0010 | For the expenses of joint standing and special committees authorized by joint order to sit and travel during the session and recess of the general court, said funds to be allocated to committees only upon written approval of the president of the senate and the speaker of the house of representatives, prior appropriation continued | \$90,000 |

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| 0164-0020 | For the expenses of joint standing and special committees authorized by the president of the senate and the speaker of the house of representatives under the provisions of joint rule 3 to sit and travel during the recess of the general court, said funds to be allocated to committees only upon written approval of the president and the speaker, prior appropriation continued. | |
| 0165-0000 | For membership fees and programs of legislative associations for the general court of the commonwealth, with the approval of the president of the senate and the speaker of the house of representatives, prior appropriation continued | \$83,586. |
| 0169-7102 | For the office of legislative post audit and oversight bureau of the senate, prior appropriation continued | \$200,000 |
| 0169-7103 | For the office of legislative post audit and oversight of the house of representatives | \$954,928 |
| 0181-5002 | For the office of the Science Resource Network; provided, that these funds may be expended upon written approval of the president of the senate and the speaker of the house of representatives, prior appropriation continued | \$225,000 |
| 0181-5007 | For an econometric model of the Massachusetts economy, prior appropriation continued | \$80,000 |
| 0185-7209 | For the expenses of the special joint committee on uniform sentencing and revision of the criminal law statutes, prior appropriation continued | \$50,000 |
| 0185-7509 | For the expenses of an investigation and study relative to medical malpractice and liability insurance as authorized by section twelve of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five; provided, that the amount authorized herein shall be borne by all insurance companies licensed by the commonwealth to provide liability, multiple peril or accident and health insurance coverage under the provisions of chapters one hundred and seventy-six A and one hundred and seventy-six B of the General Laws, prior appropriation continued | \$75,000 |
| 0185-7801 | For the expenses of an investigation and study of hazardous waste and alternatives to and a prohibition of inground disposal and sanitary landfill disposal methods established by section fifty-four of chapter seven hundred and four of the acts of nineteen hundred and seventy-nine, prior appropriation continued | \$50,000 |
| 0185-7803 | To provide for the expenses of an investigation and study by a special commission on the current local aid distribution formula in order to determine if said formulas provide a fair and equitable distribution to the cities and towns and regional school districts of the commonwealth. Said commission shall also investigate and study the commonwealth's assumption of certain expenditures for transportation of pupils pursuant to the provisions of sections seven A, seven B and thirty-seven D of chapter seventy-one of the General Laws; section fourteen of chapter seventy-one B of the General Laws; and section eight A of chapter seventy-four of the General Laws and the commonwealth's assumption of the non-educational costs of residential school programs, including residential placement, for students placed | |

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| | by a local school district or ordered by the bureau of special education on appeals, as provided under chapter seventy-one B of the General Laws. Said commission shall consist of three members of the senate, seven members of the house of representatives and three members appointed by the governor, prior appropriation continued | \$125,000 |
| 0185-7804 | For the expenses of the special joint commission on the development of Boston Harbor, prior appropriation continued | \$50,000 |
| 0185-7806 | For a study of the procurement practices of the commonwealth relative to electronic data processing, computer hardware and software, prior appropriation continued | \$50,000 |
| 0185-7810 | For the expenses of the special commission established to investigate and study the adequacy of water supply in the commonwealth, prior appropriation continued. | |
| 0185-7812 | For the expenses of the special commission on low level radioactive waste established by chapter seven hundred and thirty-eight of the acts of nineteen hundred and eighty-one, prior appropriation continued | \$65,158 |
| 0185-7813 | For a study by the house committee on ways and means relative to the private provider system of delivering human services in the commonwealth, prior appropriation continued | \$100,000 |
| 0185-7814 | For the expenses of the special joint committee to study the public employees retirement law contained in chapter thirty-two of the General Laws, prior appropriation continued. | |
| 0185-7815 | For a study by the joint committee on education relative to the improvement and modernization of the public school system in the commonwealth, prior appropriation continued. | |
| 0185-7816 | For a study by the senate committee on ways and means relative to United States federal court consent decrees concerning certain agencies of the commonwealth, prior appropriation continued. | |
| 0185-7817 | For studies by the senate committee on ways and means relative to operational efficiency of state government, prior appropriation continued. | |
| 0185-7819 | For the expenses of a special commission on alcohol and drug abuse education, prior appropriation continued. | |
| 0185-7821 | For the expenses of a special commission to study the causes of violence against children, prior appropriation continued | \$50,000 |
| 0185-7822 | To provide for the expenses of an investigation and study by a special commission of all state, local, special district and county taxation within the commonwealth in order to develop a tax reform program for the commonwealth. Said commission shall consist of six members of the senate, ten members of the house of representatives and nine members appointed by the governor, prior appropriation continued | \$150,000 |
| 0185-7823 | To provide for the expenses of an investigation and study relative to comparable worth in employment and the extent to which sex segregation continues to exist in the state service; provided, that criteria for the study shall include, but | |

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| | not be limited to (1) knowledge and skill required to carry out the duties of such position, (2) working conditions, (3) responsibility, (4) accountability, (5) inter-personal skills; provided further, that no rating factors shall be based on existing wage patterns; and provided further, that said study shall be designed to determine, through the assignment of factors values, those classified positions studied for which compensation is not commensurate with positions of comparable worth, prior appropriation continued | \$20,000 |
| 0185-7824 | To provide for an investigation and study by a special commission relative to the operation and maintenance of lockup facilities. Said commission shall, among other things, supervise the implementation of the recommendations of the special commission to investigate suicide in municipal detention centers, the progress of such implementation, the conditions of lockup facilities and effects of the protective custody law. Said commission shall consist of one member of the senate, one member of the house of representatives, and five persons to be appointed by the governor, all of whom shall be members of the special commission to investigate and study suicide in the municipal detention centers; prior appropriation continued | \$15,000 |
| 0185-7826 | For the expenses of the special commission to investigate and study the administration of efforts to advance foreign trade with the various underdeveloped countries, established by section twenty-one of chapter two hundred and ninety-seven of the acts of nineteen hundred and eighty-three, as most recently amended by section sixty of chapter one hundred and forty of the acts of nineteen hundred and eighty-five, prior appropriation continued | \$50,000 |
| 0185-7827 | For the expenses of the special commission to investigate and study the needs of the Hispanic population in the commonwealth established by section twenty of chapter two hundred and ninety-seven of the acts of nineteen hundred and eighty-three, prior appropriation continued | \$75,000 |
| 0185-7828 | For the expenses of the special commission concerning the promotion of tourism in the commonwealth, established by section thirty-nine of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, prior appropriation continued | \$40,000 |
| 0185-7830 | For the expenses of the special commission to make an investigation and study relative to the adequacy of existing rules and regulations pertinent to the soft-shelled clam and hard-shelled clam industry, established by chapter five of the resolves of nineteen hundred and eighty-three, prior appropriation continued | \$25,000 |
| 0185-7831 | For the expenses of the special commission to study and plan appropriate events to commemorate the three hundred fiftieth anniversary of the | |

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| | arrival of the first group of Africans to Massachusetts, established by chapter seven of the resolves of nineteen hundred and eighty-three, prior appropriation continued. | |
| 0185-7834 | For the expenses of the special commission to review and study all aspects of health care for the elderly, both in terms of costs and services; provided, that said commission shall consist of two members of the senate, two members of the house of representatives, the commissioner of insurance and four members to be appointed by the governor of whom one shall be a representative of the executive office of elder affairs, one shall be a representative of a nonprofit hospital service corporation, one shall be a representative of a health maintenance organization, and one shall be an elderly consumer. The commission shall issue a final report by the last Wednesday of December, nineteen hundred and eighty-six, prior appropriation continued | |
| 0185-7835 | For the expenses of the special commission to make an investigation and study relative to determining the adequacy of existing common law and statutory remedies available to the commonwealth to recover its costs of assessing, containing and removing oil and hazardous materials released or threatened to be released into the environment and to any other person for damage, injury, loss or other harm suffered as a result of such release of oil or hazardous material, prior appropriation continued | \$75,000 |
| 0185-7836 | For the expenses of the joint special committee on redistricting, established by House Order, No. 5840, prior appropriation continued. | \$65,000 |
| 0185-7837 | For the expenses of the special commission to make an investigation and study relative to lead paint poisoning prevention, prior appropriation continued | \$25,000 |
| 0185-7838 | For the expenses of the special commission to make an investigation and study relative to the establishment of a small business incubator program in the commonwealth, prior appropriation continued. | |
| 0185-7840 | For the expenses of the special commission to make an investigation and study relative to the existing laws and practices relating to divorce and its emotional and economic hardship on families, prior appropriation continued | \$125,000 |
| 0185-7842 | For the expenses of the special commission to make an investigation and study of the needs of the Portuguese-American population in the commonwealth, established by section sixty-three of this act | \$50,000 |
| 0185-7843 | For the expenses of the special commission to make an investigation and study relative to children in need of services (CHINS). Said commission shall determine the adequacy and effectiveness of sections thirty-nine E to thirty-nine J, inclusive, of chapter one hundred and nineteen of the General Laws | \$20,000 |
| 0185-7844 | For the expenses of the special commission to make an investigation and study relative to the establishment and expansion of marine passenger transportation in the commonwealth | \$75,000 |

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| 0185-7845 | For the expenses of the special commission to make an investigation and study relative to the infrastructure of the commonwealth and its political subdivisions, established by section sixty-four of this act | \$75,000 |
| 0185-7846 | For the expenses of the special commission to make an investigation and study relative to employee involvement and ownership programs, established by section sixty-five of this act | \$30,000 |
| 0185-7848 | For the expenses of the special commission to make an investigation and study of the nature and extent of poverty in the commonwealth; provided that said commission shall consist of five members of the house of representatives, three members of the senate and seven members appointed by the governor. The commission shall issue a report by the last Wednesday of June, nineteen hundred and eighty-seven | \$50,000 |
| 0185-7849 | For the expenses of the special senate committee on redistricting, established by Senate Order, No. 1712 | \$75,000 |

INSPECTOR GENERAL.

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| 0200-0100 | For the administration and expenses of the office of inspector general, including not more than thirty-four positions | \$1,269,626 |
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JUDICIARY.

Supreme Judicial Court.

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| 0320-0001 | For the salaries, travelling allowances and expenses of the chief justice and of the six associate justices | \$586,400 |
| 0320-0003 | For salaries and expenses of the supreme judicial court; provided, that not less than fifty thousand dollars shall be obligated to a study documenting the historical development of the supreme judicial court over the last three hundred years, prior appropriation continued | \$3,184,296 |
| 0320-0004 | For the salaries and expenses of recalled justices of the appellate courts | \$163,500 |
| 0321-0001 | For expenses of the commission on judicial conduct | \$124,416 |

Board of Bar Examiners.

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| 0321-0100 | For the service of the board | \$492,370 |
| 0321-1500 | For the committee for public counsel services as authorized by chapter two hundred and eleven D of the General Laws; provided, that salaries paid to attorneys employed by the committee for public counsel services shall be comparable to those | |

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| | paid to attorneys employed by the several district attorneys' offices; provided further, that beginning April first, nineteen hundred and eighty-seven, the rate of compensation paid to the bar advocates shall be the same in all other counties as it is in Suffolk county; provided further, that such rate of compensation shall take effect only after the written approval by the house and senate committees on ways and means of a plan detailing the number of cases and attorneys per county involved as well as the estimated costs per county, said plan to be submitted to the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and eighty-six; and provided further, that except as provided herein, no increase in the rate of compensation for counsel to indigents shall be authorized until funds for such increase are appropriated by the general court; and provided further, that not less than two million ninety-six thousand seven hundred and two dollars shall be obligated for counsel to juvenile indigents and not less than five hundred and fifty thousand dollars shall be obligated for the payment of indigent court costs, including not more than one hundred and ninety-six positions, prior appropriation continued | \$21,295,649 |
| 0321-1600 For | the Massachusetts Legal Assistance Corporation to provide legal representation of indigent or otherwise disadvantaged residents of the commonwealth; provided, that not less than nine hundred and ninety-three thousand nine hundred and ninety-five dollars shall be obligated for a disability representation project; provided further, that not less than four hundred and seventy-two thousand and ninety dollars shall be obligated for a medicare advocacy project; provided further, that not less than two hundred and fifty thousand dollars shall be obligated to provide representation to residents for whom the provisions of the United States Immigration and Nationality Act and Refugee Act of 1980 are applicable; provided further, that the first paragraph of section nine of chapter two hundred and twenty-one A of the General Laws shall not apply to these programs; and provided further, that said corporation may contract with any organization for the purpose of providing said representation | \$1,716,785 |
| 0321-2000 For | expenses of the mental health legal advisors committee, and for certain programs for the indigent mentally ill, as provided in section thirty-four E of chapter two hundred and twenty-one of the General Laws; provided, however, that no expenditure or commitment made pursuant thereto shall be incurred in excess of funds appropriated herein; and provided further, that not less than fifty thousand dollars shall be expended from this item for the purposes of providing services pursuant to the Disability Benefits Project | \$290,000 |
| 0321-2100 For | a correctional legal services committee | \$410,000 |

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Appeals Court.

Item

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| 0322-0001 | For the salaries, traveling allowances and expenses of the chief justice and of the nine associate justices | \$771,900 |
| 0322-0002 | For salaries and expenses of the appeals court | \$2,128,831 |

Trial Court.

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| 0330-0100 | For the salaries of the justices of the trial court; notwithstanding this item the justices of the trial court shall continue their commission of appointment to a specific division within a department or to a department according to the terms of said commissions; provided, that nothing herein shall be construed to limit the authority of the chief administrative justice as enumerated in chapter two hundred and eleven B of the General Laws, including not more than two hundred and seventy-nine positions | \$20,125,260 |
| 0330-0200 | For the salaries of the recalled justices of the trial court | \$1,333,880 |
| 0330-0300 | For the salaries and expenses of the administrative staff, including not more than seventy-six positions | \$2,793,484 |
| 0330-0400 | For non-employee services, so-called 03 subsidiary expenses, performed by private individuals and contracted services performed by agencies and consultants for the individual court divisions of the trial court to be expended as determined by the chief administrative justice | \$5,756,874 |
| 0330-0600 | For dental and optical health plan trust agreements | \$884,240 |
| 0330-1000 | For payments of expenses of juries | \$4,716,280 |
| 0330-2000 | For salaries and expenses of certain law libraries, including not more than thirty positions | \$2,166,125 |
| 0330-2010 | For expenses related to computerized legal research | \$105,520 |
| 0330-2020 | For centralized law book purchases | \$188,546 |
| 0330-2030 | For expenses of the social law library located in Suffolk county | \$545,000 |
| 0330-2200 | For the rental of court facilities, in accordance with section four of chapter twenty-nine A of the General Laws; provided, that all payments made hereunder shall be pursuant to written leases; provided further, that no monies shall be paid to a city, town or county for such rental until a schedule detailing the costs of such maintenance, repairs and debt service on the rented facilities, attested to by the appropriate public official, have been submitted to and approved by the chief administrative justice of the trial court and filed with the house and senate committees on ways and means; provided further, that every city, town or county which receives funds under this item shall maintain such funds | |

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| | in a separate account which shall be used solely for the maintenance of the rented facilities; provided further, that all rents paid to the counties shall be expended for courthouse maintenance costs in each county; and provided further, that each county advisory board, upon receipt of the proposed budget by the county commissioners, shall have final approval of expenditure of funds received by a county for court rental under this item, prior appropriation continued | \$36,914,076 |
| 0330-2210 | For expenses to maintain, repair and operate the former Third District Court building in East Cambridge, including not more than four positions | \$190,670 |
| 0330-2211 | For expenses to maintain, repair and operate the former Third District Court building in New Bedford, including not more than four positions | \$76,240 |
| 0330-2300 | For payments of witness fees | \$843,361 |
| 0330-2400 | For education and training programs to be allocated at the discretion of the chief administrative justice | \$257,543 |
| 0330-2500 | For clerical assistance for the divisions of the trial court, including not more than ten positions | \$510,000 |
| 0330-2501 | For clerical assistance for the divisions of the trial court; provided, however, that all such funds shall be expended for child support enforcement activities; and provided further, that the administrative office of the trial court shall establish a cooperative agreement with the department of public welfare to obtain reimbursement from the federal government for such activities under the auspices of the Title IV-D program, including not more than twelve positions | \$119,078 |
| 0330-2600 | For travel expenses of judicial personnel; provided, that the chief administrative justice of the trial court shall promulgate rules and regulations for the criteria governing the selection of justices for travel outside of the state for the purpose of judicial training; provided further, that such rules and regulations shall provide criteria such that newly appointed justices shall be given first priority for such training; and provided further, that no justice shall be allowed to participate in such training more than once in any five year period, prior appropriation continued | \$1,300,000 |
| 0330-2700 | For printing expenses, prior appropriation continued | \$744,456 |
| 0330-2800 | For repairs of equipment | \$576,600 |
| 0330-3000 | For the purchase and rentals of equipment in the trial court, to be allocated by the chief administrative justice; provided, that in purchasing said equipment the chief administrative justice shall utilize the approved vendor determined by the state purchasing agent for such equipment whenever the terms offered by such vendor are more favorable than those otherwise available, prior appropriation continued | \$3,314,088 |

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| 0330-3200 | For the payment of salaries and expenses of superior court officers; provided, that any court officer scheduled to work nineteen hundred and fifty hours, or more, in fiscal year nineteen hundred and eighty-six shall be considered a full-time court officer for fiscal year nineteen hundred and eighty-seven, all other per diem court officers shall be paid the daily rate in accordance with the collective bargaining agreement, including not more than four hundred and nine positions | \$10,407,886 |
| 0330-3300 | For the payment of office, administrative, special, and maintenance and repair expenses in the trial court, to be allocated by the chief administrative justice, prior appropriation continued | \$890,802 |
| 0330-3600 | For a reserve for new court positions; provided, that said positions shall be allocated among the various court divisions and administrative offices by the chief administrative justice; provided further, that the allocation from this account shall be based upon schedules approved by the house and senate committees on ways and means, including not more than forty positions, prior appropriation continued | \$200,000 |
| 0330-3700 | For salaries and expenses of the Court Interpreter Program, including not more than two positions | \$50,000 |

Superior Court.

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| 0331-0100 | For salaries and expenses of the administrative staff, including not more than nineteen positions | \$654,642 |
| 0331-0200 | For clerical assistance to the justices, including not more than seventy-three positions | \$1,964,916 |
| 0331-0300 | For payments to be made by the chief justice of the superior court to medical malpractice tribunals established in accordance with the provisions of section sixty B of chapter two hundred and thirty-one of the General Laws, including payments of the prior year | \$87,000 |
| 0331-0600 | For the expenses of superior court probation services, including not more than two hundred and forty positions | \$6,180,507 |

For Salaries and Expenses.

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| 0331-2100 | Barnstable superior court, including not more than seven positions | \$161,525 |
| 0331-2200 | Berkshire superior court, including not more than seven positions | \$166,771 |
| 0331-2300 | Bristol superior court, including not more than twenty-nine positions | \$755,150 |
| 0331-2400 | Dukes superior court, including not more than two positions | \$44,891 |
| 0331-2500 | Essex superior court, including not more than forty positions | \$1,052,782 |

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| 0331-2600 Franklin superior court, including not more than six positions | \$142,718 |
| 0331-2700 Hampden superior court, including not more than thirty-five positions | \$948,054 |
| 0331-2800 Hampshire superior court, including not more than eight positions | \$208,947 |
| 0331-2900 Middlesex superior court, including not more than ninety-seven positions | \$2,370,044 |
| 0331-3000 Nantucket superior court, including not more than two positions | \$51,392 |
| 0331-3100 Norfolk superior court, including not more than thirty-eight positions | \$907,301 |
| 0331-3200 Plymouth superior court, including not more than thirty-four positions | \$825,040 |
| 0331-3300 Suffolk superior civil court, including not more than one hundred and twenty-three positions | \$2,646,357 |
| 0331-3310 Suffolk superior criminal court, including not more than sixty-nine positions | \$1,541,941 |
| 0331-3400 Worcester superior court, including not more than forty-five positions | \$1,135,247 |

District Courts.
For Salaries and Expenses.

| | |
|---|-------------|
| 0332-0100 District court, administrative staff, including not more than fifteen positions | \$505,000 |
| 0332-1100 First district court of Barnstable, including not more than forty-four positions | \$1,121,457 |
| 0332-1200 Second district court of Barnstable (Orleans), including not more than twenty-five positions | \$627,000 |
| 0332-1300 District court of northern Berkshire (Adams, North Adams, Williamstown), including not more than thirteen positions | \$347,072 |
| 0332-1400 District court of central Berkshire (Pittsfield), including not more than twenty-two positions | \$566,248 |
| 0332-1500 District court of southern Berkshire (Great Barrington, Lee), including not more than ten positions | \$267,985 |
| 0332-1600 First district court of Bristol (Taunton), including not more than thirty-three positions | \$797,722 |
| 0332-1700 Second district court of Bristol (Fall River), including not more than fifty-five positions | \$1,272,300 |
| 0332-1800 Third district court of Bristol (New Bedford), including not more than fifty-five positions | \$1,341,593 |
| 0332-1900 Fourth district court of Bristol (Attleboro), including not more than twenty-six positions | \$633,561 |
| 0332-2000 District court of Edgartown, including not more than eight positions | \$200,435 |
| 0332-2100 First district court of Essex (Salem), including not more than thirty-nine positions | \$1,057,799 |
| 0332-2200 Second district court of Essex (Amesbury), including not more than twelve positions | \$285,233 |

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|-----------|--|
| 0332-2300 | Third district court of Essex (Ipswich), including not more than six positions \$134,643 |
| 0332-2400 | Central district court of northern Essex (Haverhill), including not more than thirty-four positions \$878,985 |
| 0332-2500 | District court of eastern Essex (Gloucester), including not more than nineteen positions \$474,472 |
| 0332-2600 | District court of Lawrence, including not more than forty-seven positions \$1,237,895 |
| 0332-2700 | District court of southern Essex (Lynn), including not more than fifty-two positions \$1,235,639 |
| 0332-2800 | District court of Newburyport, including not more than twelve positions \$300,000 |
| 0332-2900 | District court of Peabody, including not more than twenty-seven positions \$750,000 |
| 0332-3000 | District court of Greenfield, including not more than twenty-four positions \$579,586 |
| 0332-3100 | District court of Orange, including not more than twelve positions \$271,691 |
| 0332-3200 | District court of Chicopee, including not more than twenty-four positions \$523,919 |
| 0332-3300 | District court of Holyoke, including not more than twenty-five positions \$641,374 |
| 0332-3400 | District court of eastern Hampden (Palmer), including not more than seventeen positions \$471,125 |
| 0332-3500 | District court of Springfield, including not more than one hundred and fourteen positions \$2,763,584 |
| 0332-3600 | District court of western Hampden (Westfield), including not more than twenty-one positions \$532,476 |
| 0332-3700 | District court of Hampshire (Northampton); provided that of the amount appropriated herein, thirty-eight thousand dollars shall be expended for an alternative probation program "Honor Court" so-called, including not more than forty-four positions \$1,117,698 |
| 0332-3800 | District court of eastern Hampshire (Ware), including not more than ten positions \$250,720 |
| 0332-3900 | District court of Lowell, including not more than eighty-two positions \$2,051,004 |
| 0332-4000 | District court of Somerville, including not more than sixty-five positions \$1,654,047 |
| 0332-4100 | District court of Newton, including not more than twenty-eight positions \$755,008 |
| 0332-4200 | District court of Marlborough, including not more than twenty-three positions \$629,404 |
| 0332-4300 | District court of Natick, including not more than eighteen positions \$462,847 |
| 0332-4400 | District court of eastern Middlesex (Malden), including not more than sixty-three positions \$1,489,416 |
| 0332-4500 | Second district court of eastern Middlesex (Waltham), including not more than forty-one positions \$997,567 |
| 0332-4600 | Third district court of eastern Middlesex (Cambridge), including not more than one hundred and six positions \$2,479,957 |
| 0332-4700 | Fourth district court of eastern Middlesex (Woburn), including not more than fifty-six positions \$1,374,253 |
| 0332-4800 | First district court of northern Middlesex (Ayer), including not more than thirty-two positions \$841,547 |

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| 0332-4900 | First district court of southern Middlesex (Framingham), including not more than fifty-five positions | \$1,401,800 |
| 0332-5000 | District court of central Middlesex (Concord), including not more than forty-one positions | \$1,082,273 |
| 0332-5100 | District court of Nantucket, including not more than eight positions | \$135,184 |
| 0332-5200 | District court of northern Norfolk (Dedham), including not more than fifty-two positions | \$1,253,347 |
| 0332-5300 | District court of east Norfolk (Quincy), including not more than one hundred and twenty-one positions, prior appropriation continued | \$3,000,000 |
| 0332-5400 | District court of western Norfolk (Wrentham), including not more than thirty-four positions | \$874,880 |
| 0332-5500 | District court of southern Norfolk, including not more than forty-four positions | \$1,115,148 |
| 0332-5600 | Municipal court of Brookline, including not more than twenty-four positions | \$617,220 |
| 0332-5700 | District court of Brockton, including not more than eighty-two positions | \$2,175,125 |
| 0332-5800 | Second district court of Plymouth (Hingham), including not more than forty-three positions | \$1,114,651 |
| 0332-5900 | Third district court of Plymouth (Plymouth), including not more than forty-one positions | \$1,051,227 |
| 0332-6000 | Fourth district court of Plymouth (Wareham), including not more than thirty-three positions | \$846,562 |
| 0332-6100 | District court of Brighton, including not more than thirty-five positions | \$927,561 |
| 0332-6200 | District court of Charlestown, including not more than eighteen positions | \$556,177 |
| 0332-6300 | District court of Chelsea, including not more than forty-seven positions | \$1,175,875 |
| 0332-6400 | District court of Dorchester, including not more than one hundred and seventeen positions | \$2,850,441 |
| 0332-6500 | District court of East Boston, including not more than forty-six positions | \$1,197,479 |
| 0332-6600 | District court of Roxbury; provided, that one hundred and forty thousand dollars be used for the Juvenile Session Outreach Program of the Roxbury district court, including not more than one hundred and eighteen positions | \$3,321,678 |
| 0332-6700 | District court of South Boston, including not more than twenty-four positions | \$697,478 |
| 0332-6800 | District court of West Roxbury, including not more than forty-five positions | \$1,177,450 |
| 0332-6900 | Central district court of Worcester, including not more than eighty-eight positions | \$2,087,225 |
| 0332-7000 | District court of Fitchburg, including not more than twenty-five positions | \$645,210 |
| 0332-7100 | District court of Leominster, including not more than twelve positions | \$310,551 |
| 0332-7200 | District court of Winchendon, including not more than three positions | \$100,416 |
| 0332-7300 | First district court of northern Worcester (Gardner), including not more than twenty-five positions | \$669,045 |
| 0332-7400 | First district court of eastern Worcester (Westborough), including not more than thirty positions | \$685,614 |

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| 0332-7500 | Second district court of eastern Worcester (Clinton), including not more than thirteen positions | \$326,108 |
| 0332-7600 | First district court of southern Worcester (Dudley), including not more than twenty-six positions | \$647,469 |
| 0332-7700 | Second district court of southern Worcester (Uxbridge), including not more than fourteen positions | \$318,846 |
| 0332-7800 | Third district court of southern Worcester (Milford), including not more than eighteen positions | \$514,296 |
| 0332-7900 | District court of western Worcester (Spencer), including not more than eleven positions | \$290,801 |
| 0332-8100 | Middlesex juvenile probation district, including not more than twenty-five positions | \$770,000 |
| 0332-8200 | Northern Essex juvenile probation district, including not more than twelve positions | \$342,569 |
| 0332-8300 | Berkshire juvenile probation district, including not more than seven positions | \$191,759 |
| 0332-8500 | Northern Worcester juvenile probation district, including not more than eleven positions | \$312,869 |
| 0332-8600 | Southern Worcester juvenile probation district, including not more than ten positions | \$285,261 |

Probate and Family Court Department.
For Salaries and Expenses.

| | | |
|-----------|---|-------------|
| 0333-0001 | Probate court, administrative staff, including not more than five positions | \$199,128 |
| 0333-0100 | Barnstable, including not more than twenty-four positions | \$545,471 |
| 0333-0200 | Berkshire, including not more than fourteen positions | \$333,913 |
| 0333-0300 | Bristol, including not more than forty-five positions | \$1,128,622 |
| 0333-0400 | Dukes, including not more than three positions | \$83,220 |
| 0333-0500 | Essex, including not more than fifty-six positions | \$1,305,153 |
| 0333-0600 | Franklin, including not more than eleven positions | \$280,000 |
| 0333-0700 | Hampden, including not more than fifty-nine positions | \$1,376,462 |
| 0333-0800 | Hampshire, including not more than seventeen positions | \$467,899 |
| 0333-0900 | Middlesex, including not more than one hundred and fourteen positions | \$2,628,427 |
| 0333-0911 | For a demonstration project in the Middlesex probate court's family service clinic, including not more than six positions | \$128,479 |
| 0333-1000 | Nantucket, including not more than two positions | \$51,401 |
| 0333-1100 | Norfolk, including not more than seventy-three positions | \$1,865,944 |
| 0333-1111 | For a family service clinic in the Norfolk probate court, including not more than five positions | \$157,010 |
| 0333-1200 | Plymouth, including not more than fifty-two positions | \$1,220,000 |
| 0333-1300 | Suffolk, including not more than eighty-nine positions | \$2,061,383 |
| 0333-1400 | Worcester, including not more than fifty-five positions | \$1,372,458 |

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Land Court.

Item

0334-0001 For the office of the land court, including not more than seventy-six positions \$1,932,436

Boston Municipal Court.

0335-0001 For salaries and expenses of the Boston municipal court, including not more than one hundred and eighty-four positions \$4,388,405

Housing Court.

For Salaries and Expenses.

0336-0100 Boston housing court; provided, that, notwithstanding the provisions of chapter two hundred and eleven B of the General Laws to the contrary, the administrative justice of the housing court department holding such office prior to the effective date of this act shall receive a salary equivalent to a justice of the trial court, including not more than twenty-eight positions \$741,197
0336-0200 Hampden housing court, including not more than eleven positions \$267,719
0336-0300 Worcester housing court, including not more than eleven positions \$280,079

Juvenile Court.

For Salaries and Expenses.

0337-0001 For salaries and expenses of the administrative staff, including not more than seven positions \$313,392
0337-0100 Boston juvenile court, including not more than one hundred and four positions \$3,672,998
0337-0200 Bristol juvenile court, including not more than forty-seven positions \$1,235,897
0337-0300 Springfield juvenile court, including not more than thirty-one positions \$851,523
0337-0400 Worcester juvenile court, including not more than twenty-eight positions \$793,135

Committee on Probation.

0339-1001 For the office of the commissioner of probation, including not more than one hundred and thirty-two positions \$2,865,329
0339-2100 For the administration of Middlesex county, Essex county, Suffolk county, et als, juror selection and management, in accordance with chapter two hundred and thirty-four A of the General Laws, including not more than twenty-one positions \$1,068,782

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Judicial Council.

Item

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| 0339-2200 For the service of the council, including not more than two positions, prior appropriation continued | \$35,000 |
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DISTRICT ATTORNEYS.

For the salaries of district attorneys and assistants for the eleven districts:

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|---|-------------|
| 0340-0100 Suffolk, including not more than two hundred positions | \$7,207,200 |
| 0340-0111 Suffolk, for child support enforcement activities, including not more than five positions | \$154,264 |
| 0340-0200 Northern, including not more than one hundred and fifty-six positions | \$5,114,617 |
| 0340-0222 Northern, for child support enforcement activities, including not more than eight positions | \$179,862 |
| 0340-0300 Eastern, including not more than ninety-two positions | \$3,085,000 |
| 0340-0333 Eastern, for child support enforcement activities, including not more than seven positions | \$164,380 |
| 0340-0400 Middle, including not more than ninety-two positions | \$3,473,032 |
| 0340-0444 Middle, for child support enforcement activities, including not more than three positions | \$85,032 |
| 0340-0500 Hampden, including not more than seventy positions | \$2,400,000 |
| 0340-0555 Hampden, for child support enforcement activities, including not more than six positions | \$220,885 |
| 0340-0600 Northwestern, including not more than thirty-eight positions | \$1,457,627 |
| 0340-0666 Northwestern, for child support enforcement activities, including not more than three positions | \$31,396 |
| 0340-0700 Norfolk, including not more than seventy-eight positions | \$3,303,496 |
| 0340-0777 Norfolk, for child support enforcement activities, including not more than four positions | \$84,000 |
| 0340-0800 Plymouth, including not more than seventy-one positions | \$2,375,000 |
| 0340-0888 Plymouth, for child support enforcement activities, including not more than four positions | \$99,930 |
| 0340-0900 Bristol, including not more than fifty-six positions | \$2,500,077 |
| 0340-0999 Bristol, for child support enforcement activities, including not more than two positions | \$37,721 |
| 0340-1000 Cape and Islands, including not more than twenty-two positions | \$1,000,235 |
| 0340-1011 Cape and Islands, for child support enforcement activities, including not more than two positions | \$33,768 |
| 0340-1100 Berkshire, including not more than twenty-one positions | \$834,056 |

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Item

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| 0340-1111 | Berkshire, for child support enforcement activities, including not more than two positions | \$45,894 |
| 0340-2000 | For a program of grants to various district attorneys' offices in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws; provided, that the board may allocate funds from this item to the various district attorneys' offices to be expended by these district attorneys for the administration and operation of victim and witness assistance programs | \$2,415,000 |
| | Victim and Witness Assistance Fund 100.0% | |
| 0340-2100 | For a reserve for the implementation and related expenses of the prosecution management information system (PROMIS); provided, that funds may be transferred from this item to other items of appropriation; and provided further, that expenses may be charged directly to this item | \$2,250,000 |

EXECUTIVE.

GOVERNOR.

| | | |
|-----------|---|-------------|
| 0411-1000 | For the salaries of the governor and officers and employees in the governor's office | \$1,721,420 |
| 0411-1100 | For office and administrative expenses, and for the payment of extraordinary expenses not otherwise provided for, and for transfers to appropriation accounts where the amounts otherwise available are insufficient; provided, that requests for such transfers shall be referred to the commissioner of administration, who after investigation, shall submit for approval of the governor his written recommendation as to the amount of funds required with facts pertinent thereto | \$455,241 |
| 0411-1110 | For the entertainment of distinguished visitors | \$15,000 |
| 0411-1120 | For travel expenses of the governor and staff | \$5,000 |
| 0411-1130 | For dues, membership fees and certain other expenses related to membership in the National Governors' Association, the Coalition of New England Governors, the New England Governors' Conference, and the Northeast-Midwest Institute | \$414,537 |
| 0411-1140 | For personnel and administrative expenses for the Office of Constituent Services, Community Services and Women's Issues | \$243,695 |
| 0411-9000 | For the office of federal-state relations | \$653,777 |
| 0411-9001 | For the office of federal-local relations | \$203,848 |

Lieutenant Governor.

| | | |
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| 0412-1000 | For the salary of the lieutenant governor and for personal services for the lieutenant governor's office | \$139,205 |
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Governor's Council.

Item

| | | |
|-----------|---|-----------|
| 0413-1000 | For the salaries and personal services of the council, for the expenses of the governor and council, and for the expenses and travel of the council from and to their homes | \$341,225 |
|-----------|---|-----------|

SECRETARY OF THE COMMONWEALTH.

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|-----------|---|-------------|
| 0511-0000 | For the office of the secretary; provided, that the positions of director of administrative services, counsel II, and assistant supervisor of public records, and the director and assistant director of the bilingual information center shall not be subject to the provisions of chapter thirty-one of the General Laws, prior appropriation continued | \$5,229,483 |
| 0511-0200 | For the administration of the Archives Division | \$528,893 |
| 0511-0230 | For the expenses of the Record Center | \$187,145 |
| 0511-0250 | For the maintenance and operation of the Archives Facilities | \$696,696 |
| 0511-0260 | For the administration of the Commonwealth Museum | \$300,481 |
| 0517-0000 | For the expense of printing various documents, including a public register listing all notices of contractual opportunities offered by any public agency or authority of the commonwealth, prior appropriation continued | \$361,048 |
| 0518-0000 | For the purchase and distribution of certain journals of the house of representatives | \$7,500 |
| 0521-0000 | For preparing, printing and distributing ballots and other miscellaneous expenses for primary and other elections, prior appropriation continued | \$3,106,924 |
| 0524-0000 | For expenses of compiling and publishing information to voters | \$780,000 |

Massachusetts Historical Commission.

| | | |
|-----------|---|-------------|
| 0526-0100 | For the administration of the commission | \$473,000 |
| 0526-0900 | For a grant program for the preservation and maintenance of properties listed on the State Register of Historic Places, prior appropriation continued | \$1,040,000 |

Ballot Law Commission.

| | | |
|-----------|--|----------|
| 0527-0100 | For the compensation and expenses of the commissioners | \$21,000 |
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Records Conservation Board.

| | | |
|-----------|-------------------------------|----------|
| 0528-0100 | For the expenses of the board | \$21,233 |
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Commission on Interstate Cooperation.

Item

0530-0100 For the expenses of the commission; provided, that all positions are exempted from the provisions of chapter thirty-one of the General Laws \$179,988

Office of Campaign and Political Finance.

0531-0100 For the expenses and administration of the office of campaign and political finance \$396,030

TREASURER AND RECEIVER-GENERAL.

0610-0000 For the office of the treasurer and receiver-general, prior appropriation continued \$9,284,148

0611-1000 For bonus payments to war veterans \$37,390

0611-5000 For compensation to victims of violent crimes; provided, that notwithstanding the provisions of section five of chapter two hundred and fifty-eight A of the General Laws, if claimant is sixty years of age or older at the time of the crime, and is not employed or receiving unemployment compensation, such claimant shall be eligible for compensation in accordance with this chapter even if the claimant has suffered no out-of-pocket loss; provided further, that compensation to such claimant shall be limited to a maximum of fifty dollars; provided further, that, notwithstanding the provisions of any general or special law to the contrary, victims of the crime of rape shall be notified of all available services designed to assist rape victims including but not limited to the provisions outlined in section five of chapter two hundred and fifty-eight A of the General Laws, prior appropriation continued \$1,289,184

0611-5500 For additional assistance to cities and towns, to be distributed under the provisions of section three of this act; provided, however, that the final distribution of fiscal year nineteen hundred and eighty-seven shall not be paid by the state treasurer until he receives certification from the commissioner of revenue of the acceptance of the prior fiscal year's annual financial report submitted pursuant to the provisions of section forty-three of chapter forty-four of the General Laws which must include the amount in the municipality's overlay reserve and stabilization fund or funds, if any \$654,512,338

Local Aid Fund 100.0%
0611-5800 For distribution to each city and town within which racing meetings are conducted; provided, that each city or town's distribution shall be proportionate to its share of the amount certified by the state racing commission, pursuant to section eighteen D of chapter fifty-eight of the General Laws, at the end of the calendar year nineteen hundred and eighty-six; and provided further, that no city or town shall receive more than the amount so certified for that city or town \$1,375,000

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Item

Local Aid Fund

100.0%

State Board of Retirement.

| | | |
|-----------|--|---------------|
| 0612-0100 | For the administration of the board; provided, that the position of executive secretary of retirement board shall not be subject to the provisions of chapter thirty-one of the General Laws, prior appropriation continued | \$2,832,338 |
| 0612-1000 | For the payment of the commonwealth's share in financing the state employees' retirement system; provided that any amounts, not due and owing, remaining in this account as of the end of June thirtieth, nineteen hundred and eighty-seven shall be transferred to the pension reserve fund of the state employees' retirement system, prior appropriation continued | \$217,000,000 |
| | Highway Fund | 15.0% |
| | General Fund | 84.8% |
| | Inland Fisheries and Game Fund | 0.2% |
| 0612-1100 | For cost of living increases to former teachers, municipal, county and district employees whose retirement expenses are assessed upon cities and towns, and state employees; provided that such increases to the above-mentioned groups shall not exceed four per cent; and for the costs of increased survivor benefits authorized by chapter three hundred and eighty-nine of the acts of nineteen hundred and eighty-four; and provided, further, that subject to rules and regulations promulgated by the treasurer, the state board of retirement and each city, town, county, or district shall verify the cost thereof and the treasurer shall be authorized to make such payments; provided, further, that one-half of any amounts, not due and owing, remaining in this account as of the end of June thirtieth, nineteen hundred and eighty-seven shall be transferred to the pension reserve fund of the state employees' retirement system and that the remainder of any such amounts shall be transferred to the pension reserve fund of the teachers' retirement system; prior appropriation continued | \$86,187,000 |
| | Local Aid Fund | 80.0% |
| | General Fund | 15.0% |
| | Highway Fund | 5.0% |
| 0612-1500 | For the commonwealth's pension liability fund to meet the costs to the commonwealth of financing the state employees' and teachers' retirement systems; provided, that the amounts herein shall be paid from and not exceed the revenues dedicated by clause (a) of the last paragraph of section twenty-one of chapter one hundred and thirty-eight of the General Laws; and provided further, that no funds will be eligible to receive moneys from such reserve if such funds are invested in any company doing business in or with the Republic of South Africa after September first, nineteen hundred and seventy-nine | \$13,894,000 |

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Item

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| 0612-1505 | For a reserve to reduce the unfunded pension liability of public retirement systems pursuant to section seventeen of chapter six hundred and sixty-one of the acts of nineteen hundred and eighty-three | \$23,900,000 |
| 0612-1900 | For authorization of payment of retirement benefits pursuant to chapters seven hundred and twelve and seven hundred and twenty-one of the acts of nineteen hundred and eighty-one, respectively, and chapter one hundred and fifty-four of the acts of nineteen hundred and eighty-three | \$75,000 |
| 0612-2000 | For the compensation of veterans who may be retired by the state board of retirement and for the cost of medical examinations in connection therewith | \$15,700,000 |
| | Highway Fund | 22.0% |
| | General Fund | 78.0% |

Pension for Retired Justices.

| | | |
|-----------|---|-------------|
| 0612-3000 | For pensions of retired judges or their widows | \$3,000,000 |
| 0612-5000 | For retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission | \$58,000 |
| | Highway Fund | 25.0% |
| | General Fund | 75.0% |
| 0612-6000 | For retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission | \$1,100,000 |
| | Highway Fund | 60.0% |
| | General Fund | 40.0% |
| 0612-7000 | For retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district | \$250,000 |
| 0612-8000 | For retirement of certain veterans formerly in the service of the metropolitan water system | \$500,000 |
| 0612-9000 | For annuities for widows of certain former members of the uniformed branch of the state police | \$140,000 |
| | Highway Fund | 66.0% |
| | General Fund | 34.0% |

Commission on Firemen's Relief.

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|-----------|---|----------|
| 0620-0000 | For the expenses of administration and for relief disbursed by the commissioner | \$11,166 |
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Emergency Finance Board.

Item

0630-0000 For administration of the board, provided, that, notwithstanding the provisions of any general or special law to the contrary, no employee of the department of revenue shall receive any reimbursement for services from this account \$71,637

State Lottery Commission.

0640-0000 For the expenses of the operation and administration of the state lottery; provided, that twenty-five per cent of this appropriation shall be transferred from the State Lottery Fund to the General Fund quarterly in advance; provided further, that all the positions in this item shall not be subject to chapters thirty and thirty-one of the General Laws; provided further, that the director shall, so far as practicable in making appointments to such positions, promote employees of the commonwealth serving in positions which are classified under said chapter thirty-one and that any such employee so promoted from a position in which at the time of promotion he has tenure by reason of section nine A of chapter thirty of the General Laws shall, upon termination of this service in such unclassified supervisory position, be restored upon his request to the classified position from which he was promoted or to a position equivalent thereto in salary grade in the same state agency, without impairment of his civil service status or his tenure by reason of said section nine A or loss of seniority, retirement and other rights to which uninterrupted service in the classified position would have entitled him; and provided further, however, that if his service in such unclassified supervisory position is terminated for cause, his right to be so restored shall be determined by the civil service commission in accordance with the standards applied by said commission in administering said chapter thirty-one, prior appropriation continued \$52,590,758

0640-0100 For the expenses of the operation and administration of the arts lottery \$3,191,667

Arts Lottery Council.

0640-0300 For the expenses of the operation of the arts lottery council \$350,417

Debt Service.

0699-1800 For the payment of interest on certain bonded debt of the commonwealth previously charged to the State Recreation Areas Fund \$2,660,650

0699-1801 For the payment of discount on the sale of bonds of the commonwealth previously charged to the State Recreation Areas Fund \$16,348

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| Item | | |
| 0699-1900 | For certain serial bonds maturing previously charged to the State Recreation Areas Fund | \$2,447,138 |
| 0699-2800 | For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Inland Fisheries and Game Fund | \$12,962 |
| | Inland Fisheries and Game Fund 100.0% | |
| 0699-2900 | For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Inland Fisheries and Game Fund | \$80,000 |
| | Inland Fisheries and Game Fund 100.0% | |
| 0699-3800 | For the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Water District Fund | \$5,568,038 |
| 0699-3801 | For the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Water District Fund | \$37,163 |
| 0699-3900 | For certain serial bonds maturing previously charged to the Metropolitan Water District Fund | \$6,224,956 |
| 0699-4800 | For the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Sewerage District Fund | \$4,397,338 |
| 0699-4801 | For the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Sewerage District Fund | \$37,554 |
| 0699-4900 | For certain serial bonds maturing previously charged to the Metropolitan Sewerage District Fund | \$6,606,953 |
| 0699-5800 | For the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Parks District Fund | \$3,545,605 |
| 0699-5801 | For the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Parks District Fund | \$12,575 |
| 0699-5900 | For certain serial bonds maturing previously charged to the Metropolitan Parks District Fund | \$4,972,296 |
| 0699-6800 | For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Highway Fund debt service reserve | \$57,284,829 |
| | Highway Fund 100.0% | |
| 0699-6801 | For the payment of discount on the sale of bonds of the commonwealth; provided, that any deficit existing in this item at the close of the fiscal year shall be charged to the Highway Fund debt service reserve | \$496,637 |
| | Highway Fund 100.0% | |
| 0699-6900 | For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Highway Fund debt service reserve | \$55,781,822 |
| | Highway Fund 100.0% | |

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| 0699-7800 | For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve | \$196,661,180 |
| 0699-7801 | For the payment of discount on the sale of bonds of the commonwealth; provided, that any deficit existing in this item at the close of the fiscal year shall be charged to the General Fund debt service reserve | \$2,129,226 |
| 0699-7900 | For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve | \$180,324,739 |
| 0699-8100 | For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Government Land Bank debt service reserve | \$1,910,841 |
| | Government Land Bank Fund 100.0% | |
| 0699-8101 | For the payment of discount on the sale of bonds of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Government Land Bank debt service reserve | \$360 |
| | Government Land Bank Fund 100.0% | |
| 0699-8200 | For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Government Land Bank debt service reserve | \$1,283,977 |
| | Government Land Bank Fund 100.0% | |
| 0699-8300 | For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Intercity Bus Capital Assistance Program debt service reserve | \$301,182 |
| | Intercity Bus Capital Assistance Program Fund 100.0% | |
| 0699-8301 | For payment of discount on the sale of bonds of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Intercity Bus Capital Assistance Program debt service reserve | \$3,292 |
| | Intercity Bus Capital Assistance Program Fund 100.0% | |
| 0699-8302 | For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Intercity Bus Capital Assistance Program debt service reserve | \$721,708 |
| | Intercity Bus Capital Assistance Program Fund 100.0% | |
| 0699-9100 | For the payment of interest of issuance costs of notes issued pursuant to section forty-nine B of chapter twenty-nine of the General Laws; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund | \$11,500,000 |

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AUDITOR OF THE COMMONWEALTH.

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| 0710-0000 | For the office of the auditor, prior appropriation continued | \$9,239,948 |
| 0710-0100 | For the administration and expenses of the bureau of local mandates, prior appropriation continued | \$463,140 |

DEPARTMENT OF THE ATTORNEY GENERAL.

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|-----------|---|--------------|
| 0810-0000 | For the office of the attorney general, prior appropriation continued | \$11,870,261 |
| 0810-0014 | For the expenses incurred by the department pursuant to section eleven E of chapter twelve of the General Laws | \$500,000 |
| 0810-0021 | For the expenses of administering the medicaid fraud control unit; provided, that the federal reimbursement for any expenditure for this item shall not be less than seventy-five per cent of such expenditure | \$1,614,227 |
| 0810-0031 | For the expenses of administering the local consumer aid fund, established by section eleven G of chapter twelve of the General Laws | \$730,551 |
| 0810-0035 | For the administration and expenses of the Anti-Trust division | \$450,193 |
| | Anti-Trust Enforcement Fund 100.0% | |
| 0810-0201 | For expenses incurred in administrative or judicial proceedings as authorized by sections eleven E and eleven F of chapter twelve of the General Laws | \$400,000 |
| 0830-0100 | For the administration and expenses of the commission on uniform state laws | \$18,065 |
| 0840-0100 | For the administration and expenses of the Victim and Witness Assistance Board; provided, however, that said board shall prepare a report detailing the expenditures from each grant, including the types of services provided for general categories of crimes, and the effect of said grants on the victims of crime in the commonwealth; and provided further, that said report shall be filed with the house and senate committees on ways and means no later than April first, nineteen hundred and eighty-seven | \$378,665 |
| | Victim and Witness Assistance Fund 100.0% | |
| 0840-0105 | For a program of discretionary grants to various district attorneys' offices, the attorney general and the parole board in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws and section fifty-four of this act; and pursuant to allocation schedules subject to the approval of the house and senate committees on ways and means; provided, that not less than four hundred thousand dollars be allocated to the district attorneys and that not less than two hundred thousand dollars be allocated and distributed between the attorney general and parole board by the Victim and Witness Assistance Board | \$600,000 |
| | Victim and Witness Assistance Fund 100.0% | |
| 0850-0100 | For the operation of a Disabled Persons Protection Commission, which shall consist of three persons appointed by the governor and shall have the authority to hire | |

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staff, enter into contracts, require the reporting of abuse of disabled persons, conduct investigations, require remedial action, and take such other action as is necessary to protect disabled persons from abuse and neglect \$200,000

STATE ETHICS COMMISSION.

0900-0100 For the administration and expenses of the state ethics commission, including not more than twenty-eight positions \$938,403

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office Of The Commissioner.

1100-1100 For the office of the commissioner; the administration of tort claims, and the operation and administration of certain central services, provided that forecasts generated by the state economic model be filed semiannually with the chairmen of the house and senate committees on ways and means; provided, that there shall be a study of labor and contracting practices and general management structure at the University of Massachusetts Medical Center; and provided further, that the commissioner of administration shall submit a report of said study to the house and senate committees on ways and means by September thirtieth, nineteen hundred and eighty-six, and said report shall be made available to all members of the legislature, including not more than sixty-six positions \$2,198,713

1100-1165 For staff to the governor, including the Governor's Office of Economic Development, the Governor's Office of Human Resources, and the Governor's Office of Educational Affairs, including not more than twenty-eight positions \$1,138,904

Fiscal Affairs Division.

1101-2100 For the administration of the division, including not more than fifty-two positions \$2,150,000

Office of Management Information Systems.

1101-2380 For the administration of the bureau of computer services, the bureau of systems services, the expenses of the personnel management information system, the administration of the office of management information systems, and the administration of the bureau of systems policy and planning; provided, that said bureau of systems policy and planning shall conduct and complete an update to a data processing survey,

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of all state departments and agencies, including the judicial branch and all educational institutions under the board of regents, and all said departments and agencies are hereby directed to provide the information or data on such forms as the bureau shall prescribe as follows; (1) a report of each such agency specifying all data processing equipment, and specifying whether said equipment is owned, leased or in the possession of such agency on July one, nineteen hundred and eighty-six, including a projection for fiscal year nineteen hundred and eighty-seven, and in the case of an agency contracting for data processing services, listing the name of the vendor, the dollar amount of the contract and the terms thereof briefly summarized, a brief description of the product to be delivered, if applicable, and the purpose of each such contract; (2) a summary report of all the funds budgeted for fiscal year nineteen hundred and eighty-seven for all agencies for data processing within said agencies according to subsidiary accounts, excluding projects with said bureau but including all salaries and equipment related expenses; and (3) a summary report of all funds budgeted for fiscal year nineteen hundred and eighty-seven by all agencies for data processing to be done with said bureau specifying the name of each project, a brief description of the purposes to be accomplished by the project in fiscal year nineteen hundred and eighty-seven, including the fiscal year nineteen hundred and eighty-seven salaries and equipment related expenses to be expended by the agency; provided further, that said bureau may call upon any state department, agency, judicial branch or educational institution, including an on-site visit to verify any such survey information and no department or agency shall refuse entry or fail to cooperate in such verification; provided, however, that the lottery commission, for the purposes of security of information, may impose reasonable restrictions and establish guidelines for proper supervision by it of any such on-site visit; and provided further that a complete report of the aforementioned summaries shall be filed on or before January fifteenth, nineteen hundred and eighty-seven, with the house and senate committees on ways and means; and provided, further, that said office of management information systems is hereby authorized and directed to schedule all expenditures for the Massachusetts public assistance control system, the Massachusetts management accounting and reporting system, all computer automation for the registry of motor vehicles, and the department of revenue's so-called masstax system, including not more than three hundred and sixty-six positions.

\$17,400,000

Central Services Division

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| 1102-3210 | For the administration of the division of capital planning and operations; provided, that notwithstanding any law to the contrary, the director of the division of capital planning and operations is hereby authorized and directed to provide suitable space in the McCormack State Office Building to be utilized as a day care center for the children of state employees provided that the operator of such day care center shall pay rent to the commonwealth for said space and shall reimburse the commonwealth for any state tax revenue expended for the purpose of making improvements to the space provided, and that said space requirements and any incidental expenses attendant thereto shall be at no cost to the commonwealth; provided that the director of capital planning and operations is further authorized and directed to conduct a study and analysis of the work necessary and related cost of making capital repairs and improvements to the buildings currently being occupied, operated and maintained by the University of Massachusetts-Boston, located at Stuart St. in Boston; provided, further, that said division shall submit a report to the house and senate committees on ways and means by September first, nineteen hundred and eighty-six, defining the state's rationale for debt financing of capital projects and equipment purchases, and establishing criteria for determining the useful lives of capital assets, including equipment purchases, repairs/minor renovations, and new construction/major renovations, including not more than one hundred and eighty-one positions. | \$6,578,846 |
| 1102-3290 | For the administration of the state house arts commission; provided, that not less than fifty-eight thousand dollars be available for the inventory and conservation of art objects in the state house | \$83,575 |
| <u>Bureau of State Buildings.</u> | | |
| 1102-3301 | For the administration of the bureau of state buildings and for the maintenance and operation of buildings under the jurisdiction of the state superintendent of buildings, including not more than one hundred and sixty-eight positions | 17,206,770 |
| <u>Office of Telecommunications.</u> | | |
| 1102-4050 | For the administration and operation of an office of telecommunications; provided, that said office administer the purchase of currently leased telephone switching devices, including not more than seventeen positions | \$582,732 |
| 1102-5201 | For the expenses and administration of a motor vehicles management bureau, including not more than fifteen positions | \$382,181 |

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1102-5211 For purchase, operation and repair of certain motor vehicles; provided, that the commissioner of administration submit to the house and senate committees on ways and means quarterly reports of expenditures by subsidiary from this item \$2,950,288

Comptroller's Division.

1103-1000 For the administration of the division, and for the purpose of compliance with the Single Audit Act of nineteen hundred and eighty-four, Public Law 98-502, for the federally required comprehensive, statewide, single audit of state operations for the fiscal year ended June thirtieth, nineteen hundred and eighty-six, in accordance with generally accepted accounting principles; provided, that, notwithstanding any general or special law to the contrary, allocated federal funds transferred from federal reimbursement and grant receipts shall be credited to and expended from this account without further appropriation, in addition to state funds appropriated to this account, for the cost of compliance with the mandate of the federal law and office of management and budget regulations, including not more than one hundred and twenty-seven positions \$5,138,999

Bureau of Special Investigations.

1103-5010 For the administration of the bureau of special investigations, including not more than one hundred and forty-one positions \$4,039,882

Purchasing Agent's Division.

1104-1000 For the administration of the division, including not more than fifty-seven positions \$1,828,451
1104-1010 For an office of purchased services; provided, that not less than one hundred thousand dollars be obligated for purposes of a contract to provide management assistance to provider organizations; including not more than two positions \$300,000

Other Administration and Finance.

1105-1000 For the administration of the division of employee relations; provided, that during the negotiation of any collective bargaining agreement the commissioner shall file with the house and senate committees on ways and means the provisions of each offer made by the commonwealth, the total estimated cost of such offer, and an analysis of the ability of the commonwealth to provide sufficient revenues to pay for said offer; and provided further, that such information shall be

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filed with said committees for each subsequent collective bargaining offer made by the commonwealth, including not more than twenty positions \$858,431

Department of Personnel Administration.

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| 1107-1000 | For the administration of the department; provided, however, that notwithstanding any special or general law or regulation to the contrary, the department of personnel administration is hereby authorized and directed to establish a fee of not less than ten dollars for each civil service examination given on or after September thirtieth, nineteen hundred and eighty-four; provided, further, that not less than twenty-five thousand dollars shall be obligated for a study of the personnel systems of community-based service providers; and provided, further, that no funds are obligated for purposes of executive search programs except any executive search program which may be conducted pursuant to Executive Order No. 227 adopted on February 25, 1983, as amended, and provided further, that the department of personnel administration administer a program of state employee unemployment management, including, but not limited to, agency training and assistance; including not more than two hundred and thirty-three positions | \$6,993,036 |
| 1107-1010 | For the expenses of the Massachusetts employee assistance program | \$600,000 |
| 1107-1011 | For the administration of the civil service commission, including not more than eleven positions | \$251,553 |
| 1107-2400 | For the office of handicapped affairs, including not more than thirteen positions | \$567,633 |
| 1107-2500 | For the office of affirmative action, including not more than fourteen positions | \$448,334 |
| 1110-1000 | For the administration of the division of administrative law appeals established by section four H of chapter seven of the General Laws; provided, that notwithstanding any provision of law to the contrary the cost of services rendered to any office or agency for an appeal shall be charged to such office or agency, such charges to include an allowance for overhead as determined by the commissioner of administration; provided further, that the payments for such services shall be paid to the General Fund; and provided further, that no such service shall be provided without a written contract filed with the comptroller, including not more than fourteen positions | \$470,188 |
| 1111-0010 | For the administration of the bureau of teachers' retirement; provided, that not less than fifty thousand dollars be expended for the purposes of a member information services program for the retired and active members of the state teachers' retirement system, including not more than forty-eight positions | \$1,427,893 |
| 1111-1001 | For the payment of retirement assessments of teachers formerly in military or naval service | \$1,000 |

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| 1111-1002 | For reimbursement of certain cities and towns for pensions to retired teachers; provided that any amounts, not due and owing, remaining in this account as of the end of June thirtieth, nineteen hundred and eighty-seven shall be transferred to the pension reserve fund of the teachers' retirement system, prior appropriation continued | \$22,262,694 |
| | Local Aid Fund | 100.0% |
| 1111-1003 | For the payment of the commonwealth's share in financing the teachers' retirement system; provided that any amounts, not due and owing, remaining in this account as of the end of June thirtieth, nineteen hundred and eighty-seven shall be transferred to the pension reserve fund of the teachers' retirement system, prior appropriation continued | \$182,648,558 |
| | Local Aid Fund | 100.0% |

Group Insurance Commission.

| | | |
|-----------|---|-------------|
| 1120-1000 | For administration of the group insurance program, including not more than eighty-one positions | \$2,050,000 |
| 1120-2000 | For the commonwealth's share of the group insurance premium; provided, that not more than one hundred and seventy-five thousand dollars shall be obligated for the audit of said premium; provided further, that not more than one hundred and fifty thousand dollars shall be obligated for pilot programs in hospital audit and case management; provided further, that the commission shall report by April fifteenth, nineteen hundred and eighty-seven to the committees on ways and means on said pilot programs, including all expenditures, all savings generated or costs avoided, an assessment of the success of the programs, and any proposals for program continuation including specific program budgets and projections of savings to be realized for fiscal year nineteen hundred and eighty-seven; provided further, that the group insurance commission shall charge the division of employment security and other departments, authorities, agencies and divisions which have federal or other funds allocated to them for this purpose for that portion of the cost of the program as it determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds, and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that notwithstanding the provisions of section twenty-six of chapter twenty-nine of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts by April first of each year for a policy or policies of group insurance as authorized by chap- | |

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| | ter thirty-two A of the General Laws; provided further, that the present level of health insurance coverage shall be maintained but shall not constitute payments in full of charges for health care services; provided further, that effective July first, nineteen hundred and eighty-six, said commonwealth's share of the group insurance as provided, in section eight of said chapter thirty-two A shall be ninety per cent of the total monthly premiums or rates as established by the commission effective July first, nineteen hundred and eighty-six; provided further, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother; and provided further, that the commission shall notify the house and senate committees on ways and means, by April fifteenth of each year, of the commonwealth's actual cost of its share of group insurance premiums for the next fiscal year | \$223,746,744 |
| 1120-3000 | For the group insurance premium for certain retired employees and their dependents and the audit of said premium; provided, that no funds appropriated under this item shall be expended for payment of abortions not necessary to prevent the death of the mother, prior appropriation continued. | |
| 1120-4000 | For the group insurance premium for certain retired municipal teachers and their dependents, and the audit of said premium; provided, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother, prior appropriation continued | \$5,561,863 |
| <u>George Fingold Library.</u> | | |
| 1120-4005 | For the administration of the library; and provided that not less than two hundred thousand dollars be obligated for the purchase of books, periodicals, and microfilms to maintain a current government research library collection, including not more than twenty-six positions | \$906,686 |
| <u>Council on the Arts and Humanities.</u> | | |
| 1121-0100 | For the administration of the council, including not more than twenty-one positions | \$1,015,924 |
| | General Fund 75.9% | |
| | Local Aid Fund 24.1% | |
| 1121-0110 | For projects and productions funded by the council; provided, that no funds appropriated herein shall be used for administrative expenses of the council; provided further, that not less than seven per cent of said appropriation shall be expended on projects and productions which are community-based nonprofessional activities to be in addition to any federal funds available for the purpose; | |

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| provided further, that not less than three million dollars be spent for the purposes of the Community Resource Act as provided in chapter seven hundred and seventy-two of the acts of nineteen hundred and eighty-one; and provided further, that not less than one million one hundred fifty-eight thousand two hundred and seventy-seven dollars shall be spent for science cultural organizations and programs | | \$17,250,000 |
| General Fund | 75.9% | |
| Local Aid Fund | 24.1% | |

Division of Public Employee Retirement Administration.

| | | |
|---|-------|--------------|
| 1140-0100 For the administration of a division of public employee retirement, including the management of state employees workers' compensation cases and the establishment of regional medical panels, including not more than sixty positions | | \$3,799,703 |
| 1140-0200 For the purposes of workers' compensation paid to public employees, including previous fiscal years | | \$17,772,442 |
| Highway Fund | 35.0% | |
| General Fund | 65.0% | |

Massachusetts Commission Against Discrimination.

| | | |
|--|--|-------------|
| 1150-5100 For the office of the commission; provided, that all positions except clerical are exempted from the provisions of chapter thirty-one of the General Laws; and provided further, that said commission shall pursue the highest rate of federal reimbursement per charge allowable, including not more than forty-seven positions | | \$1,533,177 |
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Retirement Law Commission.

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| 1180-1000 For the administration of the commission, including not more than three positions | | \$121,030 |
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DEPARTMENT OF REVENUE.

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| 1201-0100 For the administration of the department, including audits, of certain foreign corporations, and for the rental, maintenance and operation of offices to assist in the administration of the department; for the expenses of administering section forty-five A of chapter sixty-two G of the General Laws, for salaries and expenses of the wage reporting system; provided, that not less than one million three hundred thousand dollars be obligated for the expenses of the wage report- | | |
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| | ing system; provided further, that said department shall establish and maintain an office in the town of Greenfield, to be open not less than three days per week; provided further, that the comptroller shall transfer to the General Fund the sum of two hundred and sixty thousand dollars from the receipts of the cigarette tax in accordance with the provisions of paragraph (b) of section fourteen of chapter two hundred and ninety-one of the acts of nineteen hundred and seventy-five, including not more than two thousand and twelve positions | \$71,500,000 |
| | Highway Fund | 10.0% |
| | General Fund | 90.0% |
| 1201-0200 For | consultant services related to the development of the masstax system, so-called; provided, that all expenditures from this item shall be subject to satisfactory quarterly reviews by the office of management information systems and pursuant to schedules approved by said office | \$5,382,000 |
| | Highway Fund | 10.0% |
| | General Fund | 90.0% |

Local Services.

| | | |
|---------------|---|-------------|
| 1231-0100 For | the administration of the bureaus of municipal data management and technical assistance, property tax, local assessment and accounts, including the expense of auditing municipal accounts where the circumstances require state assistance to accomplish a specific purpose in the protection of the public interest; for the operation of technical assistance and educational programs for financial officials of the cities and towns; for the monitoring of municipal audits performed by independent public accountants; for the supervision of the installation of accounting systems meeting generally accepted accounting principles; for the expenses of materials which may be sold to cities and towns, including the expenses for developing and implementing a comprehensive and voluntary program of technical assistance and training for cities, towns and districts in local property tax assessment administration and accounting and financial management reviews; provided, however, that the department shall file quarterly reports with the house and senate committees on ways and means, detailing those cities, towns and districts receiving services including the cost and nature of said services; and provided further, that said department shall make available to the legislature interactive access to the municipal data bank, including not more than one hundred and ninety-two positions, prior appropriation continued | \$7,100,000 |
| | Local Aid Fund | 100.0% |

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| 1231-1000 For the administration of the county personnel board, including not more than two positions | \$52,680 |
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Bureau of Local Taxation.

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| 1233-1000 For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities | \$15,535,694 |
| Local Aid Fund | 100.0% |
| 1233-1500 For reimbursing cities and towns for loss of taxes on land taken for flood control purposes | \$265,000 |
| Local Aid Fund | 100.0% |
| 1233-2000 For reimbursing cities and towns for abatements granted | \$5,200,000 |
| Local Aid Fund | 100.0% |
| 1233-2310 For reimbursing cities and towns for taxes abated under clauses Forty-first, Forty-first B and Forty-first C of section five of chapter fifty-nine of the General Laws; provided, that the commonwealth shall reimburse each city or town that accepts the provisions of clause Forty-first B or Forty-first C for additional costs incurred in determining eligibility of applicants under said clauses in an amount not to exceed two dollars per exemption granted | \$15,000,000 |
| Local Aid Fund | 100.0% |
| 1233-3000 For reimbursing the city of Boston for loss of taxes on land for government center | \$357,570 |
| Local Aid Fund | 100.0% |
| 1233-3100 For reimbursing certain cities and towns for fifty per cent of career incentive salary increases for police officers | \$6,510,000 |
| Local Aid Fund | 100.0% |
| 1233-3200 For reimbursing the city of Boston for loss of taxes in the Park Square Area | \$430,756 |
| Local Aid Fund | 100.0% |
| 1233-3400 For expenses of the farmland valuation advisory commission for developing and implementing a comprehensive farmland valuation study | \$65,000 |

Appellate Tax Board.

| | |
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| 1310-1000 For the personal services and expenses of the board; provided, that the board schedule hearings in Barnstable, Lawrence, Pittsfield, Worcester and Springfield, including not more than thirty-two positions | \$1,011,528 |
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Miscellaneous.

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| 1599-0002 | For the payment of miscellaneous obligations of the commonwealth, including contributions toward the maintenance of the old provincial state house; for certain annuities and pensions of soldiers and others under the provisions of certain acts and resolves; for claims authorized by section one hundred and forty-nine D of chapter one hundred and seventy-five of the General Laws and for reimbursement for funds previously deposited in the treasury and escheated to the commonwealth; for claims for unpaid checks with the certification of the state treasurer to the comptroller of the amount due; and for the payment of expenses of prior fiscal years for which no funds are available in the current fiscal year; provided, that no payment shall be made unless the subsidiary account item to which the deficiency is to be charged contained a balance sufficient to meet the required payment; and provided further, that the comptroller is hereby authorized to certify such payments and to allocate the cost of such payments to the several other state funds to which the items of appropriation are charged | \$58,500 |
| 1599-0008 | For a reserve for tort claims | \$200,000 |
| 1599-0035 | For certain debt service contract assistance to the Massachusetts Convention Center Authority in accordance with the provisions of section thirty-nine I of chapter one hundred and ninety of the acts of nineteen hundred and eighty-two as amended by section fifteen of chapter six hundred and twenty-nine of the acts of nineteen hundred and eighty-two | \$27,220,553 |
| 1599-2025 | For a reserve to meet emergencies; provided, that the commissioner of administration is hereby authorized to transfer from the sum appropriated herein to other appropriation items where the amounts otherwise available are insufficient, such amounts as are necessary to protect the public interest; provided, that no transfer shall be made as authorized herein until the existence of the said emergency shall have been certified by the agency, the secretary having jurisdiction over the requesting agency; and the commissioner of administration; provided further, that the commissioner of administration is authorized to allocate the amount of said transfers to the several state or other funds to which such items of appropriation are charged; and provided further, that no such transfers or expenditures shall be made without the prior approval of the house and senate committees on ways and means | \$475,000 |
| 1599-2056 | For a reserve to meet the cost of the retirement law commission research project; provided, that the allocation of funds for the purpose of this item shall be based upon a recommendation of the commissioner of administration and finance and approval of the house and senate committees on ways and means | \$175,000 |
| 1599-3100 | For the payment of contributions of the unemployment compensation fund to support the cost of certain employment security benefits; provided, that notwithstanding | |

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ing the provisions of any general or special law to the contrary, as of July first, nineteen hundred and eighty-five, the commissioner of administration is hereby authorized to charge against individual appropriation accounts an amount for deposit into this item of appropriation which may be expended by the commissioner of administration without further appropriation for the purposes of this item, and the amount which is so charged, in the aggregate shall equal the contributions required by the provisions of chapter one hundred and fifty-one A of the General Laws, during the period beginning July first, nineteen hundred and eighty-six and ending June thirtieth, nineteen hundred and eighty-seven. Said amount which is so charged shall be based upon the actual unemployment benefits which were paid to former employees funded through said appropriation accounts during the eighteen month period prior to July first, nineteen hundred and eighty-six.

1599-3315 For the transportation of prisoners to and from the several departments of the trial court by the sheriffs of the various counties, including the cost of personal services and the purchase of vehicles and other equipment for said purposes; provided, that the commissioner of administration is hereby authorized to advance to the county treasurer of each county the sums set forth below for each respective county: Barnstable, two hundred twelve thousand one hundred and thirty-four dollars; Berkshire, one hundred fifty-five thousand three hundred and sixty-seven dollars; Bristol, two hundred sixty-two thousand seven hundred and eighty-eight dollars; Dukes, fifty-five thousand seven hundred and eighty-three dollars; Essex, three hundred thirty-five thousand one hundred and twenty dollars; Franklin, one hundred forty-four thousand eight hundred and one dollars; Hampden, three hundred forty-one thousand five hundred and seventy-five dollars; Hampshire, one hundred fifty-eight thousand three hundred and four dollars; Middlesex, five hundred thirty-five thousand one hundred and fifteen dollars; Norfolk, three hundred fifty-five thousand nine hundred and fifty-one dollars; Plymouth, three hundred thirty-seven thousand three hundred and forty-one dollars; Suffolk, two hundred ninety-seven thousand six hundred and ninety-six dollars; Worcester, three hundred twenty-one thousand one hundred and twenty-three dollars; provided further, that the commissioner of administration, upon agreement of the respective sheriffs, may adjust such amounts in such a fashion as is necessary to meet the actual cost of said transportation; provided further, that each such treasurer shall deposit said amounts into a fund to be expended solely for the purpose of this item; and provided further, that any interest earned by said fund shall be deposited to said fund and made available for expenditure for the purpose of this item in addition to the amounts appro-

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| | priated herein and that any unexpended balance of such fund as of June thirtieth, nineteen hundred and eighty-seven, shall be returned to the commonwealth | \$3,513,098 |
| | Local Aid Fund 100.0% | |
| 1599-3403 | For a reserve to fund the development and implementation of certain management information systems; provided, that the commissioner of administration, upon the recommendation of the director of the office of management information systems, is authorized to transfer funds from this item to other items of appropriation or to expend funds directly from this reserve; and provided further, that no such transfers or expenditures shall be made without the prior approval of the house and senate committees on ways and means, prior appropriation continued | \$2,750,000 |
| 1599-3407 | For the purpose of municipal reimbursements to be paid according to the provisions of chapter four hundred and seventy of the acts of nineteen hundred and eighty-three; provided, that the commissioner of administration shall convene a working committee made up of his own designee, a designee of the secretary of labor, a designee of the commissioner of the department of environmental quality engineering and an appropriate designee of cities and towns, to define fully the role of the municipal coordinator in implementing the provisions of chapter four hundred and seventy of the acts of nineteen hundred and eighty-three, and to establish guidelines for purposes of reimbursing cities and towns for reasonable costs associated with the necessary activities of municipal coordinators; a report of this committee must be submitted to the house and senate committees on ways and means prior to the expenditure of any funds contained herein for reimbursement of local costs, prior appropriation continued. | |
| | Local Aid Fund 100.0% | |
| 1599-3408 | For a reserve to fund the collective purchase of motor vehicle equipment, including both passenger and non-passenger vehicles, for all agencies. The commissioner of administration shall establish a control system for the expenditures of funds from this line item and shall for said purpose review and approve or disapprove all requests from agencies to replace or purchase new motor vehicle equipment | \$4,140,121 |
| | Highway Fund 50.0% | |
| | General Fund 50.0% | |
| 1599-3415 | For a reserve to meet the fiscal year nineteen hundred and eighty-seven cost of the commonwealth's contributions to the trust funds established pursuant to article thirteen of the collective bargaining agreement between the commonwealth and the Massachusetts Nurses Association and to article thirteen of the collective bargaining agreement between the commonwealth and the national association of governmental employees | \$1,401,000 |
| 1599-3524 | For the implementation of chapter seven hundred and sixty-one of the acts of nine- | |

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teen hundred and eighty-five, provided, that the office of purchased services shall develop a plan for the implementation of said chapter subject to the approval of the house and senate committees on ways and means; provided further, that no funds shall be expended or transferred from this item until said management plan is approved; provided further, that upon approval of said plan, funds may be transferred from this item to other items of appropriation pursuant to schedules approved by the director of the office of purchased services \$2,500,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

Notwithstanding any provision of law to the contrary, the secretary of environmental affairs shall provide the secretary of administration and finance and the house and senate committees on ways and means notification of any alterations in programmatic undertakings from those programs listed in the line items below. If, within thirty days of notification of said alterations in programmatic undertakings, no action has been taken by either the secretary of administration and finance or the house and senate committees on ways and means, said alterations shall take effect.

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| 2000-0100 | For the office of the secretary, including the expenses of the water resources commission, the division of conservation services, a program for coastal zone management, for a program of review of environmental impact reports pursuant to chapter thirty of the General Laws, and including an amount not less than one hundred thousand dollars for the operating expenses of the state conservation districts and including an amount not less than forty-two thousand dollars for the purpose of developing a five year natural resource plan; and for land use planning and development; provided, that the secretary of the executive office of environmental affairs is hereby authorized to enter into interagency agreements with any other of those state agencies within the executive office of environmental affairs, whereby the department may render data processing services to said agencies; provided further, that the comptroller is hereby authorized to allocate the cost of such data processing services to the several state and other funds to which items of appropriation of such other agencies are charged, including not more than seventy-five positions | | \$2,588,052 |
| | General Fund | 87.5% | |
| | Local Aid Fund | 12.5% | |
| 2000-0150 | For the expenses of the Martha's Vineyard Commission | | \$115,000 |

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| 2000-0300 | For a program of acid rain research; provided, that the comptroller shall allocate amounts herein appropriated to the department of environmental quality engineering, department of fisheries, wildlife and environmental law enforcement, the department of environmental management, the metropolitan district commission, and the department of food and agriculture pursuant to schedules filed by the secretary of environmental affairs and approved by the house and senate committees on ways and means | \$500,000 |
| 2000-0350 | For a marine research program to study the long-term effects of pollutants on the marine resources within the harbors of the commonwealth; provided, that the comptroller shall allocate amounts herein appropriated to the department of environmental quality engineering, department of fisheries, wildlife and environmental law enforcement, the department of environmental management, the metropolitan district commission, and the department of food and agriculture pursuant to schedules filed by the secretary of environmental affairs and approved by the house and senate committees on ways and means | \$90,000 |

Hazardous Waste Facility Site Safety Council.

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| 2050-0100 | For the administration of the hazardous waste facility site safety council, including not more than four positions | \$206,533 |
| 2050-0200 | For technical assistance grants to cities and towns, as authorized in chapter twenty-one D of the General Laws; provided that not less than twenty-nine thousand dollars shall be expended for a feasibility study for a geographic information system for environmental data in Massachusetts, and for a hazardous waste source reduction program to be administered by the department of environmental management, prior appropriation continued. | |
| | Local Aid Fund | 100.0% |
| 2050-0300 | For reimbursement of expenses incurred by the town of Warren relative to IT Corporation hazardous waste facility siting process, including legal, rental and other expenses | \$85,903 |

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

Notwithstanding any general or special law to the contrary, the department of environmental management, upon approval of the secretary of environmental affairs, shall provide the secretary of administration and finance and the house and senate committees on ways and means notification of any alterations in programmatic undertakings from those programs listed in the line items below. If, within

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- thirty days of notification of said alterations in programmatic undertakings, no action has been taken by either the secretary of administration and finance, or the house or senate committees on ways and means, said alterations shall take effect.
- 2100-0100 For the administration of the department, for the operation of the division of forests and parks, including a program of public transportation assistance to the recreation areas and facilities of the Boston Harbor Islands; for the division of water resources, including the expenses of certain flood control commissions; for the expenses of the Ipswich River watershed commission; for the administration of the hazardous waste source reduction and facility siting program; for the dam safety program; for the maintenance of property in the town of Plymouth; for the operation and maintenance of state piers in New Bedford and Gloucester; for the expenses of the North River commission, and for the expenses of the scenic rivers program; provided, that the position of the deputy commissioner of environmental management shall not be subject to the provisions of chapter thirty-one of the General Laws; provided further, that the department of environmental management, with the approval of the secretary of environmental affairs, shall submit to the secretary of administration and finance and the house and senate committees on ways and means on or before October fifteenth, nineteen hundred and eighty-six, a plan for the distribution of the funds appropriated herein among the major programs as set forth above, such plan to include a narrative statement for each program, the number of personnel to be assigned to each program and a subsidiary account analysis, provided that not less than ninety thousand dollars shall be obligated for the expenses of gurry disposal, including not more than one hundred and forty positions \$5,548,093
- 2100-0163 For the development of final design and engineering plans, including the preparation of bidding documents, copies of engineer permits and other documents necessary for the implementation of the master plan for the Blackstone River and Canal Heritage State Park and for an economic impact study including technical assistance and recommendations including rezoning, greenway development, historic preservation and conservation restrictions, pertaining to the development of the rate Park along the Blackstone River corridor beginning in the city of Worcester, south of the Massachusetts/Rhode Island state boundary. Said study recommendations and technical assistance shall be provided to the Blackstone Valley Chamber of Commerce for the marketing and promotion of economic development projects related to said Heritage State Park, prior appropriation continued.
- 2100-0165 For the development of final design and engineering plans, including the preparation of bidding documents, copies of engineer permits and other documents neces-

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| | sary for the implementation of Phase II of the master plan for the Blackstone River and Canal Heritage State Park within the Monument Square section of the town of Blackstone, prior appropriation continued. | |
| 2120-0300 | For the administration of the bureau of recreation, and for the operation of facilities under the management of the bureau of recreation including forests and parks, certain reservations, salt water beaches, and skating rinks and swimming pools; provided however, that any positions assigned to skating rinks and swimming pools, including the positions of supervisor of rinks and pools and the district supervisor of rinks and pools, shall not be subject to the provisions of chapter thirty-one of the General Laws; provided further, that not less than thirty-three full time positions be assigned to region five, including not more than three hundred and ninety-two positions | \$15,556,359 |
| | Local Aid Fund | 75.0% |
| | General Fund | 25.0% |
| 2120-0301 | For the purpose of conducting a study into the feasibility of constructing an open space park along the French River in the towns of Webster, Dudley and Oxford | \$25,000 |
| 2120-0302 | For the implementation of phase II of an open space plan in the town of Southbridge | \$75,000 |
| 2120-0305 | For a grant program to the town of Winchendon to assist in the purchase of open space known as the militia training field | \$65,000 |
| | Local Aid Fund | 100.0% |
| 2120-0400 | For restoration of the Charles River Museum of Industry, including an aerial gallery for exhibition space and to provide a framework for mechanical and electrical systems and to provide additional public access, prior appropriation continued. | |
| 2120-1100 | For the expense of programs in forest management and development, including forestry assistance projects, the office of the state fire warden, and suppression of insect pests and shade tree diseases, including not more than one hundred and thirty-nine positions | \$3,731,986 |
| 2120-1500 | For the purposes of the bureau of urban services for the administration of the urban heritage parks program including grants or service contracts; provided, that not less than ninety thousand dollars shall be allocated for the operation of the Heritage State Park in Lynn, provided further, that not less than twenty thousand dollars be expended for the Holyoke Park Railroad, Incorporated, including not more than forty-three positions | \$1,425,809 |
| 2120-1504 | For the construction of a picnic shelter at the Ames Nowell Park in the town of Abington | \$25,000 |
| 2120-1505 | For a grant to the city of Salem for increased patrols at Willow Park | \$25,000 |
| 2120-1601 | For repairs to Ashfield Lake Dam | \$480,000 |
| 2120-1602 | For repairs to Greswold, Hawkes and Walden pond Dams | \$675,000 |
| | Local Aid Fund | 100.0% |

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| 2120-1603 | For repairs to South Hopedale Well Local Aid Fund | 100.0% \$100,000 |
| 2120-1604 | For repairs to Onset Pier in Wareham Local Aid Fund | 100.0% \$850,000 |
| 2120-1605 | For repairs to Woods Hole Dock in Falmouth Local Aid Fund | 100.0% \$200,000 |
| 2150-0500 | For a continuous program of cleaning and dredging of harbors and inland waters as authorized by chapter eight hundred and seventy-eight of the acts of nineteen hundred and seventy; provided, that a sum not exceeding fifteen thousand dollars shall be used for development of final engineering plans, including the preparation of bidding documents, corps of engineer permits and other documents for the control of the outflow and water level of Lake Nipmuc in the town of Mendon; provided further, that a sum not exceeding seventy thousand dollars shall be used to complete the Washington Street Dam in Hudson; provided further, that a sum not exceeding thirty thousand dollars shall be used for bank stabilization of the Mill Creek in Chelsea; provided further, that a sum not exceeding forty-four thousand dollars shall be used for repairs to a sluice gate in the South Charlton Reservoir at Charlton; and provided further, that a sum not exceeding one hundred thousand dollars shall be used for the improvements of the Schoolhouse Brook in the town of West Springfield, prior appropriation continued | \$75,000 |
| 2150-0503 | For a continuous program of cleaning harbors and inland waterways, as authorized by chapter eight hundred and seventy-eight of the acts of nineteen hundred and seventy; provided that a sum not to exceed two hundred and forty thousand dollars shall be used to dredge the Housatonic River and stabilize the stream bank in the vicinity of the Park Street bridge in the village of Housatonic, prior appropriation continued | \$56,000 |
| 2150-0504 | For a program for the removal of instream obstructions and debris, and instream aeration of the Matfield river in the towns of West Bridgewater and East Bridgewater | \$100,000 |
| 2150-0506 | For a continuous program of cleaning and dredging harbors and inland waters as authorized by chapter eight hundred and seventy-eight of the acts of nineteen hundred and seventy; provided, that an amount not exceeding twenty thousand dollars be expended, without further appropriation by either town, for a study of water quality and for control and cleanup of weeds, algae and other aquatic nuisance at Lake Singletary in the towns of Milbury and Sutton including recommendations for the preservation of said Lake, prior appropriation continued. | |
| 2150-0507 | For a continuous program of cleaning and dredging of harbors and inland waters as authorized by chapter eight hundred and seventy-eight of the acts of nineteen | |

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| | hundred and seventy; provided, that this appropriation be used for the rehabilitation and dredging of McKinsty Pond in Oxford, including related environmental reports of engineering studies that the division deems necessary prior to the actual commencement of dredging activities, prior appropriation continued. | |
| 2150-0509 | For the dredging and erosion control including structures, if necessary, to improve flow conditions of the Aberjona River/Wedge Pond, Winchester, prior appropriation continued | \$250,000 |
| 2150-0511 | For a flood control project along Union Street in North Adams, said appropriation is in addition to the amount appropriated in item 2150-8844 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$100,000 |
| 2150-0521 | For channel excavation, dredging and structural repairs to Pine Tree Brook in the town of Milton, said work to be done in accordance with the plans and designs authorized by item 2270-0525 of chapter two hundred and four of the acts of nineteen hundred and eighty-three, and item 2150-0527 of chapter two hundred and eighty-nine of the acts of nineteen hundred and eighty-three, prior appropriation continued. | |
| 2150-0522 | For a study of Bennets/Crystal Brook in Saugus for hydrologic analysis, erosion control, dredging, water quality improvement and dam rehabilitation, prior appropriation continued. | |
| 2150-0525 | For the continuation of the design, construction, repair and improvement of the Perryville Dam in the town of Rehoboth, provided that the department of environmental management shall commit such funds authorized upon the petition of the local governing body and providing further that the department of environmental management shall be responsible for the design, construction, repair and improvement of such project | \$85,000 |
| 2150-0540 | To maintain and regulate the water flow from Sluice Pond to Flax Pond in the city of Lynn | \$25,000 |
| 2150-0541 | For the Clarksburg Briggsville Dam project, said appropriation is in addition to the amount appropriated in item 2150-8841 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$15,000 |
| 2150-0542 | For the cleaning and dredging of Memorial Park Pond in the city of Taunton | \$120,000 |
| 2150-0543 | For the clean-up of floating debris in Boston Harbor | \$100,000 |
| 2150-0544 | For continuation of the North River Commission two-year study of a pollution management plan | \$50,000 |
| 2150-0550 | For the design and engineering for a marina at Pope's Island in the city of New Bedford, prior appropriation continued. | |
| 2150-0560 | To direct the department of environmental management, division of water ways to | |

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study the cost of cleaning the Westport River and report its findings on or before June thirtieth, nineteen hundred and eighty-seven

\$50,000

DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING.

Office of the Commissioner.

Notwithstanding any general or special law to the contrary, the department of environmental quality engineering upon approval of the secretary of environmental affairs, shall provide the secretary of administration and finance and the house and senate committees on ways and means notification of any alterations in programmatic undertakings from those programs listed in the line items below. If, within thirty days of notification of said alterations in programmatic undertakings, no action has been taken by either the secretary of administration and finance, or the house and senate committees on ways and means, said alterations shall take effect.

2200-0100 For the administration of the department, including the administration of the division of water pollution control, for the administration of the collection of sewer grants management program, for the administration of the division of water supply and the shellfish program, for the expenses of the Lawrence Experimental station, for the expenses of programs in air quality control, including the administration of six air pollution control districts, for programs in hazardous and solid waste disposal, for the operation of a wetlands program in accordance with the provisions of sections forty and forty A of chapter one hundred and thirty-one and section one hundred and five of chapter one hundred and thirty of the General Laws; provided that not more than three hundred thousand dollars be expended for the purpose of a contract with the University of Massachusetts for environmental research, provided further, that not less than ten positions be used for the administration of the clean lakes program; provided further, that the department of environmental quality engineering, with the approval of the secretary of environmental affairs, shall submit to the secretary of administration and finance and the house and senate committees on ways and means on or before October fifteenth, nineteen hundred and eighty-six, a plan for the distribution of the funds appropriated herein among the major programs as set forth above, such plan to include a narrative statement for each program, the number of personnel to be assigned to each program and a subsidiary account analysis for each program, including not more than five hundred and eighty-eight positions

\$21,514,452

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| 2200-0111 | For the purpose of implementing certain provisions of chapter four hundred and seventy of the acts of nineteen hundred and eighty-three, the "Right-to-Know" law, so-called, including not more than nineteen positions | \$581,000 |
| 2200-0300 | For grants to cities, towns and regional planning agencies for programs to provide for the safe disposal of household hazardous waste; provided further, that said program shall provide for the establishment of disposal locations and the dissemination of information concerning said locations; provided further, that grants may be made to the University of Massachusetts for the establishment of programs to assist cities, towns and regional planning agencies in undertaking programs to dispose of household hazardous waste; and provided further, that said funds shall be administered by cities, towns and regional planning agencies pursuant to standards and regulations established by the department of environmental quality engineering, prior appropriation continued. | |
| 2200-0301 | For the purpose of establishing a grant program for public education activities and environmental monitoring and testing relative to toxic contamination in the New Bedford area and other communities with hazardous waste sites, prior appropriation continued | \$60,000 |
| 2200-0303 | For the testing of the Neponset Valley Aquifer in the towns of Canton, Dedham, Norwood and Westwood | \$150,000 |
| 2200-0304 | For the testing of the Cochato River and the Richardi Reservoir in the towns of Braintree, Holbrook, and Randolph | \$75,000 |
| 2200-0305 | For the purpose of studying alternative water supplies for the communities of Carver, Middleboro, Plymouth, and Wareham | \$200,000 |
| 2200-0306 | For the purpose of studying the feasible alternatives of water supplies for the town of Southwick, provided that not more than nineteen thousand and twenty-six dollars be expended to reimburse the town of Southwick for construction work to address ethyl di-bromide (EDB) contamination | \$100,000 |
| 2200-0309 | For implementation of phase two of the study of Southwick Wellfield Contamination affecting the town of West Springfield to define remediation alternatives and costs of type, extent and source contamination | \$250,000 |
| 2240-0600 | For reimbursement to the metropolitan district commission and any city or town or other political subdivision for the commonwealth's share of water pollution abatement projects | \$746,541 |
| | Local Aid Fund | 100.0% |
| 2250-0900 | For the control of algae, weeds and other aquatic nuisances in lakes, ponds, streams and other waters within the commonwealth, to be in addition to any private or public funds available for the purposes; provided, that an amount not exceeding eighteen thousand dollars shall be used for weed control and cleanup at Hoosac | |

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| | Lake in the town of Cheshire; provided further, that an amount not exceeding five thousand dollars shall be used for weed control of algae, weeds and other aquatic nuisances at Chandler's Pond in the Brighton section in the city of Boston; and provided further, that an amount not exceeding fifty-six thousand dollars shall be used to provide a diagnostic feasibility study at Box Pond in the town of Bellingham, prior appropriation continued | \$56,000 |
| 2250-0907 For | a grant to the town of Sutton for the design and construction of the "New Village" sewer renovation project in Manchaug, including new leach trenches, septic tanks, pumps and pumping chamber, pipes, grading and excavation; provided, that the department of environmental quality engineering give prior notice of this project to the town of Sutton and its residents before this project begins, with informational meetings held with affected residents, prior appropriation continued | \$100,000 |
| | Local Aid Fund 100.0% | |
| 2250-0909 For | a study and engineering survey to correct and restore the proper flow of stagnated water at Leesville Pond around the New Swedish Cemetery situated in Worcester and Auburn up to the dam at Webster Street, Worcester, prior appropriation continued. | |
| 2250-0911 For | a water resources study to be conducted by the Central Plymouth County Water District advisory board | \$50,000 |
| 2250-0912 For | a grant to the town of Hanson for the purpose of a water feasibility study | \$55,000 |
| 2250-0913 For | an investigation and study of the impact of emissions of oxides of nitrogen on the environment of the commonwealth, with a view toward assessing the appropriateness of current emissions standards for such oxides. Such a study may include, but is not limited to, environmental sampling, mobile and stationary source investigation, and investigation of the interaction of such oxides with other pollutants to cause stress on forests. The department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before October thirty-first, nineteen hundred and eighty-eight | \$100,000 |

DEPARTMENT OF FISHERIES, WILDLIFE AND ENVIRONMENTAL LAW ENFORCEMENT.

Office of the Commissioner.

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| 2300-0100 For | the office of the commissioner, including not more than nine positions | \$307,608 |
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Item

Division of Fisheries and Wildlife.

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| <u>Federal funds received as reimbursements for expenditures from the following items shall be credited as income to the Inland Fisheries and Game Fund:</u> | | |
| 2310-0200 | For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board; and payment of damages caused by wild deer, including not more than twenty-seven positions | \$852,244 |
| | Inland Fisheries and Game Fund 100.0% | |
| 2310-0300 | To develop and improve facilities for public use and division operation at fish hatcheries, game farms, wildlife management areas, and field headquarters, prior appropriation continued | \$72,476 |
| | Inland Fisheries and Game Fund 100.0% | |
| 2310-0310 | For the acquisition of upland areas, wetland areas, and in holdings, prior appropriation continued | \$200,000 |
| | Inland Fisheries and Game Fund 75.0% | |
| | General Fund 25.0% | |
| 2310-0315 | For the purchase or lease of certain equipment, in accordance with a schedule approved by the house and senate committees on ways and means | \$200,000 |
| | Inland Fisheries and Game Fund 100.0% | |
| 2310-0400 | For the administration of game farms and wildlife restoration projects, for wildlife research and management, for the administration of fish hatcheries, for the improvement and management of lakes, ponds and rivers, for fish and wildlife restoration projects, for the commonwealth's share of certain cooperative fishery and wildlife programs, and for certain programs reimbursable under the federal aid to fish and wildlife restoration act; provided, that an amount shall be used by the University of Massachusetts for the purposes of wildlife and fisheries research; provided, further, that expenditures for such programs shall be contingent upon prior approval of proper federal authorities for reimbursement of at least seventy-five per cent of the amount expended, including not more than one hundred and fourteen positions | \$3,400,000 |
| | Inland Fisheries and Game Fund 100.0% | |
| 2310-0500 | For the expenses of a state funded program in natural heritage; provided, that an amount not less than seventy-five thousand dollars shall be allocated for the expenses of a program in greenway planning; provided, that an amount not less than thirty thousand dollars shall be allocated for a program of restoring and preserving the environmental and recreational quality of the Assabet River | \$211,041 |
| 2310-0550 | The division of fisheries and wildlife is authorized and directed to monitor, evalu- | |

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| | ate and mitigate the impact acid deposition, commonly known as acid rain, on the inland fisheries and water resources of the commonwealth including a contract with the water resources research center at the University of Massachusetts for the purposes of continuing the program now being conducted by the center; provided that not more than one hundred thousand dollars shall be expended for a program of aquatic toxicology | \$432,016 |
| 2315-0100 For | the administration of a program of non-game management and research, including not more than five positions | \$295,308 |
| | Non-Game Wildlife Fund | 100.0% |

Public Access Board.

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| 2320-0100 For | the maintenance, operation, acquisition and improvement of public access land and water areas, as authorized by section seventeen A of chapter twenty-one of the General Laws, including not more than three positions; provided that the positions shall not be subject to the provisions of chapter thirty-one | \$151,470 |
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Division of Marine Fisheries.

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| 2330-0100 For | the administration of the division, including expenses of the Cat Cove marine research station, marine research program, marine recreational fisheries programs, and commercial fisheries, and for the operation of the shellfish treatment plant at Newburyport; provided, that the division conduct a long-term contaminant monitoring program of marine species in Boston and Salem harbors, provided further, that not less than fifty thousand dollars be obligated for a water quality testing program in the Buzzards Bay area | \$1,950,000 |
| 2330-0310 For | a Marine Recreational Fish Survey, including not more than four positions | \$400,000 |
| 2330-0350 For | right whale research in Cape Cod and Massachusetts bays | \$50,000 |
| 2330-0600 For | a program of self-help to cities and towns for the cultivation, propagation and protection of shellfish; provided, that towns receiving funds under this program shall develop a shellfish management plan approved by the director of the division of marine fisheries and shall provide that division with an accurate accounting of the use of these monies; provided further, that the treasurer of each participating city or town shall annually certify to the director the amounts appropriated by said city or town for the cultivation, propagation, and protection of shellfish; provided further, that the director may expend such sums as may be appropriated; provided further, that such sums as are expended shall not exceed two-thirds of the city or town's annual expenditure for the | |

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| | cultivation, propagation, and protection of shellfish in the preceding year; and provided further, that family use areas and recreational shellfish areas set aside pursuant to section fifty-two which are cultivated, propagated or protected under the funding or provision of this section shall be open to all inhabitants of the commonwealth upon payment of a reasonable fee; provided further, that not more than fifty-five thousand dollars may be expended for a shellfish management and pollution reduction program | \$300,000 |
| 2330-0700 | For a study and improvement to the water flows between the Jahu and Hamblin ponds in the town of Mashpee to enhance shellfish propagation | \$50,000 |
| 2330-0900 | For the purchase of equipment in the division of marine fisheries | \$23,500 |

Division of Environmental Law Enforcement.

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| 2350-0100 | For the administration of the division of environmental law enforcement; provided, however, that each county in the commonwealth shall be assigned at least one full time environmental officer, including not more than one hundred and fifty-nine positions | \$4,716,393 |
| | Inland Fisheries and Game Fund | 7.5% |
| | General Fund | 92.5% |
| 2350-0101 | For the hunter safety training program, including not more than four positions | \$190,556 |
| | Inland Fisheries and Game Fund | 00.0% |

DEPARTMENT OF THE METROPOLITAN DISTRICT COMMISSION.

Notwithstanding the provisions of any general or special law to the contrary, the salaries of all officers and employees of the commission shall be charged in full to appropriations authorized under this heading.

Administration.

| | | |
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| 2410-1000 | For general administration, including not more than forty-one positions | \$1,400,000 |
| | General Fund | 50.0% |
| | Highway Fund | 25.0% |
| | Local Aid Fund | 25.0% |
| 2410-9061 | For the Massachusetts summer youth program, to be allocated, with the approval of the commissioner of the department of the metropolitan district commission and the commissioner of the department of public works, to those agencies selected as participants in the program; provided, that not less than forty per cent | |

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shall be allocated to participants in the city of Boston, twenty-five per cent shall be allocated to participants within those cities and towns which comprise the metropolitan parks, the former metropolitan water and sewer districts and the watershed management division projects, and thirty-five per cent shall be allocated to participants in cities and towns other than those which comprise said districts; provided further, that the provisions of section twenty-nine A of chapter twenty-nine of the General Laws shall not apply to expenditures made from this item; and provided further, that allocations made in accordance with this item may be expended by the selected participants without further appropriation, prior appropriation continued

\$3,000,000

Division of Watershed Management.

- 2420-1400 For the operation and maintenance of the watershed management division; provided, that no water shall be diverted from the Connecticut and Sudbury rivers by the metropolitan district commission or the Massachusetts water resources authority, including not more than one hundred and ninety-one positions
- 2420-1500 For special watershed maintenance

\$5,313,560

\$400,000

Metropolitan Parks District.

- 2440-0010 For the administration of the metropolitan district commission parks and recreation division, division of central services and division of highways, for maintenance of parks, reservations and the Charles river basin; for the maintenance of boulevards, parkways, locks, bridges and dams; for the maintenance of vehicles and metropolitan district commission parks district garages and the purchase of supplies and equipment; for the planning of the Dorchester waterfront; and for a study for the general restoration, rehabilitation, flood control, water quality improvement and landscaping at Beaverbrook Reservation in the city of Waltham and the town of Belmont, and for a reservations and interpretive services program at the Harbor Islands and the Blue Hills, Breakhart, Elm Bank, Hemlock Gorge and Middlesex Fells reservations; provided, that an amount not to exceed two hundred thousand dollars shall be used for the expansion of the Mary O'Malley waterfront park in the city of Chelsea, including not more than five hundred and seventy-eight positions; provided, that the metropolitan district commission shall not permit access or curb cuts to Chestnut Hill reservoir driveway under its control to any development which includes a structure of more than ten stories in height or two hundred feet in height until and un-

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| | less an environmental impact study is filed with the commission and it is determined that such curb cuts or access do not adversely affect the use or enjoyment of such premises by the public | \$29,800,000 |
| | Local Aid Fund | 33.0% |
| | Highway Fund | 67.0% |
| 2440-0015 | For the administration of the metropolitan district commission police division; provided, that notwithstanding any provisions of chapter thirty-one of the General Laws, certain members may be temporarily allocated to special secondary ratings in accordance with schedules approved by the house and senate committees on ways and means, a copy of which is on file with the personnel administrator, including not more than six hundred and fifty-nine positions | \$21,347,078 |
| | Local Aid Fund | 33.0% |
| | Highway Fund | 67.0% |
| 2440-0017 | For repairs at McGrehan Pool in Cambridge | \$200,000 |
| 2440-0019 | For payment to the city of Malden for the maintenance, operation and improvement of certain parks in said city adjacent to M.D.C. parkways namely the John Dever Park and Amerige Park | \$350,000 |
| | Local Aid Fund | 100.0% |
| 2440-0020 | For payment to the city of Boston for maintenance and operation of the James Michael Curley recreation center, prior appropriation continued | \$310,000 |
| | Local Aid Fund | 100.0% |
| 2440-0021 | For the purpose of providing a mounted patrol at Lynn Beach, Kings Beach and Nahant Beach; provided, that this sum shall be expended only for this purpose and the leasing of any necessary equipment, prior appropriation continued | \$65,000 |
| | Local Aid Fund | 100.0% |
| 2440-0022 | For the purpose of increased nighttime police patrols at Revere Beach boulevard, provided that not less than eighty thousand dollars be expended for the mounted police patrol of said area, prior appropriation continued | \$145,000 |
| 2440-0023 | For the administration of the metropolitan district commission police southwest corridor park system, and Franklin Zoological park, including not more than thirty positions | \$1,000,000 |
| | Local Aid Fund | 100.0% |
| 2440-0024 | For the purpose of increased police patrols at the Chestnut Hill Reservoir Reservation, prior appropriation continued | \$25,000 |
| | Local Aid Fund | 100.0% |
| 2440-0027 | For the purpose of increased patrols on Wollaston Beach and Quincy Shore Drive, prior appropriation continued | \$30,000 |
| | Local Aid Fund | 100.0% |

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| 2440-0028 | For the purpose of increased patrols on Winthrop Beach and Winthrop Shore Drive, prior appropriation continued Local Aid Fund | 100.0% | \$35,000 |
| 2440-0032 | For the operation and maintenance of the southwest corridor park system, including not more than eleven positions, prior appropriation continued Local Aid Fund | 100.0% | \$75,313 |
| 2440-0033 | For the purpose of increased patrols at the Mary O'Malley waterfront park in the city of Chelsea | | \$35,000 |
| 2440-0036 | For increased patrol during periods of high fire risk at all of the Metropolitan District Commission's reservations | | \$40,000 |
| 2440-0037 | For the purpose of increased patrols along Gallivan Boulevard and Morrissey Boulevard in Dorchester | | \$25,000 |
| 2440-0038 | For increased patrol during periods of high fire risk at Middlesex Fells Reservation | | \$60,000 |
| 2440-0039 | For the operation, maintenance and security patrols at the Quincy Quarries | | \$60,000 |
| 2443-3901 | For the operation and management of the Franklin Park and Walter D. Stone Zoological Parks Local Aid Fund | 100.0% | \$300,000 |
| 2444-4591 | For the Mystic sailing program at Shore Drive Boat House in Somerville Local Aid Fund | 100.0% | \$30,000 |
| 2444-5511 | For a sailing program at Pleasure Bay Local Aid Fund | 100.0% | \$30,000 |
| 2444-9001 | For the construction, reconstruction and improvement of boulevards and parkways, including bridges, and including the resurfacing and repairing thereof and the installation of traffic lights thereof, prior appropriation continued Highway Fund | 100.0% | \$1,842,026 |
| 2444-9004 | For certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill Center Local Aid Fund | 100.0% | \$535,000 |
| 2444-9005 | For the operation of street lighting for parkways and boulevards; provided, however, that a sum not to exceed four hundred thousand dollars be expended for lighting improvements on Revere Beach Boulevard, prior appropria- tion continued Highway Fund | 100.0% | \$2,400,000 |
| 2444-9006 | For the expenses of holding band concerts Local Aid Fund | 100.0% | \$40,000 |

Construction Division.

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2460-1000 For the maintenance of the construction division, including the personal services and expenses relating to employees previously paid from metropolitan water district bond funds; provided, that notwithstanding the provisions of any general or special law to the contrary, all officers and positions shall be subject to classification under sections forty-five to fifty, inclusive, of chapter thirty of the General Laws, including not more than one hundred and thirty-one positions \$4,171,278
 General Fund 33.0%
 Highway Fund 67.0%

DEPARTMENT OF FOOD AND AGRICULTURE.

2511-0100 For the office of the commissioner, including the expenses of the board of agriculture, including not more than nineteen positions \$518,276

Division of Regulatory Services.

2511-3000 For the administration of the division, including the pesticide bureau, the bureau of plant pest control, the bureau of farm products, the bureau of dairying, and the bureau of milk marketing; provided, that not more than one hundred thousand dollars shall be expended to develop regulations for herbicide use on public rights of way, provided that not more than seventy-five thousand dollars shall be obligated to the department for pesticide risk benefit assessment, including not more than fifty-two positions \$1,690,418

2511-3002 For a program to support the development of integrated pest management systems in Massachusetts agriculture, including the use of biological control. The purposes of said program shall be to establish the levels of tolerable damage to crops or other assets, evaluate all methods of pest control as means to be employed in order that said level of damage is not exceeded, and address the problems posed by the use of pesticides in terms of their risks and costs to farmers \$250,000

Division of Agricultural Development.

2511-4000 For the administration of the division, and for the expenses of the bureau of markets and the bureau of land use, including for promotion of Massachusetts agriculture; provided, that a sum not less than ten thousand dollars be expended for the MassSeed program; provided further that not less than forty thousand dollars be expended for a deputy director of agri-business development and marketing, provided further, that not more than twenty-five thousand dollars be

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expended for the agriculture in the classroom program, including not more than twenty-one positions \$862,741

Division of Animal Health.

2515-1000 For the administration of the division, and for the inspection of poultry and poultry products, including not more than twenty-two positions \$678,462

Division of Fairs.

2518-1000 For the administration of the division; provided, that payments for state prizes and agricultural exhibits, including allotment funds for 4-H activities, may be made from this appropriation, and for the display of exhibits at certain fairs; provided further, that not less than two hundred thousand dollars shall be used for certain prizes; and provided further, that not less than eighty-seven thousand five hundred dollars shall be used for rehabilitation purposes, including not more than four positions, prior appropriation continued \$657,242

Division of Equine Activities.

2518-2500 For the administration of the division, including not more than five positions \$97,350
 2518-3000 For the payment of certain prizes to promote the breeding of thoroughbred horses in the commonwealth, in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws; provided, however, that the balance of any funds accruing to the Massachusetts thoroughbred breeding program under the provisions of section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight and not appropriated hereunder or appropriated under item 2518-4000, shall be deposited by the treasurer in a separate account designated Massachusetts thoroughbred breeding program and shall not revert to the General Fund, prior appropriation continued \$460,000
 2518-4000 For the expenses of an equine research, loans, and scholarship program in cooperation with the Tufts University School of Veterinary Medicine, and in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws; provided, however, that the balance of any funds accruing to the Massachusetts thoroughbred breeding program under the provisions of section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight and not appropriated hereinafter or appropriated under item 2518-3000, shall be deposited by the treasurer in a

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| | separate account designated Massachusetts thoroughbred breeding program and shall not revert to the General Fund, prior appropriation continued | | \$115,625 |
| 2518-5000 | For the payment of certain prizes, to promote the breeding of standardbred horses in the commonwealth, in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws; provided, however, that the balance of any funds accruing to or allocated to the Massachusetts standardbred agricultural fair and breeding fund committee established under section ten of chapter one hundred and twenty-eight of the General Laws, as most recently amended by section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight, shall be deposited by the treasurer in a separate account designated the Massachusetts standardbred agricultural fair and breeding fund and shall not revert to the General Fund, prior appropriation continued | | \$300,000 |
| | <u>State Reclamation Board.</u> | | |
| 2520-0100 | For the administration of the board; provided, that not more than one hundred and fifty thousand dollars will be made available for the prevention and control of eastern equine encephalitis and shall be expended based upon the advice of the department of public health that a reasonable threat to the health of the public exists, including not more than two positions, prior appropriation continued | | \$69,172 |
| | <u>For the expenses of the following mosquito control projects; provided that persons employed in these projects shall be exempt from the provisions of section twenty-nine A of chapter twenty-nine of the General Laws.</u> | | |
| 2520-0300 | Cape Cod, prior appropriation continued | | \$614,960 |
| | Local Aid Fund | 50.0% | |
| | Mosquito and Greenhead Fly Control Fund | 50.0% | |
| 2520-0900 | Suffolk county | | \$133,068 |
| | Local Aid Fund | 50.0% | |
| | Mosquito and Greenhead Fly Control Fund | 50.0% | |
| 2520-1000 | Central Massachusetts | | \$619,318 |
| | Local Aid Fund | 50.0% | |
| | Mosquito and Greenhead Fly Control Fund | 50.0% | |
| 2520-1100 | Berkshire county | | \$95,325 |
| | Local Aid Fund | 50.0% | |
| | Mosquito and Greenhead Fly Control Fund | 50.0% | |
| 2520-1200 | Norfolk county | | \$421,056 |
| | Local Aid Fund | 50.0% | |
| | Mosquito and Greenhead Fly Control Fund | 50.0% | |

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| 2520-1300 Bristol county | | \$390,200 |
| Local Aid Fund | 50.0% | |
| Mosquito and Greenhead Fly Control Fund | 50.0% | |
| 2520-1400 Plymouth county | | \$469,489 |
| Local Aid Fund | 50.0% | |
| Mosquito and Greenhead Fly Control Fund | 50.0% | |
| 2520-1500 Essex county | | \$434,404 |
| Local Aid Fund | 50.0% | |
| Mosquito and Greenhead Fly Control Fund | 50.0% | |

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

Office of the Secretary.

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| 3000-0100 For the office of the secretary, and the general administration of the department; provided, that not less than seventy thousand dollars shall be obligated for the purposes of the Northern Tier economic development program; including not more than one hundred and twenty-five positions | | \$3,572,449 |
| 3000-0200 For a program of grants to cities and towns and the departments thereof, including school departments and school districts, to improve the efficiency and effectiveness of operations and to develop enhanced management capacity | | \$3,000,000 |
| Local Aid Fund | 100.0% | |
| 3000-0301 For the council on gateway cities as established in section seventy, including not more than four positions | | \$130,000 |
| 3000-0302 For additional local aid to gateway cities pursuant to section seventy; provided that the secretary shall make such local aid available only after approval by the secretary of an expenditure plan submitted by each municipality; and provided further, that the secretary shall monitor the expenditure of funds by each municipality to ensure compliance by each municipality with its plan of activities and shall withdraw approval of any additional local aid made available pursuant to this item to a municipality found to be in non-compliance with its plan of activities | | \$10,000,000 |
| Local Aid Fund | 100.0% | |
| 3000-0303 For grants to gateway cities to provide services needed on an emergency basis; provided that the secretary shall make such grants available upon approval by the secretary of an expenditure plan submitted by each municipality and upon approval of a schedule submitted by the secretary to the house and senate committees on ways and means; and provided further, that the secretary shall monitor the expenditure of funds by each municipality to ensure compliance by each municipality | | |

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| | <p>pality with its plan of activities and shall withdraw approval of any grant to a municipality found to be in non-compliance with its plan of activities and provided further, that no such gateway city shall receive more than twenty-five per cent of the total amount distributed pursuant to this program</p> | \$1,000,000 |
| | <p>Local Aid Fund 100.0%</p> | |
| 3722-9001 | <p>For a reserve for grants to Neighborhood Housing Services Corporations, notwithstanding the provisions of chapter four hundred and ninety of the acts of nineteen hundred and eighty; provided, that the allocation of funds for the purpose of this item shall be based upon the recommendation of the secretary of the executive office of communities and development, including not more than one position</p> | \$836,754 |
| 3722-9002 | <p>For certain financial assistance for housing projects for veterans</p> | \$4,027,837 |
| 3722-9018 | <p>For state financial assistance for supportive services, job training, and adult education for the purpose of assisting the residents of local housing authorities established pursuant to section three of chapter one hundred and twenty-one B of the General Laws, including not more than two positions, prior appropriation continued</p> | \$5,184,927 |
| 3722-9024 | <p>For payments to housing authorities and non-profit organizations operating family housing for deficiencies caused by certain reduced rentals in housing for the elderly, the handicapped, veterans and relocated persons pursuant to sections thirty-two and forty of chapter one hundred and twenty-one B of the General Laws; provided, that the executive office of communities and development may expend the funds appropriated herein for any deficiencies caused by certain reduced rentals which may be anticipated in the operation of housing authorities for the first quarter of the subsequent fiscal year; provided further, that of the funds appropriated herein, the sums set forth below shall be deposited in individual allocation accounts for the purpose of each respective housing subsidy program: eighteen million two hundred and eighty-five thousand one hundred and fifty-nine dollars for veterans and relocated persons; nine million nine hundred and sixty thousand six hundred and forty-eight dollars for the elderly; seventy-six thousand fifty-four dollars for the handicapped; provided further, that no monies shall be expended from this item for the purpose of reimbursing the debt service reserve and capital reserve included in the budget of the housing authorities. And, for a program of rental assistance for families and elderly of low-income; provided, that notwithstanding any provision of law to the contrary, first preference for admission shall be granted to the eligible elderly; provided further, that of the funds appropriated herein, thirty-eight million seven hundred and forty-one thousand four</p> | |

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| | hundred and thirteen dollars shall be deposited in an individual allocation account for the purpose of the rental assistance program; provided further, that not more than ten per cent of the amount expended for said rental assistance program may be used for administration of said program; provided further, that the secretary of the executive office of communities and development shall submit quarterly reports to the house and senate committees on ways and means detailing expenditures, the number of certificates awarded and the number of new and existing units leased; and provided further, that the house and senate committees on ways and means shall be notified within one week of any transfer of funds between allocation accounts as set forth in this item; and provided further that the secretary of communities and development shall conduct or contract for, no less than semi-annually, rent surveys for the purpose of determining the maximum allowable rents available under the rental assistance program, including not more than five positions | \$67,363,820 |
| 3722-9026 For | contracts with housing authorities and nonprofit organizations for an emergency rental assistance demonstration program for families currently residing in hotels and motels whom the department has determined to be eligible for the receipt of rental assistance certificates and also for contracts with local housing authorities and nonprofit organizations to provide rental assistance funding for so-called emergency status households; provided further, that not less than two thousand two hundred and fifty rental assistance certificates shall be made available for purchase by the department of public welfare through an interagency agreement with funds appropriated in line item 4406-3000 primarily targeted to recipients of aid to families with dependent children who are receiving emergency assistance, according to eligibility criteria established by the department of public welfare which are consistent with the general chapter 707 rental assistance guidelines established by the executive office of communities and development, to be distributed through regional housing agencies in accordance with the procedures established by the executive office of communities and development | \$3,040,820 |
| 3722-9027 For | contracts with sponsors of rental housing projects, financed through the agency established pursuant to chapter seven hundred and eight of the acts of nineteen hundred and sixty-six, for financial assistance in the form of a loan by the commonwealth to facilitate the construction or rehabilitation of rental housing projects pursuant to the provisions of section seven of chapter five hundred and seventy-four of the acts of nineteen hundred and eighty-three; provided, that pursuant to section twenty-seven of chapter five hundred and seventy-four of the acts of nineteen hundred and eighty-three, the department | |

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| | shall require that the sponsor of projects funded pursuant to this item make the maximum effort possible, to rent available units, other than the units reserved for low income persons and families, to moderate income persons or families; provided further, that the department shall to the maximum extent possible, give priority for funding to projects which ensure that greater than twenty-five per cent of the units in such projects will be occupied by persons and families who are, at the time of initial occupancy, of low income; provided further, that the department shall, to the maximum extent possible, give priority for funding to projects that provide the greatest number of three or more bedroom units in said project; provided further, that the department, shall to the maximum extent possible, give priority for funding to projects in economically distressed areas; and provided further, that, notwithstanding the provisions of section twenty-seven of chapter twenty-three B, or sections twenty-six and twenty-seven of chapter twenty-nine of the General Laws to the contrary, the department is hereby authorized to enter into such contracts for terms not exceeding fifteen years with annual payment obligations not to exceed twenty-two million dollars | \$7,288,348 |
| 3722-9060 For | grants to local housing authorities for the purpose of eliminating violations of the state sanitary code existing in units operated by said authorities; provided, that first priority shall be given to bringing the most serious violations into compliance with the state sanitary code; provided further, that only those housing authorities having a vacancy rate of fifteen per cent or greater as of July first, nineteen hundred and eighty-five shall be eligible for said grants, prior appropriation continued. | |
| 3722-9101 For | reimbursement of cities and towns for the commonwealth's statutory share of federally aided urban renewal | \$558,548 |
| | Local Aid Fund 100.0% | |
| 3722-9102 For | reimbursement of cities and towns for the commonwealth's share of certain non-federally aided urban renewal projects; provided, that, notwithstanding the provisions of any general or special law to the contrary, an amount not exceeding three hundred thousand dollars may be reimbursed for surveys, plans, and administration | \$771,400 |
| | Local Aid Fund 100.0% | |
| 3722-9109 For | a program of assistance to communities to respond to the impacts and opportunities of growth and development including but not limited to developing capital budgets, infrastructure, and growth management and development plans; provided, that, notwithstanding the provisions of any special or general law to the contrary, not more than sixty thousand dollars shall be expended by the division | |

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| | of municipal development to provide or purchase technical assistance or other services for communities | \$550,000 |
| | Local Aid Fund | 100.0% |
| 3722-9201 For | an interest subsidy program; provided, that notwithstanding any other provisions of law to the contrary, expenditures made hereunder shall be subject to the approval of the secretary of communities and development; provided, that notwithstanding any other provisions of law to the contrary, no projects shall be approved on or after the effective date of this act which would cause the commonwealth's obligation for the purposes of this item to exceed the amount of this item; and provided further, that the agency established pursuant to chapter seven hundred and eight of the acts of nineteen hundred and sixty-six may expend from its working capital fund for the purposes of this interest subsidy program | \$9,825,000 |
| 3731-2003 For | expenses of community development and municipal program services, including not more than twenty-nine positions | \$967,212 |
| 3743-2027 For | providing funds for local community economic development; provided, that contracts are to be awarded to community-based organizations; and provided further, that a portion of the amount appropriated herein may be expended for the provision of technical assistance to such organizations, including not more than two positions | \$1,308,942 |
| 3743-2032 For | grants to regional planning agencies pursuant to the program established by chapter seven hundred and sixty-three of the acts of nineteen hundred and eighty-five; provided that the secretary shall make such grants available to said agencies only after approval by said secretary of a plan of activities submitted by each such agency in accordance with said chapter seven hundred and sixty-three; and provided further that the secretary shall monitor the expenditure of grant funds by said agencies to ensure the compliance by each said agency with its plan of activities and shall withdraw approval of any grant to a regional planning agency found to be in noncompliance with its plan of activities | \$280,000 |
| 3743-2037 For | contracts with community-based organizations, to provide housing services and assistance to low-income tenants in privately owned housing, and to landlords, to maintain and secure decent and affordable shelter within the private housing stock; and provided, that not less than five hundred thousand dollars shall be directly contracted with community action agencies as herein provided: for a program of services to alleviate the effects of poverty on local communities, provided, that these monies shall be in addition to federal funds available in item 3743-2034, and provided, that the first priority shall be to ensure that | |

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| | the minimum amount of combined monies received by each community action agency under this item and said item 3743-2034 shall not be less than one hundred and fifty thousand dollars, and the second priority shall be to distribute the remainder of this state appropriation on a formula, using the nineteen hundred and eighty census figures, based on the proportionate levels of minority populations and persons living below the federal poverty line, including not more than one position | \$1,250,000 |
| 3743-2038 For | the development of Urban Business Identification and Development System for the Orange/Athol district, the Executive Office of Communities and Development is hereby authorized and directed to contract with the Greater Orange/Athol Industrial Development Corporation for the purpose of developing in conjunction with the Northeast Economic Action Research Corporation and Urban Business Identification and Development System for the aforementioned development district, prior appropriation continued. | |
| 3743-2039 For | contracting services for the packaging and financing of the rehabilitation, interim management, or emergency repairs of tax delinquent and abandoned or deteriorating properties which are primarily residential; provided, that for the purposes of this item, the preservation of lodging houses or single room occupancy buildings, so-called, shall be given priority for funding; provided further, that not less than two hundred and seventy-five thousand dollars of the amount appropriated herein shall be used to support anti-arson programs; provided further, that of the amount appropriated for anti-arson programs, that not less than one hundred and seventy-five thousand dollars shall be obligated for the Boston Arson Prevention Commission in a program to support anti-arson efforts in the city of Boston. Said assistance shall be targeted to economically depressed areas and be for the benefit of low and moderate income households and shall be provided through reimbursement of costs incurred by municipal agencies, or community-based and tenant organizations or court appointed receivers as defined by the secretary of communities and development | \$1,093,868 |
| 3744-4010 For | payments of stipends to corpsmen of the commonwealth service corps to be paid at the rate of one hundred twenty dollars monthly, notwithstanding the provisions of chapter six hundred and twenty-two of the acts of nineteen hundred and sixty-four, as amended in chapter twenty-three B of the acts of nineteen hundred and sixty-eight; provided, that amounts paid to recipients of aid to families with dependent children shall not reduce the amount of their assistance checks | \$576,000 |
| 3745-1000 For | the purpose of providing periodic advance funding for a low income energy assistance program including, but not limited to, the purchase of bulk oil; | |

provided, that such advances are reimbursed by the federal government upon the availability of federal funds under the Low Income Home Energy Assistance Act of 1981, Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) or any amendments or successor acts thereto; and for a program of supplemental energy crisis assistance for needy elders and families to be administered in accordance with regulations promulgated under said "Low Income Home Energy Assistance Act of 1981" or any amendments or successor acts thereto; provided further, that federal funds are not available at the time of application for assistance by said needy elders and families; provided further, that expenditures for administration of this program shall be subject to the approval of the secretary of communities and development, and for a program of energy crisis assistance for needy elders and families whose income is above one hundred and fifty per cent of the federal poverty level or above sixty per cent of the state median income level, whichever eligibility level is adopted pursuant to the state plan for the Low Income Energy Assistance Program, but not over one hundred and seventy-five per cent of the federal poverty level for one and two-person families; to be administered, except for the income eligibility requirements, in accordance with the aforementioned federal program or any amendments or successor acts thereto

\$17,000,000

5745-2000 For a comprehensive emergency weatherization assistance program for needy Massachusetts individuals and families whose income is either at or below one hundred and seventy-five per cent of the poverty level as determined by the United States Office of Management and Budget or at or below the Bureau of Labor Statistics lower living standard, whichever is higher. The secretary of the executive office of communities and development shall on or before November first, nineteen hundred and eighty-two and on or before November first of each ensuing year the program is in operation, submit to the commissioner of administration and to the house and senate committees on ways and means, a plan for the annual distribution of funds under said program. Such plan shall include but not be limited to (a) a provision for public participation in the development of the plan; (b) a description of the weatherization work to be done, the estimated number of dwelling units to be weatherized, the weatherization materials to be used, and, the procedures by which eligible households will be identified and certified as participants in the program; (c) a description of the measures which will be taken to assure coordination of this program with all other energy conservation and energy audits administered by the executive office of energy resources; (d) analysis and recommendation of cost-effective options available to the state for the provision of assistance to low-income persons in

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| | private housing; and (e) a detailed accounting of the costs of the program, provided that administrative costs shall not exceed ten per cent of the total amount allocated for the program in any year | \$4,000,000 |
| 3747-0001 | For the administration of the commission on Indian affairs; provided, that not more than five thousand two hundred and forty-seven dollars of the sum appropriated herein shall be expended for the purpose of implementing the provisions of chapter seven hundred and thirteen of the acts of nineteen hundred and eighty-three, including not more than three positions | \$85,682 |
| 3748-0001 | For the purposes of the Massachusetts Housing Partnership Fund, to provide programs designed to produce housing for low and moderate income households, to broaden opportunities for homeownership and cooperative ownership for low and moderate income persons and families, and to aid in the reclamation of abandoned property for use as housing, pursuant to a Homesteading plan; and for the reasonable expenses incurred in the administration of the fund; provided that prior to the expenditure of any funds appropriated pursuant to this item, the Secretary shall submit a report to the house and senate committees on ways and means, which details by program, an expenditure plan; and provided further, that the Secretary shall submit quarterly reports to the house and senate committees on ways and means which detail the level of expenditure in each program and the number, type and cost of housing units produced | \$8,500,000 |
| | Massachusetts Housing Partnership Fund | 100.0% |

EXECUTIVE OFFICE OF HUMAN SERVICES.

Office of the Secretary.

The secretary of human services shall submit to the house and senate committees on ways and means a copy of every report provided to the office of the secretary by health systems agencies funded by item 4000-0700.

- 4000-0100 For the office of the secretary, including the health facilities appeals board, provided that said office shall approve agency investigative procedures, review all reports of all human service agency investigations, conduct investigations into incidents whenever it is deemed appropriate by the general counsel of said office that the quality of patient care is threatened or jeopardized, and, whenever the secretary determines it appropriate, to investigate instances of malfeasance which come to the attention of said secretary; provided that not more than one hundred and twenty-five thousand dollars shall be obligated for the

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| | administrative expenses of the bureau of transitional planning, including not more than fifty-nine positions | \$2,105,266 |
| 4000-0700 | For the administration of the office of state health planning; provided, that not less than one hundred and seventy-five thousand dollars shall be expended for a program to provide technical assistance to community health programs administered by community health centers as referred to in section three hundred and thirty of the federal Public Health Services Act of 1978, as amended (Public Law 95-626); provided further, that not less than six hundred thousand dollars shall be expended for a program of regional health planning under contract to the office of state health planning, including, but not limited to, reviewing determination of need applications, determining eligibility for health manpower shortage areas and developing regional health plans; provided further, that the office of state health planning shall reserve funds for nursing homes in receivership, including not more than three positions | \$1,187,455 |
| 4000-0770 | For a reserve to meet the cost of providing a supplemental salary increase for direct care employees of private human service providers; provided, that funds may be transferred to other items of appropriation with the approval of the secretary of human services | \$13,750,000 |
| 4000-0780 | For a program of operational grants to counties for the purpose of establishing and expanding minimum security and pre-release county correctional facilities and programs to reduce prison overcrowding pursuant to regulations established by the secretary of human services; provided, that said regulations shall require the grant application to be filed by the sheriff of a county; and provided further, that no grant shall be awarded without the approval of the house and senate committees on ways and means | \$3,378,038 |
| 4000-0802 | For a program of assistance for recently resettled refugees and repatriated citizens, and the administration of said program; provided, that funds received from the federal government for said purpose shall be in addition to the amount appropriated herein; and provided further, that the executive office of human services may allocate funds to the department of social services for the purposes of a Refugee unaccompanied Minor Program, so-called, and for the executive office of communities and development for the purposes of certain costs of a housing assistance program, and to other state agencies for the purposes of a program of alternative cash and medical assistance, prior appropriation continued. | |

Purchase of Service Division.

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| 4001-0000 | For an office of contract management to provide a review and authorization of all human services contracting; provided, however, that said office shall compile, not less than once every six months, commencing December first of the current year, a report containing the total amount of contract obligation and total appropriation amounts obligated by department and service type; and provided further, that a copy of each said report shall be submitted, within thirty days after completion, to the house and senate committees on ways and means, including not more than twenty-three positions | \$559,224 |
| 4001-0010 | For an office of auditing and accounts only, notwithstanding the provisions of any special or general law to the contrary, to perform financial and compliance, economy and efficiency, program results, and investigative auditing of any human services agency, and human services vendors contracting with the commonwealth; provided, that at least twenty-five per cent of said audits shall be done on a random basis; provided further, that all human services agencies and all contracted human service vendors shall permit unlimited access to, and make available, to said office, all records, documents and data relative to such contracts in any form and wherever situated; provided that said office may recover commonwealth funds wherever appropriate and upon recovery shall deposit said funds in the General Fund; and provided further, that the office shall submit semi-annually to the house and senate committees on ways and means and to the rate setting commission a report on the audits performed, including the number, status and summary of such audits, and the status of such responses as are requested from government agencies and human services vendors, including not more than thirty-two positions | \$1,054,406 |

Rate Setting Commission.

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| 4100-0010 | For the administration of the commission, provided that not less than six hundred thousand dollars shall be obligated for the performance of hospital audits, provided further, that not less than two hundred and fifty thousand dollars shall be obligated for the administration of the free care pool pursuant to chapter five hundred and seventy-four of the acts of nineteen hundred and eighty-five; and provided further, that not less than one hundred and twenty thousand dollars shall be obligated for the implementation of an automated information system, including not more than one hundred and eighty-eight positions | \$7,320,000 |
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Massachusetts Commission for the Blind.

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| 4110-0001 | For the office of the commissioner and bureau of research, including not more than twenty-three positions | \$871,155 |
| 4110-1010 | For aiding the adult blind, prior appropriation continued | \$8,088,532 |
| 4110-1020 | For support of a medical assistance program for the blind, including such expenses incurred in previous fiscal years; provided, that the commission for the blind shall reimburse the department of public welfare for any medical assistance claims paid by said department on the commission's behalf and administrative expenses incurred in order to process such claims as may be determined to be appropriate under an interagency agreement between said commission and the department of public welfare subject to the approval of the secretary of the executive office of human services; and provided further, that said commission may continue previously existing arrangements for the payment of such claims until such interagency agreement has become fully operative, including not more than sixteen positions | \$37,697,548 |

Bureau of Individual Services.

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| 4110-2010 | For administration of a talking book program, provided that not less than sixty-nine thousand dollars be obligated for the costs of contracting for the operation of a talking book program in the central region of the state, including not more than two positions | 492,397 |
| 4110-2020 | For a reserve to be administered by the Massachusetts commission for the blind for the expansion and improvement of the regional talking book library, prior appropriation continued. | |
| 4110-2040 | For certain social services programs; provided, that not less than one hundred ninety-nine thousand dollars be obligated for a radio reading program for the blind; and provided, further, that not less than one million seven hundred seventy-two thousand three hundred and thirty-six dollars shall be obligated for the administration of programs for the deaf-blind, including not more than sixty-three positions | \$4,041,423 |

Bureau of Rehabilitation.

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| 4110-3010 | For a program of vocational rehabilitation of the blind in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance, and any other such indirect cost of the federally reimbursed state employees, prior appropriation continued | \$1,420,874 |
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Bureau of Industrial Aid and Workshops.

4110-4000 For the administration of the bureau and the operation of local shops and the Cambridge Industries for the Blind; provided, however, that retired workshop employees shall receive grants equal to three-fourths of the salaries of current workshop employees, including not more than nineteen positions \$1,300,000

Massachusetts Rehabilitation Commission.

4120-0010 For the administration of the commission; provided, that the commissioner shall report quarterly to the house and senate committees on ways and means the number of clients served and the amount expended for each type of service provided; provided further, that from the sum appropriated herein four hundred thousand dollars shall be expended for adaptive housing and van modification services for severely physically handicapped clients; provided further, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance, and any other such indirect cost of the federally reimbursed state employees; provided further, that upon the written request of the commissioner of revenue, the commissioner of rehabilitation shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by the commission; and provided further, that the information in such lists shall include the client's name and social security number and the payee's name and other identification, if different from the client's, including not more than one position \$6,714,321

4120-0031 For a program of extended employment for the handicapped; provided, that upon the written request of the commissioner of revenue, the commissioner of rehabilitation shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by the commission; and provided further, that the information in such lists shall include the client's name and social security number and the payee's name and other identification, if different from the client's; provided further, that not less than two hundred thousand dollars shall be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human services providers, including not more than five positions \$5,396,974

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| 4120-0051 | For a program of personal care assistance, including not more than two positions | \$1,739,755 |
| 4120-0061 | For a program of independent living | \$857,680 |
| 4120-0071 | For the development and implementation of services to the traumatically head injured; provided, that not less than fifty thousand dollars shall be obligated for a detailed report including but not limited to information and recommendations regarding the size of the head injured population in Massachusetts and their program development needs, including not more than ten positions | \$4,422,091 |
| 4120-0081 | For a program to determine eligibility for services under chapter six hundred and eighty-eight of the acts of nineteen hundred and eighty-four, including not more than one position | \$42,190 |
| 4120-0091 | For a program of homemaker/chore services, including not more than five positions | \$4,271,562 |
| 4120-0094 | For a pilot program of social/recreation services for the physically disabled | \$112,136 |
| 4120-0095 | For the implementation of three-year pilot program to provide housing and the necessary housing services for not more than fifteen individuals who are severely physically and/or developmentally disabled and who meet the following eligibility requirements: are residents of the commonwealth; are eighteen or more years of age; are mobility impaired; are in need of personal care services to accomplish the tasks of daily living; are emotionally stable, although moderate emotional difficulty on an intermittent basis shall not be sufficient to determine an individual not eligible for said program; are in need of community-based living; are currently not eligible for department of mental health services; are currently not participating in an independent living program; and have been deemed by the Massachusetts rehabilitation commission to be unable to succeed in an independent living program; said program shall be implemented by the Massachusetts rehabilitation commission, which shall be directly responsible for the hiring of the necessary staff; shall designate and secure, with the assistance of the executive office of communities and development, appropriate housing structures for said program; shall determine the services essential to the ability of program participants to accomplish the tasks of living in such an environment; shall be assisted by the executive office of human services in providing the necessary coordination among state agencies; provided, that the executive office of human services shall be responsible for evaluating the program in writing at the end of the first year and of subsequent years and submitting its findings to the house and senate committees on ways and means within ninety days of the end of each year for the purpose of determining the feasibility of establishing in the commonwealth a permanent housing and housing services policy for that segment of the population which is severely physically and/or developmentally disabled and in need of appropriate housing and housing services | \$223,000 |

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4120-0096 For programs of supported work for the retarded, provided further that for the purposes of administration of said programs, the retarded participants of said programs, shall be considered as targeted individuals within the meaning of section four of chapter forty I of the General Laws \$1,386,368

Massachusetts Commission for the Deaf and Hard of Hearing.

4125-0100 For the administration of and services provided by the commission for the deaf and hard of hearing, including not more than fifty-four positions \$2,270,284

Office for Children.

4130-0001 For the central administration of the office, including not more than thirty-one positions \$994,731

4130-0005 For field operations; provided that not less than one hundred and twenty-five positions be assigned to a program of licensing; provided further, that not less than one hundred and ninety thousand dollars shall be obligated for the Individual Kid Money program; and provided further, that not less than one hundred and fifty thousand dollars shall be obligated to implement a program of family day care licensing; provided, however, that the office for children shall submit a plan to be approved by the house and senate committees on ways and means prior to the expenditure of said obligated funds, including not more than two hundred and ninety-four positions \$8,155,063

4130-0016 For child care resource and referral centers; provided that such centers shall provide matching funds or in-kind donations of twenty per cent of total cost during the first year of their operation; provided, further, that subsequent to the first year of operation, the centers shall provide matching funds or in-kind donations of an increasing amount, that amount to be determined under a formula to be developed by the office for children, subject to the approval of the commissioner of administration, such formula to take into consideration community needs and resources; and provided, further, that of the amount appropriated herein, not less than forty thousand dollars shall be obligated to promote a corporate day care program in conjunction with the executive office of economic affairs \$1,216,475

Commissioner of Veterans' Services.

4170-0010 For the office of the commissioner, including not more than fifty-eight positions \$1,351,215

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| 4170-0012 | For a counseling program for Vietnam veterans, including the maintenance and direction of not more than seven outreach centers | \$515,272 |
| 4170-0013 | For the purpose of providing matching funds to a federal grant under Title IVC of the Jobs Training Partnership Act, an employment and training program for disabled Vietnam-era and recently discharged veterans | \$180,000 |
| 4170-0300 | For the payment of annuities to certain disabled veterans | \$153,500 |
| 4170-0400 | For reimbursing cities and towns for money paid for veterans' benefits and for payment to certain veterans in accordance with the following formula: seventy-five per cent to be reimbursed by the commonwealth and twenty-five per cent to be reimbursed by the cities and towns; provided further, that the total cash benefit shall be increased by ten per cent beginning July first, nineteen hundred and eighty-six, prior appropriation continued | \$10,239,794 |
| | Local Aid Fund | 100.0% |
| 4170-0500 | For mortality studies, behavioral studies and laboratory tests to study the effects of agent orange, as defined in section two hundred and ninety-one of chapter three hundred and fifty-one of the acts of nineteen hundred and eighty-one, on veterans of the Vietnam War and health problems of their children and other related matters, prior appropriation continued | \$160,000 |
| 4170-0650 | For the creation of a unit to be based at Rutland Heights Hospital and the University of Massachusetts at Amherst for the education of health professionals regarding the symptoms and effects on veterans of Post-Traumatic Stress Disorder | \$98,624 |
| 4170-0651 | For the maintenance and repair of veterans' graves and memorials | \$250,000 |
| 4170-0652 | For the inscription of names on the Vietnam War Memorial wall on the corner of Sudbury and Merrimack streets in Boston | \$250,000 |

Soldiers' Home in Massachusetts.

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| 4180-0100 | For the maintenance of the home, including not more than five hundred and sixty positions | \$14,833,300 |
| 4180-0101 | For the development and maintenance of a specialized unit for the treatment of Alzheimer's Disease patients at the Soldiers' Home in Chelsea, including not more than twenty-two positions | \$287,021 |

Soldiers' Home in Holyoke.

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| 4190-0100 | For the maintenance of the home, including not more than three hundred and seventy-one positions | \$8,993,033 |
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4190-0101 For the development and maintenance of an Adult Day Care program at the Soldiers' Home in Holyoke, including not more than six positions \$117,391

DEPARTMENT OF YOUTH SERVICES.

4200-0010 For the administration of the department, including not more than ninety-four positions \$2,970,000

4202-0021 For the purchase of service for certain residential care programs, including certain secure programs, in accordance with the provisions of chapter twenty-eight A of the General Laws, and for certain nonresidential care programs from a list of vendors approved by and on file with the central office of the department; provided, that, notwithstanding the provisions of section twenty-three of chapter twenty-nine of the General Laws, no monies shall be advanced to the department from this account without the prior approval of the comptroller; and provided further, that not less than four hundred and sixteen thousand dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human services providers \$26,000,000

4237-1010 For supervision, counseling, and other services by the department incidental to certain residential or nonresidential care programs; provided, that no expenditure shall be made hereunder for residential care which is not provided by departmental personnel; provided further, that notwithstanding the provisions of section twenty-three of chapter twenty-nine of the General Laws, no monies shall be advanced to the department from this account except for payroll and for necessary travel for department personnel, including not more than one hundred and eighty-eight positions \$5,175,000

4238-1000 For the operation of the secure facilities administered and operated by the department; provided, that not less than nine hundred thousand dollars be obligated for the Stephen L. French Youth Forestry Camp, including not more than three hundred and seventy-eight positions \$12,000,000

DEPARTMENT OF CORRECTION.

4311-0001 For administration; provided, that the persons employed under the division of classification of prisoners shall not be subject to the civil service law and rules; and provided further, that notwithstanding any provisions of law to the contrary, the director of civil service shall certify to the commissioner of correction, on receipt of permanent requisitions, names of correction officers to fill permanent vacancies, and the salaries of such officers for the official

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| | training period shall be paid from this item, including not more than two hundred and thirty-six positions | |
| 4311-0002 | For a pilot program to study the feasibility of a prisons for profit regional lock-up in the towns of Boxborough, Ashby, Dunstable, Pepperell, Shirley, Townsend, and Groton. The committee to be comprised of the chiefs of police from each community, the state representatives and the state senators | \$7,314,299 |
| 4311-0003 | For a program of correctional residential services; provided, that not less than fifty-two thousand dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care providers, including not more than twenty-eight positions | \$7,000 |
| 4311-0004 | For a health service program, including not more than one hundred and fifty-two positions | \$5,775,000 |
| 4311-0005 | For a prison industries program; provided, that the commissioner of correction shall determine the cost of the manufacture of motor vehicle registration plates and certify to the comptroller the amounts to be transferred therefor from the Highway Fund to the General Fund, including not more than one hundred and twelve positions | \$12,382,394 |
| 4311-0009 | For a program of education services, including not more than one hundred and four positions | \$4,483,584 |
| 4311-0010 | For a farm services program; provided, that the commissioner of correction shall determine the amounts to be charged for the products and services of said program, said amounts to be credited to the Farm Services Revolving Fund, including not more than forty-nine positions | \$3,111,736 |
| 4311-0011 | For a Massachusetts correctional institutions prisoner spiritual ministries reintegration program | \$1,520,964 |
| 4349-0001 | For the administration and operation of the commonwealth's correctional facilities; provided, that the commissioner is hereby authorized to enter into an agreement with the sheriff of Hampden County for the operation of a correctional alcohol treatment facility in Hampden County; provided further, that the commissioner is hereby authorized to make quarterly advances to the treasurer of Hampden County pursuant to said agreement; provided further, that said treasurer shall deposit said advances into a fund to be expended solely for the purpose of said agreement; provided further, that any interest earned by said fund shall be deposited to said fund and that any unexpended balance including interest remaining in said fund as of June thirtieth, nineteen hundred and eighty-seven shall be returned to the commonwealth; provided further, that all persons employed by said sheriff pursuant to said agreement shall be considered county employees; provided further, that funds advanced to the county treasurer pur- | \$85,000 |

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| | suant to this agreement may be spent for any services or items of supply or equipment which the sheriff requires to carry out the purpose of operating a correctional alcohol treatment facility, such expenditures may include but are not limited to salaries, travel, uniform allowance, purchase maintenance of equipment and selecting contractual and professional services; and provided further, that no permission will be required for the sheriff to transfer funds among codes or subcodes at the county level, and that the department report quarterly to the house and senate committees on ways and means regarding expenditure of such funds; including not more than three thousand one hundred and fifteen positions but not less than eighty-five thousand dollars for education, employment and training programs and pre-release projects that may be situated in or near the home communities of eligible inmates at MCI-Framingham | \$104,193,351 |
| 4349-0005 For | a grant to the town of Bridgewater for certain radio equipment | \$125,000 |
| 4349-0006 For | new programs at state correctional facilities to offset the effects of overcrowding; provided, that the department of correction submit quarterly reports to the house and senate committees on ways and means detailing the expenditure of these funds; and provided further, that not less than one hundred and twenty-five thousand dollars be expended on day reporting centers in Hampden County, including not more than two hundred and fifty-nine positions | \$6,044,773 |

Parole Board.

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| 4380-0001 For | the office of the board; provided, that the position of employment officer, parole board, shall not be subject to the provisions of chapter thirty-one of the General Laws; provided further, that the board submit quarterly reports to the house and senate committees on ways and means on the expenditure of funds for the purchase of contracted services, including not more than two hundred and eighteen positions | \$6,778,000 |
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DEPARTMENT OF PUBLIC WELFARE.

Notwithstanding any provision of law to the contrary, unless otherwise specified, all federal funds received for the purposes of the department of public welfare shall be credited to the General Fund, and the department shall submit on a monthly basis to the house and senate committees on ways and means a status report on program expenditures, savings and revenues, error rate measurements, and public assistance caseloads and benefits levels.

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| | <u>Notwithstanding any provision of law to the contrary, the department of public welfare shall prepare and promulgate rules and regulations to prevent abuse in the emergency assistance program. Said rules and regulations shall include but not be limited to a year-to-year cross check of recipients to determine if a person has received similar benefits in the previous year or years. The department shall submit a copy of the rules and regulations to the house and senate committees on ways and means no later than October first, nineteen hundred and eighty-six.</u> | |
| | <u>Notwithstanding any provision of law to the contrary, the department of public welfare shall provide to the house and senate committees on ways and means notification of all interagency agreements entered into, within thirty days subsequent to the effective date of each agreement. Such notification shall include, but not be limited to, a description of the amount, duration, and purpose of each agreement.</u> | |
| 4400-0950 For | the administration of local welfare offices; provided, that the consolidation of welfare offices shall be subject to prior approval of the house and senate committees on ways and means, including not more than two thousand eight hundred and fifty positions | \$71,984,469 |
| 4400-1000 For | the office of the commissioner; provided, that not less than two hundred and fifty thousand dollars shall be obligated for case management and other training of local office personnel, including not more than six hundred and twenty-six positions | \$37,224,107 |
| 4400-1003 For | the administration of the medicaid program, including a central automated vendor payment system and utilization review of medical assistance services; provided, that not less than five hundred thousand dollars shall be obligated for grants to community health centers; provided further, that the department shall investigate incentives for private insurers to offer long term care insurance, and other alternatives to the present system of financing long term care, and shall report on said investigation, including recommendations for a pilot project of private long term care insurance, to the house and senate committees on ways and means by March thirtieth, nineteen hundred and eighty-seven; provided further, that not less than two hundred and seventy-five thousand dollars be obligated for a provider practice review savings program; provided further, that not less than three hundred and seventy-five thousand dollars be obligated for a preadmission screening savings program; provided further, that the department report to the house and senate committees on ways and means by January first, nineteen hundred and eighty-seven on the status of said savings programs, including all expenditures for said programs and savings generated; | |

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| | provided further, that not less than one hundred and fifty thousand dollars be obligated for automation, provided further, that the department shall submit a plan to the house and senate committees on ways and means by September first, nineteen hundred and eighty-seven for the establishment of approximately two hundred and ninety positions in the Medicaid Division in accordance with provisions of section six of this act; said plan shall be subject to the approval of the house and senate committees on ways and means and shall be fully implemented by April first, nineteen hundred and eighty-seven, including not more than four hundred and twenty-three positions | \$16,125,000 |
| 4400-1004 | For the administration of the child support enforcement unit; provided, that the department may enter into contracts with private collection agencies for the purpose of obtaining collections from absent parents; provided further, that these funds may be used for special child support enforcement projects; provided further, that the department may allocate these funds to the division of state police, the district courts, the probate and family court department, and other state agencies for the performance of certain child support enforcement activities, and that these agencies are hereby authorized to expend such amounts for the purposes of this item; and provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means detailing the collection agencies under contract, including not more than three hundred and seven positions | \$7,136,821 |
| 4400-1009 | For a voucher day care program, so-called, including related transportation services, for any applicant or recipient of aid to families with dependent children who is participating in a training activity or program or for certain other current or former recipients; provided, that services are provided to current or former recipients upon their completion of employment and training programs in fiscal year nineteen hundred and eighty-seven for up to twelve months from the date of employment; provided further, that said voucher day care program shall be managed by the department of social services; provided further, that services shall be maintained and expenditures allocated in such a manner that will not cause said services to be terminated prior to the end of the fiscal year; and provided further, that said expenditures will not exceed appropriation | \$21,423,746 |
| 4400-1010 | For the development and maintenance of automated data processing systems and services in support of department operations, including not more than twenty-five positions | \$3,950,000 |
| 4400-1016 | For the development and operation of the Massachusetts Public Assistance Control System; provided, that all expenditures from this item shall be subject to satisfactory quarterly reviews by the office of management information systems and pursuant to schedules approved by said office, prior appropriation continued. | |

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| 4400-1200 | For the expenses of operating a food stamp program for eligible persons in the commonwealth; provided, that banking institutions within the commonwealth, the United States postal service, and other agencies shall process the food stamps, including not more than four hundred and twelve positions | \$11,400,000 |
| 4400-1400 | For a program of health services for certain recipients; provided, that the federal reimbursement for any expenditure from this item shall not be less than seventy-five per cent of such expenditure, including not more than sixty-eight positions | \$1,330,000 |
| | <u>For a medical assistance program as provided for in items 4402-5020 through 4402-5030, inclusive, including a program of special education medical services provided to medicaid children; provided, that the medical assistance standard for one-person families shall not be less than the payment standard, including state supplement, for a disabled individual living alone who is eligible for Supplemental Security Income payments under the provisions of Title XVI of the Social Security Act; provided further, that the medical assistance standard for medically needy families shall not be less than one hundred thirty-three and one-third of the highest monthly payment, annualized and rounded to the next higher multiple of one hundred dollars, that is ordinarily made under chapter one hundred and eighteen of the General Laws to a family of the same size without income or resources; provided further, that no expenditure or commitment made pursuant to these items or to any agreements authorized by chapter eight hundred of the acts of nineteen hundred and sixty-nine, as amended, for the purpose of complying with the provisions of Public Law 89-97, Title XIX, shall be incurred in excess of available funds which have been appropriated therefor; provided further, that all judgments, appeals, rate changes and settlements authorized by chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-two, as amended, for services provided in prior fiscal years, but finally determined during the current fiscal year may be paid from items 4402-5020 through 4402-5030, inclusive; provided further, that an amount not to exceed one hundred ninety million four hundred and twenty-two thousand dollars may be expended from these items for expenses incurred in a prior fiscal year; provided further, that transfers may be made among these items of appropriation; and provided further, that no funds appropriated under these items shall be expended for the payment of abortions not necessary to prevent the death of the mother.</u> | |
| 4402-5020 | For inpatient hospital care | \$251,000,000 |
| 4402-5021 | For skilled nursing facility care; provided, that the department of public welfare, in cooperation with the rate setting commission, shall conduct a study of the | |

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| | adequacy of wages earned by certain workers who provide services to clients receiving services reimbursed by this item and by item 4402-5022, including nurses aides, laundry, dietary, and housekeeping personnel; provided, that said study shall compare the wages of such personnel with those in similar occupations; provided, further, that said study shall evaluate the profitability of the nursing home industry and the ability of said industry to accomplish appropriate wage increases under existing reimbursement structures; provided, further, that said study shall analyze alternative methods of implementing appropriate wage increases for such personnel, the ability to administer such wage increases, and methods, including auditing, of ensuring such wage increases are implemented properly; and provided, further, that said study shall be completed and filed with the commissioner of administration and the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and eighty-six | \$212,000,000 |
| 4402-5022 | For intermediate care facility care | \$278,000,000 |
| 4402-5023 | For chronic hospital care | \$140,000,000 |
| 4402-5024 | For outpatient hospital care | \$140,000,000 |
| 4402-5025 | Notwithstanding any provision of special or general law to the contrary, the department of public welfare is hereby authorized and directed to promulgate rules and regulations for a pilot program to provide a maximum of one year of eligibility for the program established under chapter one hundred and eighteen E for those individuals and families who received aid to families with dependent children and were members of a managed health care program including health maintenance organizations, managed care through community health centers, or other managed care programs as defined by schedules approved by the house and senate committees on ways and means, who became employed and who could otherwise not be eligible for benefits under chapter one hundred and eighteen E so long as such person's income during the period of extended eligibility shall not exceed one hundred and eighty-five percent of the non-farm income poverty guidelines prescribed by the United States office of management and budget; provided, further, that authorization of rules and regulations shall be contingent upon the department's applying by September first, nineteen hundred and eighty-six for a waiver for federal reimbursement of said pilot program; provided further, that authorization of said pilot program shall cease to exist on June thirtieth, nineteen hundred and eighty-seven if said federal waiver is not granted; provided, further, that the department of public welfare shall submit quarterly reports to the house and senate committees on ways and means including the status of said federal waiver application, the number of program participants | |

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| | and enrollees in managed care programs by geographic area as compared to similar statistics from previous years, a cost benefit analysis of said program after six months of operation, details of other department efforts to promote managed health care in the medical assistance program, and department efforts to encourage or mandate health insurance coverage by employers of graduates of the departments so-called employment and training program; and provided further, that such extended eligibility shall not be available to those individuals who are able to obtain health benefits through their employer or who obtain other third party insurance coverage. | |
| 4402-5026 For | pharmacy services | \$74,000,000 |
| 4402-5027 For | physician services | \$69,000,000 |
| 4402-5028 For | dental services | \$22,000,000 |
| 4402-5029 For | home health care | \$37,000,000 |
| 4402-5030 For | other miscellaneous costs incurred by medical assistance recipients, including miscellaneous administrative costs incurred by the department of public welfare | \$61,000,000 |
| 4402-5300 For | the provision of a medical assistance program of mental health and mental retardation services pursuant to provisions of Public Law 89-97, Title XIX; provided, however, that the office of state health planning, in consultation with the agencies responsible for the provision of services to the mentally ill and mentally retarded, shall develop need standards within six months of the effective date of this act to assess the community's need for additional mental health centers, psychiatric day treatment programs, and day habilitation programs; provided further, that the department of public welfare shall perform utilization review on mental health center, psychiatric day treatment, intermediate care facilities for the mentally retarded, and day habilitation services provided to medicaid recipients to ensure that said services are necessary and are provided in the most appropriate setting | \$56,000,000 |
| 4403-2000 For | a program of aid to families with dependent children; provided, that the standard shall be increased ten per cent as of July first, nineteen hundred and eighty-six and rounded to the next whole dollar; provided further, that the need standard shall be raised to the new payment standard; provided further, that to recognize the special needs of recipients who must obtain private housing in the tight Massachusetts housing market, a fifteen dollar per month rent allowance shall be paid to all households not residing in public housing or subsidized housing, subject to federal reimbursement; provided further, that if federal reimbursement for said rent allowance is not obtained prior to September first, nineteen hundred and eighty-six, the department shall develop and implement an alternative proposal, subject to federal approval, that will | |

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| | require an equivalent expenditure of the amount appropriated herein to be used solely for recipient benefits; provided further, that if said alternative proposal is not approved by November first, nineteen hundred and eighty-six, the payment and need standard shall be increased an additional three percent and rounded to the next whole dollar; provided, further, that a nonrecurring clothing allowance in the amount of one hundred fifty dollars be provided to each child eligible under this program on September first, nineteen hundred and eighty-six; provided further, that such allowance is federally reimbursable; provided further, that such clothing allowance shall not be counted as income for determination of eligibility or amount of benefits under the food stamp program; provided further, that such clothing allowance shall be included in the standard of need for the month of September, nineteen hundred and eighty-six; provided further, that a program of assistance including medical assistance be provided to families otherwise eligible for aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing on child abuse; provided further, that child support payments collected pursuant to Title IV-D of the Social Security Act, not to exceed an amount of sixty million dollars, shall be credited to this account and may be expended without further appropriation for the purposes of this program; and provided further, that certain families which will suffer a reduction in benefits due to their loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for this loss; and provided, further, that no funds from this item shall be expended by the department for transportation services for the employment and training program or voucher day care program | \$490,450,000 |
| 4405-2000 For | the state supplement to the supplemental security income program for the aged and disabled, including a program for emergency needs for supplemental security income recipients; provided, that the expenses of special grants to recipients residing in rest homes as provided in section seven A of chapter one hundred and eighteen A of the General Laws may be paid from this item | \$114,750,000 |
| 4406-2000 For | a program of general relief, including a program of emergency assistance; provided, that the payment standard shall be increased ten per cent as of July first, nineteen hundred and eighty-six; provided further, that a nonrecurring clothing allowance in the amount of one hundred and fifteen dollars be provided | |

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| | to each recipient of the program eligible on September first, nineteen hundred and eighty-six; provided further, that no changes in the eligibility criteria for benefits under this program shall be implemented without the prior written approval of the house and senate committees on ways and means; provided further, that the department may expend up to five hundred thousand dollars for contract services to establish the eligibility of general relief recipients for supplemental security income; provided further, that to recognize the special needs of recipients who must obtain private housing in the tight Massachusetts housing market, a fifteen dollar per month rent allowance shall be paid to all households not residing in public housing or subsidized housing, prior appropriation continued | \$84,000,000 |
| 4406-3000 For | assistance to organizations which provide food, shelter and limited related services to the homeless and indigent; provided, that the department executes purchase of service contracts with said organizations in accordance with the provisions of the regulations promulgated by the executive office of administration and finance and appearing in the Code of Massachusetts Regulations 801 CMR 25.01 through 25.07; provided further, that not less than one million one hundred thousand dollars shall be obligated for the operation and maintenance of the Long Island shelter; provided further, that not less than six hundred thousand dollars be obligated for a comprehensive multi-service day program for the homeless; provided further, that the department with the approval of the secretary of human services, may allocate funds to other agencies for the purposes of this program; provided, further, that not less than seven million one hundred forty-three thousand dollars be obligated for the purchase of Chapter 707 rental assistance certificates to be administered through an interagency agreement with the executive office of communities and development primarily targeted to recipients of aid to families with dependent children who are receiving emergency assistance and who are temporarily housed by the department in hotels or motels; and provided, further, that of the funds appropriated herein, seven million one hundred forty-three thousand dollars shall be deposited in an individual allocation account to be expended for the sole purpose of the rental assistance program | |
| 4406-5000 For | a program of medical services for general relief recipients; provided, that notwithstanding the provisions of any law to the contrary, certain medical services shall be provided to general relief recipients, including physician and dental services, laboratory services, durable medical equipment, eye care, home health care, pharmacy services, transportation for medical care, podiatry, rehabilitative services, family planning, psychological testing, and private | \$20,734,185 |

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| | duty nursing; provided, further, that the department through said program may contract with competitively selected hospitals and community-based agencies for the purpose of providing coordinated health care services to certain general relief recipients; provided further, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother, prior appropriation continued | \$13,440,571 |
| 4407-1000 For | a program of employment and training; provided, that the department may allocate funds to other agencies for this program; provided further, that not less than three hundred thousand dollars shall be allocated for displaced homemakers; and provided further, that certain pregnant and parenting minors, including those who are ineligible for the aid to families with dependent children or general relief programs but whose children are recipients of aid to families with dependent children or general relief assistance be allowed to participate in said program; and provided further, that all departments, boards, agencies, authorities and commissions may consider qualified graduates of said employment training program as candidates for employment, subject to applicable federal and state guidelines relative to affirmative action and veterans' preference, without the establishment of quotas within said state agencies, departments, boards, authorities and commissions for the hiring of said graduates, including not more than ninety-seven positions | \$16,525,000 |
| 4407-1010 For | a program of employment and training services for certain general relief recipients and recent recipients; provided however, that all program participants shall be general relief recipients upon entrance to the program; provided, further, that not less than seven hundred and fifty thousand dollars shall be obligated for supported work programs for the mentally ill; provided further, that the department may allocate funds to other agencies for this program | \$2,000,000 |

DEPARTMENT OF PUBLIC HEALTH.

The department of public health shall submit quarterly to the house and senate committees on ways and means a status report on all public health hospitals, by individual hospital, including, but not limited to, inpatient and outpatient utilization, costs, revenues, personnel, contract expenditures, and capacity by service and use of such facilities by other state agencies and vendor programs. The department shall submit a detailed monthly report of all expenditures incurred for each of its driving under the influence programs and a monthly expenditure report for the Lemuel Shattuck Shelter, to the house and senate committees on ways and means, the secretary of human services and the secretary of administration and finance no later than the fifteenth day of the following month.

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| 4510-0100 | For the administration of the department including a long term care information system for the state medicaid program; provided, that the position of assistant commissioner shall not be subject to chapter thirty-one of the General Laws; provided that not less than three hundred and five thousand seven hundred and twenty dollars be obligated for an office for contracts management, including not more than one hundred and six positions | \$4,835,818 |
| 4510-0102 | For the administration of the division of environmental epidemiology and toxicology, including not less than three hundred thousand dollars for a program, to be coordinated by the division of environmental health, to monitor remedial action of the so-called PCB (poly-chlorinated biphenyls) contamination in the Greater New Bedford area through a public information and education office to be located in said area, which shall act as a center for implementation and dissemination of public and private education programs and materials and coordinate volunteer efforts in such a manner as to assist and centralize chemical contamination cleanup information efforts in said area; provided, that said office may expend the amounts appropriated herein for said purposes, including such contracted services, as the division may approve; provided further, that similar programs may be established to centralize and coordinate toxic contamination education in other communities with major potential health problems related to toxic contamination, including not more than twelve positions | \$675,000 |
| 4510-0103 | For the administration of the division of health promotion, including not more than twelve positions | \$603,586 |
| 4510-0104 | For programs to reduce the prevalence of hypertension and other risk factors for heart disease and stroke in low income and minority communities in the city of Springfield | \$125,000 |
| 4510-0110 | For community and other health centers operational program; provided, that the department of public health shall solicit grant proposals for said operational grants from community health centers which are operating under the requirements of section three hundred and thirty of Public Law 95-626, as most recently amended by Public Law 97-35, and shall establish appropriate standards and criteria for the awarding of not less than seven hundred and twenty thousand dollars in grant funds; provided further, that in order to receive said operational grants, a center need not be eligible for funding under said section three hundred and thirty as a categorical program during fiscal year nineteen hundred and eighty-seven; provided further, that notwithstanding the above provisions, the department of public health shall obligate not less than two hundred and | |

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| | <p>eighty thousand dollars for an operational grants program, which program shall include appropriate standards and criteria, for independently licensed community health centers who are not eligible to receive an allotment of funds under provisions of section 1926 of the Public Health Services Act as most recently amended by Public Law 97-35; provided, however, that of this two hundred and eighty thousand dollars not more than eighty thousand dollars shall be expended for hospital-affiliated community health centers which, in conformance with the provisions of section three hundred and thirty of Public Law 95-626, have a community board of directors; provided further, that in addition to the said amounts that not more than one hundred thousand dollars shall be obligated for the administration, monitoring and evaluation of said operational grants programs; provided further, that in the event Massachusetts participates in the primary care block grant, funds appropriated herein shall be obligated in conformance with the requirements of section 1926 (a)(4)(A) of the Public Health Services Act, as most recently amended by Public Law 97-35, unless otherwise provided herein; provided further, that not less than one hundred and twenty-five thousand dollars shall be obligated for the Dimock Community Health Center; and provided further, that, notwithstanding the provisions of any general or special law to the contrary, not less than seventy thousand dollars shall be expended for the Massachusetts General Hospital Neighborhood Health Centers; and provided further, that not less than seventy thousand dollars shall be obligated for the South Boston Community Health Center; provided further, that not less than twenty-four thousand four hundred and twenty-six dollars shall be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human services providers, including not more than three positions</p> | |
| 4510-0114 For | the reimbursement of the uncompensated care provided by community health centers pursuant to the provisions of chapter five hundred and seventy-four of the acts of nineteen hundred and eighty-five; provided, however, that the department shall notify the house and senate committees on ways and means of the amounts of such reimbursement to each individual community health center; provided further, that such notification shall include a description of the distribution formula used to determine such reimbursement | \$1,630,279 |
| 4510-0115 For | a grants program to support Alzheimer's disease research | \$1,000,000 |
| 4510-0600 For | an environmental health program, including control of radiation and nuclear hazards and consumer products protection, including food and drugs; a program of lead poisoning prevention; and the employment of the state lockup inspector; provided, that the expenditures from this item for the fair packaging and label- | \$200,000 |

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| | ing survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of one hundred per cent of the amounts so expended; provided further, however, that not less than thirty thousand dollars shall be obligated for a generic drug publication; provided further, that the department shall report quarterly to the house and senate committees on ways and means concerning the status of the case management program for children hospitalized for lead paint poisoning including both the number of children for whom case management is provided, and those who are hospitalized; provided further, the department of public health shall maintain a regional food and drug office in Amherst, including not more than one hundred and two positions | \$3,050,000 |
| 4510-0604 | For the purpose of implementing certain provisions of chapter four hundred and seventy of the acts of nineteen hundred and eighty-three, the "Right-to-Know" law, so-called; provided, that the department shall investigate the effects of toxic chemicals used in the graphics communication industry, including not more than ten positions | \$230,000 |
| 4510-0710 | For the administration of the division of health care quality; provided, that said division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and ill, hospitals and infirmaries, including the inspection of ambulance services; provided that not less than one hundred and fifty thousand dollars shall be obligated for the operation of a patient advocacy office, including not more than one hundred and thirty-six positions | \$4,363,697 |
| 4510-0750 | For the cost of providing certificates of need, as required by section twenty-five C of chapter one hundred and eleven of the General Laws, including not more than twenty-one positions | \$810,000 |
| 4510-0790 | For an office of emergency medical services; provided, however, that not less than three hundred and fifty thousand dollars shall be obligated for the expansion of operations by regional emergency medical services councils and the expansion of operations by regional communication centers, including not more than eight positions | \$610,000 |
| 4510-0800 | For the cost of reimbursing cities and towns to offset local costs incurred due to new department of public health ambulance service regulations; provided, however, that said funds will be paid as determined by the division of local mandates in the office of the auditor of the commonwealth; and provided further, that the department of public health shall notify the house and senate com- | |

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| 4512-0103 For | mittees on ways and means of the amounts of reimbursement to each city and town the administration of an Acquired Immune Deficiency Syndrome program; provided that not less than three hundred and ninety-seven thousand dollars shall be obligated for the purposes of providing laboratory services, counseling, and education related to screening and monitoring of research regarding Acquired Immune Deficiency Syndrome and its related complex; provided, further, that not less than one million nineteen thousand eight hundred and ninety-five dollars shall be obligated for the treatment of Acquired Immune Deficiency Syndrome patients at the Lemuel Shattuck hospital; provided, further, that not less than two hundred thousand dollars be obligated for new outpatient methadone maintenance programs, including not more than twenty-eight positions | \$175,000 |
| 4512-0200 For | the administration of the division of alcoholism; provided, that not less than nine hundred and seventy-four thousand dollars shall be obligated for a four percent cost of living allowance for state-funded alcoholism providers for fiscal year nineteen hundred and eighty-seven; provided that not less than nine hundred and fifty-nine thousand dollars shall be obligated for a four per cent cost of living allowance for state-funded alcoholism providers for fiscal year nineteen hundred and eighty-six; and provided further, that not less than two hundred thousand dollars shall be obligated for a program to reduce the incidence of alcohol use and abuse among pregnant women; provided further, that not less than one hundred and fifty-eight thousand dollars shall be obligated for an alcoholism case management program; provided further, that not less than seventy-five thousand dollars shall be obligated for an emergency nurses program; provided further, that not less than three hundred and sixty thousand dollars shall be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human services providers, including not more than twenty-nine positions | \$4,073,514 |
| 4512-0500 For | a dental health program, including dental services at the state schools for the retarded, provided, however, that not less than two hundred and twelve thousand dollars shall be obligated for a community-based statewide dental program for the mentally retarded; and provided further, that not more than one million eight hundred forty-four thousand four hundred dollars may be obligated as the fiscal year nineteen hundred and eighty-seven twelve month cost of providing dental services at the state schools, including not more than six positions | \$26,934,660 |
| 4512-0550 For | the provision of funds to cities and towns for fluoridation programs; provided, that certain prior year's obligations may be paid from this item | \$2,542,000 |
| 4513-0200 For | the division of drug rehabilitation, including a residential drug treatment | \$106,678 |

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| | program for adolescents; provided, that said division shall not license any new drug rehabilitation program or clinic until and unless it has made a determination of community need in the area where the clinic or the program is to be located; provided further, that not less than one hundred and fifty thousand dollars shall be obligated for drug rehabilitation services for pregnant women; and provided further, that not less than one hundred and fifty thousand dollars shall be obligated for drug programs for inmates of state correctional facilities; provided further, that not less than one hundred and forty-nine thousand dollars shall be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human services providers, including not more than eight positions | |
| 4513-1000 For | the administration of the division of family health services; provided that not less than two hundred and fifty-three thousand dollars shall be obligated for the annualized cost of a poison control hot line; provided further, that a multi-disciplinary team of health and allied health professionals shall certify all nursing home placements for individuals from birth to age twenty-two; provided, further, that in the event the medical review team denies certification, it shall recommend an alternative care program appropriate to each individual's needs; for a program of maternal and child health to be in addition to any federal funds received for this program; provided, further, that two hundred and fifty thousand dollars shall be expended for an identification and screening program for high risk pregnant women and infants; provided further, that not less than one hundred and twenty thousand dollars shall be expended to support local and regional coalitions which address strategies for ensuring that comprehensive prenatal and infant care services are available for high risk pregnant women and infants; and provided further, that not less than one hundred thousand dollars shall be expended for the conduction of a statewide media campaign that includes, but is not limited to, information on factors promoting healthy birth outcomes; provided that not less than one hundred and seventy-eight thousand dollars shall be obligated for home care for disabled children; and provided further, that not less than three hundred thousand dollars shall be obligated to meet the costs of providing community-based residential care for disabled children; provided, however, that within ninety days of the effective date of this act the department of public health shall submit to the house and senate committees on ways and means a report which shall include, but not be limited to, an estimate of the total projected caseload to be served and the current location and living arrangements of such population, an estimate of the total number of community-based residences needed to service such | \$8,143,762 |

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- population, and recommendations for the location, size, and staffing patterns for such residences; provided further, that such report shall also include an analysis of the potential for federal reimbursement for such residences; provided, further, that such report shall also include recommendations for the future use of pediatric nursing homes; provided further, that no funds shall be expended for said community-based residential care for disabled children without the prior written approval of the house and senate committees on ways and means; provided further, that not less than eight million eight hundred and fifty-six thousand five hundred and forty-six dollars shall be obligated for early intervention services and transportation of early intervention clients; provided further, that the department shall establish a program for the medical care of genetically handicapped adults; provided further, that not less than sixty-one thousand six hundred and twenty-four dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human services providers, including not more than one hundred and thirty-six positions \$19,191,690
- 4513-1002 For the administration of the office of nutritional services to be in addition to funds received under the federal nutrition program for women, infants, and children; provided, that within thirty days of the effective date of this act the department shall report the total number of cases which can be supported with funds from this item without incurring a deficiency to the house and senate committees on ways and means; provided further, that the total number of said cases shall not be exceeded without the prior approval of the house and senate committees on ways and means; provided further, that the department shall report quarterly to the house and senate committees on ways and means and the commissioner of administration on all expenditures from this item and from the federal nutrition program for women, infants and children, including the numbers of participants in each program; and provided further, that not less than four hundred thousand dollars shall be obligated for Failure-to-Thrive programs; provided further, that not less than twenty-three thousand one hundred and seventy-three dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human services providers, including not more than twenty-three positions \$7,514,515
- 4513-1005 For a medical services program to be administered by the department of public health for pregnant women residing in the commonwealth who would otherwise be eligible for medical assistance pursuant to chapter one hundred and eighteen E of the General Laws, but for excess income, and who lack health insurance or whose health insurance does not cover the pregnancy related services as de-

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| | scribed below; provided, that the countable income of such pregnant women may not exceed such standards for eligibility as are established by the department; provided further, that such standards shall be one hundred and eighty-five percent of the non-farm income poverty guidelines prescribed by the United States Office of Management and Budget; provided further, that no persons eligible under medical assistance pursuant to chapter one hundred and eighteen E of the General Laws shall be served through this program; provided further, that medical assistance furnished pursuant to this section shall be limited to medically necessary care and services related to pregnancy, delivery and childbirth, and post-partum obstetric and gynecological care and services; provided further, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother; provided further, that funds appropriated in this item shall constitute the sole obligation of the commonwealth to meet the costs of said services and that the entitlement provisions of the medical assistance program shall not apply to the program authorized in this section; provided further, that the department of public health shall assess the need for this program in the event of any changes in the hospital reimbursement system and shall report on such assessment to the house and senate committees on ways and means; and provided further, that the department shall submit a report, on a quarterly basis, to the house and senate committees on ways and means as to the number of women served during that quarter, categories of age, types of services provided, and expenditures made | \$8,600,000 |
| 4513-1500 For | the administration of local health services, including not more than twenty-two positions | \$806,139 |
| 4516-1000 For | the administration of the center for laboratory and communicable disease control services, including the division of communicable and venereal diseases, the division of tuberculosis control, and the state laboratory institute; provided, that not less than two hundred and thirty thousand dollars shall be obligated for Varicella-Zoster Immune Globulin, cytomega-lovirus, and Whooping Cough vaccine programs; provided further, that not less than eight hundred thousand dollars shall be used for the purpose of providing vaccines for childhood diseases and not less than four hundred thousand dollars shall be obligated for the purposes of providing influenza vaccines for the elderly and the chronically ill; provided further, that not less than two hundred thousand dollars shall be obligated for a new vaccine to prevent Haemophilus influenza type b disease; including not more than two hundred and forty-six positions | \$14,693,838 |

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| 4518-0100 | For the administration of the office of health statistics and analysis and for the operation of a cancer registry and an occupational lung disease registry, including not more than forty-eight positions | \$1,927,515 |
| 4540-0001 | For the maintenance of and for certain improvements at the department of public health hospitals; provided that not less than eight million nine hundred and thirty-eight thousand eight hundred and twenty-four dollars and not more than three hundred and eighty-eight positions be available for Lakeville hospital; provided further that not less than twenty million eight hundred and fourteen thousand four hundred and five dollars and not more than seven hundred and five positions be available for the Lemuel Shattuck Hospital; provided that not less than six hundred and twenty-five thousand one hundred and twenty-nine dollars and not less than twenty-five positions be available for a shelter for the homeless located at Lemuel Shattuck Hospital; provided that not less than seven million nine hundred and forty-one thousand three hundred and two dollars and not more than three hundred and forty-one positions be available for the Massachusetts Hospital School; provided that not less than seven million six hundred and thirteen thousand three hundred and three dollars and not more than three hundred and seventy-eight positions be available for Rutland Heights Hospital; provided that not less than twenty-one million five hundred and sixty-six thousand three hundred and seventy dollars and not more than one thousand sixty-four positions be available for Tewksbury Hospital; provided that not less than six million two hundred and twenty-two thousand eight hundred and sixty dollars and not more than two hundred and forty-six positions be available for Western Massachusetts Hospital; provided that not less than thirteen million three hundred and four thousand four hundred and fifty-nine dollars and not more than six hundred and fifty-eight positions be available for Cushing Hospital; provided further, that not less than two hundred and ninety thousand dollars be obligated for a post traumatic stress disorder unit at Rutland Heights Hospital; provided however, that within sixty days of the effective date of this act, Rutland Heights Hospital shall provide to the house and senate committees on ways and means a report which shall include, but not be limited to, a spending plan for such unit and a projection of future expenditures for such unit; provided further, that not less than one million six hundred and eighty-eight thousand and fifty dollars shall be obligated for water and sewer improvements and repairs at Lakeville Hospital | \$93,585,050 |

DEPARTMENT OF SOCIAL SERVICES.

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Notwithstanding any provision of law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means the amount expended on day care; said reports shall be by region and shall include total number of slots by category, occupancy by category, and the cost by category for each line item funding source, and include like information for services utilizing a voucher payment system.

Notwithstanding any provision of law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means the amount expended on women in transition services; said reports shall be by region and shall include the number of service units by category, utilization by category, and cost by category; provided, further, that during the fiscal year ending on June thirtieth, nineteen hundred and eighty-seven the department of social services shall expend not less than three million six hundred thirty thousand dollars on services to women in transition.

Notwithstanding any provision of law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means the number of adoptions finalized by the department and the number of adoptions pending decision; said reports shall include the percentage of adoptions of children by foster parents.

Notwithstanding any provision of law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means all expenditures from the federal grant entitled Social Services Block Grant; said reports shall be by region and by program category.

Notwithstanding any provision of law to the contrary, the department of social services shall report quarterly to the house and senate committees on ways and means all new initiatives and programs begun with funds from the federal grant entitled Title IVB, and the status and funding of all programs operated under this grant.

Notwithstanding any provision of law to the contrary, the department of social services shall report monthly to the house and senate committees on ways and means on current social worker caseloads by type of case and level of social worker assigned to cases.

Notwithstanding any provision of law to the contrary, the department of social services shall not authorize purchased social services at a level that will cause expenditures to exceed appropriations and allocations from revolving funds; provided, that social services shall be maintained and expenditures allocated in such a manner that will not cause said services to be terminated prior to the end of the fiscal year; provided further, that no monies appropriated under

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| | <u>these items shall be expended for tutoring or remedial reading of children awarded to the department and attending public schools.</u> | |
| 4800-0010 | For the central administration and maintenance of a program of social services; provided, that unless otherwise authorized to be expended all funds including any federal reimbursements received by the department shall be credited to the General Fund; provided further, that not less than seven hundred and thirty-four thousand two hundred and fifty dollars shall be obligated for the management and administration of contracts; provided further, that not less than five thousand one hundred and forty-nine dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human service providers, including not more than two hundred and sixteen positions. | \$7,283,420 |
| 4800-0020 | For the delivery of permanency services to children in the care of the department, including the provision of adoption, guardianship and subsidies; provided, that the department shall make assessment of all the children in its care longer than twelve months for the appropriateness of adoption; provided, further, that the department shall establish a central registry and tracking system to monitor the progress of such children in the adoption process; and provided further, that no funds shall be expended to provide subsidies to adoptive parents for children no longer in their care; provided further, that not less than twelve thousand one hundred and sixty-five dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human service providers, including not more than twenty-seven positions | \$11,815,119 |
| 4800-0023 | For a reserve to fund new and existing programs for adolescent treatment and assessment; provided further, that not less than forty-two thousand two hundred and twenty dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human service providers | \$1,729,577 |
| 4800-0025 | For a program of foster care review, including not more than sixty-one positions | \$2,059,157 |
| 4800-0028 | For a reserve to fund an increase in foster care, adoption and guardianship subsidies; provided that such increases shall not be granted and expenditures from this item shall not be made until a plan for improving the foster care program has been developed by the department and approved by the house and senate committees on ways and means; provided further, that said plan shall include recommendations for recruitment and training for foster parents, including a program of inservice training for foster parents, as well as a standard process for regular evaluation of foster homes, and other steps necessary to insure the quality of services; provided further, that said plan shall include a timetable for implementation during fiscal year nineteen hundred and eighty-seven; provided fur- | |

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| | ther, that funds may be transferred from this appropriation to items of appropriation 4800-0020 and 4800-0200 | \$6,875,942 |
| 4800-0050 | For the expenses and operations of the New Chardon Street Home for Women located in the city of Boston, including not more than twenty-one positions | \$587,723 |
| 4800-0060 | For a program of day care services; provided, that vacant contracted basic slots will be filled through an alternating intake system, monitored by the department of social services, to insure that department of social services and department of public welfare authorized families as well as income-eligible families have access to state supported day care on a one-to-one basis; provided, further, that eighty-seven thousand and seventy-nine dollars be obligated for an after-school special day care program for emotionally disturbed and learning disabled children; provided, further, that forty new day care slots in fiscal year nineteen hundred and eighty-seven shall be targeted for children of teenage parents; and provided, further, that any federal reimbursement for this purpose, unless otherwise authorized to be expended, shall be credited to the General Fund; and provided, further, that not less than one million dollars shall be expended to increase rates for supportive day care services; and provided, further, that two hundred and fifty thousand dollars shall be expended to assist those families whose income is less than or equal to one hundred percent of the median family income of the commonwealth and are paying full cost for day care services, provided, however, that said monies shall not be expended until thirty days after receipt by the commissioner of the report of the task force on day care affordability; provided further, that not less than four million one hundred and one thousand eight hundred and seventy-one dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human service providers | \$67,804,975 |
| 4800-0070 | For a program of respite care for the developmentally disabled, provided that not less than one hundred and seventy thousand dollars be expended for the programs and operation of a respite house in the South Central Area of Region II; provided further, that not less than sixty-two thousand nine hundred and seventy-nine dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human service providers | \$5,169,018 |
| 4800-0100 | For the administration of the department's six regions, including not more than six hundred and fifty-seven positions | \$24,338,839 |
| 4800-0200 | For regional direct services; provided, that unless otherwise authorized to be expended, any federal reimbursements received for this purpose shall be credited to the General Fund; provided, further, that not less than fifty thousand dollars shall be allocated for programs which train and support volunteers to act | |

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| | as parent aides to teach adolescent parents child care skills; provided, further, that not less than four million dollars shall be obligated for purchased social services in region I; provided, further, that not less than three million eight hundred thousand dollars shall be obligated for purchased social services in region II; provided, further, that not less than four million eight hundred thousand dollars shall be obligated for purchased social services in region III; provided, further, that not less than two million seven hundred and forty thousand dollars shall be obligated for purchased social services in region IV of which thirty-five thousand dollars shall be obligated for the South Norfolk Area parent aide program; provided, further, that not less than six million dollars shall be obligated for purchased social services in region V; and provided, further, that not less than five million four hundred thousand dollars shall be obligated for purchased social services in region VI; provided, further, that not less than one million five hundred and sixty-two thousand and sixty-four dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human service providers, including not more than one thousand seven hundred and twenty-two positions | \$81,268,359 |
| 4800-1040 For | certain public/private partnership programs; provided, that up to six hundred and twenty-nine thousand two hundred and seventy-three dollars may be expended on emergency services for battered women, provided that sufficient donated funds are received; provided, further, that not less than three million three hundred thousand dollars be expended on day care services, provided that sufficient donated funds are received; provided, further, that any expenditures from this item shall be contingent upon a contractual partner agreement secured by a program provider committing a private or public source other than the commonwealth to provide funds equal to twenty-five per cent of the cost of any proposed public/private partnership program; provided, further, that the department, subject to the provisions of chapter thirty A of the General Laws and with the approval of the executive office of human services, shall promulgate any rules and regulations as are deemed necessary to administer said programs; provided, further, that such rules and regulations along with any amendments or repeals shall be submitted to the house and senate committees on ways and means prior to implementation; and provided, further, that any federal reimbursements received for this purpose unless otherwise authorized to be expended, shall be credited to the General Fund; provided further, that not less than four hundred ninety-seven thousand seven hundred and eighty-seven dollars be obligated to meet the cost of providing a supplemental salary increase for direct care employees of human service providers | \$14,297,583 |

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DEPARTMENT OF MENTAL HEALTH.

Notwithstanding any general or special law to the contrary, the department of mental health shall report quarterly to the house and senate committees on ways and means the status of all existing community-based programs, including the total cost of each program, its client capacity, and the number of clients actually being served. The department of mental health shall report quarterly to the house and senate committees on ways and means expenditures made, by region, for the establishment of new community-based programs; status of community-based programs including starting dates, numbers of clients served per program, the cost for the start-up month and the cost for the full fiscal year.

Notwithstanding any general or special law to the contrary, the department of mental health shall submit quarterly, to the house and senate committees on ways and means a status report on community placements, by region, including the identification of patients to be moved into the community as well as the program in which they will be placed, and the dates on which they are to be deinstitutionalized.

Notwithstanding any general or special law to the contrary, the department of mental health shall provide temporary residential respite care facilities for clients with behavioral and developmental disabilities. Said programs shall have as their main objective, the reduction of stress in families attempting to maintain disabled clients in the community in order to avoid long term or emergency admission to institutional settings.

Notwithstanding any general or special law to the contrary, the department of mental health shall submit quarterly to the house and senate committees on ways and means a status report on all state schools and state hospitals including total cost of the operations of each institution, its client capacity, the number of clients being served and the use of such facilities by other state agencies.

5011-0006 For a reserve to provide for the continuity of services to developmentally disabled persons whose age no longer entitles them to services under special education programs, provided that funds may be transferred from this item to other items of appropriation within the department of mental health

\$15,088,357

5011-0025 For transportation services for mentally retarded persons attending educational, habilitational or day care services or facilities of the department, said persons being no longer eligible for such services under the provisions of chapter seven hundred and sixty-six of the acts of nineteen hundred and seventy-two,

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| | notwithstanding the provisions of any general or special law to the contrary, including not more than five positions | \$19,519,436 |
| 5011-0100 | For the administration and general services of the department; provided, that the position of assistant to the commissioner of mental health (executive in mental retardation) shall not be subject to the provisions of chapter thirty-one of the General Laws, including not more than seven hundred and eighty-four positions | \$31,409,455 |
| 5016-0200 | For a program of research into the causes and treatment of mental illness, including not more than five positions | \$400,000 |
| 5016-0201 | For improvements in the management of the department of mental health; provided, that the commissioner of mental health shall file a report no later than June thirtieth, nineteen hundred and eighty-seven with the house and senate committees on ways and means concerning management improvements made as of that date, including not more than forty positions | \$600,000 |
| 5017-0100 | For the office of court monitor | \$181,369 |
| 5046-0000 | For mental health services for adult clients; provided, that not less than five million five thousand one hundred and sixty-two dollars be available for district II; provided further, that not less than nine million two hundred sixty-four thousand three hundred and forty-seven dollars be available for district III; provided further, that not less than four million seven hundred thirteen thousand eight hundred and seventy-eight dollars be available for district IVA; provided further, that not less than three million twenty-four thousand two hundred and forty-three dollars be available for district V; provided further, that not less than three million two hundred nineteen thousand eight hundred and four dollars be available for district VI; and provided further, that not less than five million three hundred thirty-two thousand one hundred and ninety dollars be available for district IVB; provided further, that not less than three hundred and sixty-one thousand six hundred and sixty-five dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human services providers, including not more than seven hundred and twenty-one positions | \$57,799,865 |
| 5046-0200 | For a reserve to fund new community programs for mentally retarded clients who are not eligible for services provided pursuant to chapter seventy-one B of the General Laws and are not members of a class established by consent decree, for mentally ill adults, and for children requiring services from the department of mental health, to fund the development of service plans appropriate to the individual needs of persons residing in certain mental health facilities, and to fund forensic mental health services; provided, that the amounts provided | |

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herein shall be obligated as follows: three million five hundred thousand dollars for such programs for such mentally retarded clients, eight million, five hundred sixty-one thousand six hundred sixty-six dollars for such mentally ill adults, one million, three hundred eighty-five thousand dollars for such children served by said department, one million dollars for the development of said service plans, and four hundred ninety-three thousand dollars for forensic mental health services; provided, however, that no monies may be expended from this item until after the issuance of the initial findings and recommendations of the special commission relative to the proposed division of the department of mental health and the creation of a department of mental health and a department of mental retardation as established pursuant to this act; provided, further, that monies may be expended from this item only in accordance with schedules approved by the house and senate committees on ways and means; and provided, however, that notwithstanding any of the foregoing provisions of this item to the contrary, five hundred thousand dollars of the amount obligated for community programs for non-class mentally retarded clients may be expended immediately upon passage of this act, including not more than seventeen positions

\$14,939,666

5047-0000 For mental health services for children and adolescents; provided, that not less than six million one hundred thirty-three thousand six hundred and eighty-nine dollars be available for district I; provided further, that not less than one million nine hundred thirty-eight thousand nine hundred and fifty-nine dollars be available for district II; provided further, that not less than three million six hundred ninety-six thousand five hundred and sixty-eight dollars be available for district III; provided further, that not less than one million two hundred seventy thousand five hundred and seventy-three dollars be available for district IVA; provided further, that not less than one million seven hundred fifty-seven thousand five hundred and eleven dollars be available for district V; provided further, that not less than two million seven hundred fifty thousand three hundred and thirty-five dollars be available for district VI; and provided further, that not less than one million seven hundred fifty-eight thousand six hundred and ninety-one dollars be available for district IVB; provided further, that not less than two hundred and ninety-six thousand four hundred and sixty-six dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human services providers, including not more than one hundred and sixty-four positions

\$34,732,829

5048-0000 For mental retardation services; provided, that not less than nineteen million three hundred eighty-seven thousand four hundred and sixty dollars be available

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| | for district I; provided further, that not less than eleven million three hundred sixty-seven thousand two hundred and eighty-seven dollars be available for district II; provided further, that not less than fourteen million five hundred thirty thousand five hundred and eighty-seven dollars be available for district III; provided further, that not less than eight million nine hundred ninety-four thousand seven hundred and fifty-five dollars be available for district IVA; provided further, that not less than ten million three hundred thousand dollars be available for district V; provided further, that not less than thirteen million eight hundred seventy-four thousand five hundred and eighty-three dollars be available for district VI; and provided further, that not less than twelve million seven hundred thousand dollars be available for district IVB; provided further, that not less than eight million six hundred and fifty-seven thousand eight hundred and twelve dollars shall be obligated for services to retarded persons in the community who are not eligible for services through chapter seventy-one B of the General Laws or consent decrees; provided further, that not less than one million seven hundred and eighty-nine thousand two hundred and forty-five dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human service providers, including not more than five hundred and forty-three positions | \$130,321,494 |
| 5049-0000 For | forensic mental health services, including not more than eighty-two positions | \$3,894,140 |
| 5051-0100 For | the operation of community mental health centers; provided, that not less than four million three hundred eighty-four thousand four hundred and sixty-four dollars and not less than one hundred and fifty-seven positions be available for the Dr. Harry C. Solomon mental health center; provided further, that not less than three million one hundred seventy-six thousand four hundred and twelve dollars and not less than one hundred and fifty-five positions be available for the Cambridge/Somerville mental health and mental retardation center; provided further, that not less than four million four hundred twenty thousand six hundred and forty-five dollars and not less than one hundred and eighty-seven positions be available for the Brockton multi-service center; provided further, that not less than four million four hundred twenty-five thousand dollars and not less than one hundred and seventy positions be available for the John C. Corrigan mental health center; provided further, that not less than one million three hundred ninety-one thousand seven hundred and seventy-five dollars and not less than one hundred and thirty-six positions be available for the Pocasset mental health center; provided further, that not less than eight million six hundred five thousand five hundred and twenty-six dollars and not less than three hundred and twelve positions be available for the Massachusetts men- | |

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| 5083-0100 For | <p>tal health center; provided further, that not less than seven million eight hundred four thousand and forty-eight dollars and not less than three hundred and four positions be available for the Dr. Solomon Carter Fuller mental health center; provided further, that not less than five million four hundred fifty-three thousand two hundred and seventy-seven dollars and not less than two hundred and seventeen positions be available for the Erich Lindemann mental health center; provided further, that not less than four million six hundred thousand dollars and not less than one hundred and eighty-five positions be available for the Tufts mental health center; provided further, that not less than seven million four hundred forty-two thousand eight hundred and fifty-nine dollars and not less than three hundred positions be available for the Dorchester mental health center; provided further, that not less than five million seventy-six thousand eight hundred and thirty-two dollars and not less than two hundred and thirty-one positions be available for the West-Ros-Park mental health center; and provided further, that not less than two million five hundred thousand seven hundred and twelve dollars and not less than one hundred and twelve positions be available at the Quincy mental health center; and provided further, that not more than one hundred and nine positions may be assigned by the department among the several mental health centers, including, for all the mental health centers, a total of not more than two thousand five hundred and seventy-five positions</p> <p>the operation of facilities for the mentally retarded; provided, that not less than twenty-nine million five hundred ten thousand seven hundred and sixty-eight dollars and not more than one thousand three hundred and eighty-three positions be available for the Belchertown state school; provided further, that not less than three million nine hundred and sixty-six thousand three hundred and forty-two dollars and not more than one hundred and seventy-six positions be available for the Irving A. Glavin regional center at Shrewsbury; provided further, that not less than thirty-three million five hundred forty-eight thousand and one dollars and not more than one thousand five hundred and sixty-four positions be available for the Monson developmental center; provided further, that not less than seventeen million eight hundred one thousand and fifteen dollars and not more than eight hundred and ninety-one positions be available for the Charles V. Hogan regional center and the John T. Berry rehabilitation center; provided further, that not less than forty-six million five hundred seventeen thousand seven hundred and sixteen dollars be available for the Waltham campus of the Walter E. Fernald state school and that not less than six million seven hundred sixty-four thousand three hundred and ten dollars be</p> | \$64,649,900 |
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| | available for the Templeton Colony of the Walter E. Fernald state school and not more than two thousand three hundred and eighty-nine positions be available for the Walter E. Fernald state school; provided further, that not less than forty-three million three hundred five thousand five hundred and forty-seven dollars and not more than one thousand nine hundred and forty-eight positions be available for the Paul A. Dever state school; and provided further, that not less than forty-eight million two hundred ninety-two thousand and eleven dollars and not more than two thousand two hundred and fifty positions be available for the Wrentham state school | \$235,417,336 |
| 5083-0200 For | the purchase of a pumper truck to be under the custody, control and maintenance of the Palmer Fire District #1, of the town of Palmer for the protection of state property | \$155,000 |
| 5095-0000 For | the maintenance of the state hospitals; provided, that not less than ten million eight hundred eighteen thousand four hundred and sixty dollars and four hundred and fifty-four positions shall be allocated for the maintenance of Northampton state hospital; provided further, that not less than seventeen million seven hundred sixty-seven thousand five hundred and sixty-eight dollars and seven hundred and nine positions shall be allocated for the maintenance of Worcester state hospital; provided further, that not less than ten million four hundred seventy-nine thousand six hundred and forty-two dollars and four hundred and eleven positions shall be allocated for the maintenance of Danvers state hospital; provided further, that not less than sixteen million six hundred twenty-seven thousand two hundred and sixty-four dollars and six hundred and seventy-nine positions shall be allocated for the maintenance of the Metropolitan state hospital; provided further, that not less than three million seven hundred twenty-seven thousand and fifty-six dollars and one hundred and seventy-two positions shall be allocated for the maintenance of the Gaebler Children's Center; provided further, that not less than two million sixty-four thousand one hundred and seventy-eight dollars and seventy-seven positions shall be allocated for the maintenance of the treatment center at the Massachusetts correctional institute at Bridgewater; provided further, that not less than nine million four hundred fifty-five thousand five hundred and ninety-six dollars and four hundred and one positions shall be allocated for the maintenance of Taunton state hospital; provided further, that not less than nine million nine hundred twenty-nine thousand eight hundred and sixty-one dollars and four hundred and seven positions shall be allocated for the maintenance of Medfield state hospital; provided further, that not less than eleven million nine hundred ninety-four thousand one hundred and thirty-nine dollars and five | |

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| | hundred and sixty-one positions shall be allocated for the maintenance of West-borough state hospital; and provided further, that nine hundred and eighty additional positions shall be available for assignment by the department among the several hospitals, including for all state hospitals a total of not more than four thousand nine hundred and eleven positions | \$105,148,333 |
| 5095-0100 | For a reserve to fund improvements in inpatient services in the state hospitals and community mental health centers; provided that expenditures from this reserve for the state hospitals shall be made in accordance with the approved hospital management plan; provided further, that funds may be transferred from this item to items of appropriation 5051-0100 and 5095-0000 | \$9,851,768 |
| 5146-0100 | For mental health services in district I; provided, that not less than three hundred eight thousand six hundred and fourteen dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human services providers, including not more than one hundred and forty-two positions | \$31,507,346 |

EXECUTIVE OFFICE FOR TRANSPORTATION AND CONSTRUCTION.

Office of the Secretary.

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| 6000-0100 | For the office of the secretary of transportation and construction; provided, that the office shall submit quarterly expenditure reports on all employees or contract personnel funded through capital outlay monies, including not more than nine positions | \$502,414 |
| | Highway Fund | 100.0% |
| 6001-3625 | For contract assistance to be allocated by the secretary of transportation and construction for the net additional expense of the operation of the demonstration inter-regional passenger rail services in Southeastern Massachusetts on lines acquired by the commonwealth or on lines over which any railroad corporation may operate; provided, that the secretary shall submit an annual report to the house and senate committees on ways and means detailing the revenues and the number of passengers served, a projection of net operating costs for the fiscal year, a five year revenue and expense projection, as well as, the anticipated operating deficit for the succeeding fiscal year, the first such report to be filed no later than November thirtieth, nineteen hundred and eighty-six, prior appropriation continued. | |

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Massachusetts Bay Transportation Authority.

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| 6005-0011 | For additional assistance to the Massachusetts Bay Transportation Authority in accordance with the provisions of sections six and nine of chapter eight hundred and twenty-five of the acts of nineteen hundred and seventy-four, as amended by section four of chapter two hundred and ninety-one of the acts of nineteen hundred and seventy-five | | \$154,658,607 |
| | General Fund | 80.0% | |
| | Highway Fund | 20.0% | |
| 6005-0012 | For certain debt service contract assistance to the Massachusetts Bay Transportation Authority in accordance with the provisions of section twenty-eight of chapter one hundred and sixty-one A of the General Laws | | \$72,286,810 |
| | General Fund | 80.0% | |
| | Highway Fund | 20.0% | |
| 6005-0013 | For reimbursement to the Massachusetts Bay Transportation Authority for certain motor vehicle and fuel excise taxes in accordance with the provisions of paragraph (c) of section twenty-five B of chapter fifty-eight of the General Laws | | \$530,000 |
| | General Fund | 80.0% | |
| | Highway Fund | 20.0% | |
| 6005-0014 | For reimbursement to common carriers of passengers for certain motor vehicle and fuel excise taxes in accordance with the provisions of paragraph (c) of section twenty-five B of chapter fifty-eight of the General Laws | | \$400,000 |
| | General Fund | 80.0% | |
| | Highway Fund | 20.0% | |
| 6005-0015 | For certain assistance to regional transit authorities; provided, that notwithstanding the provisions of section twenty-three of chapter one hundred and sixty-one B of the General Laws, the commonwealth's share of the net cost of service incurred in fiscal year nineteen hundred and eighty-six to be paid in fiscal year nineteen hundred and eighty-seven, for each authority may exceed fifty percent; provided however, the combined total allocated for contract assistance to said authorities shall not exceed the sum of fourteen million seven hundred and sixty thousand five hundred dollars; provided further, that not less than five hundred thousand dollars be obligated for programs of operating grants and reimbursements to increase the accessibility of transit provided to the elderly and disabled under the mobility assistance program, the regional transit authority program and the intercity bus capital assistance program; and provided further, the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July first, nineteen hundred | | |

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| | and eighty-six and ending June thirtieth, nineteen hundred and eighty-seven, may enter into contract or contracts with the authorities created pursuant to this chapter providing that at least fifty percent and up to sixty-six and two-thirds percent, of the net cost of service of each authority shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities | | \$14,760,500 |
| | General Fund | 80.0% | |
| | Highway Fund | 20.0% | |
| 6005-0016 | For a program of grant assistance to regional transit authorities, in coordination with the executive office of human services, for improving transportation services available to the elderly, including those elderly residing in nursing homes, and handicapped; provided, that the executive office of transportation and construction shall file with the house and senate committees on ways and means a report on the program. Said report shall include the numbers of clients being served, the cost per client and the amount of savings for the agencies within the executive office of human services | | \$250,000 |
| | General Fund | 80.0% | |
| | Highway Fund | 20.0% | |
| 6005-0017 | For certain payments to cities and towns as authorized by clause (c) of section thirteen of chapter sixty-four A, clause (b) of section thirteen of chapter sixty-four E and clause (b) of section fourteen of chapter sixty-four F of the General Laws | | \$23,178,000 |
| | Highway Fund | 100.0% | |
| 6005-0018 | For additional contract assistance to be allocated by the Massachusetts Bay Transportation Authority for the net additional expense of commuter rail and bus service provided to and on behalf of the regional transit authorities and cities and towns outside the Massachusetts Bay Transportation Authority in amounts determined to be appropriate by the executive office of administration and finance, acting on behalf of the commonwealth, on the recommendation of the secretary of the executive office of transportation and construction, for the fiscal year nineteen hundred and eighty-seven, in accordance with the provisions of section twenty-eight A of chapter one hundred and sixty-one A of the General Laws as amended and section forty-five of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five; provided, that the total of such assistance allotted under this item shall not exceed ten million five hundred thousand dollars | | \$10,500,000 |
| | General Fund | 80.0% | |
| | Highway Fund | 20.0% | |

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| 6005-0023 | For the reimbursement of certain cities and towns for assessment charges authorized under sections eight, eight A and nine of chapter one hundred and sixty-one A of the General Laws, and as reduced by state contract assistance authorized under sections six and seven of chapter eight hundred and twenty-five of the acts of nineteen hundred and seventy-four, and as appearing on the notice to assessors, as authorized by section twenty-one of chapter fifty-nine of the General Laws, for the fiscal year nineteen hundred and eighty-six; provided, that such reimbursements shall be made on the basis of a schedule approved by the house and senate committees on ways and means | | \$4,974,943 |
| | Local Aid Fund | 100.0% | |
| 6005-0027 | For payments for certain projects for the construction, reconstruction, and improvement of town and county ways and under subdivision (a) of clause (2) of section thirty-four of chapter ninety and as authorized in clause (c) of section thirteen of chapter sixty-four A of the General Laws | | \$19,650,000 |
| | Highway Fund | 100.0% | |
| 6005-0100 | For the expenses of commuter boat services | | \$134,199 |
| <u>Massachusetts Aeronautics Commission.</u> | | | |
| 6006-0003 | For the administration of the commission, including personnel services and expenses of the commissioners, including not more than ten positions | | \$447,152 |

DEPARTMENT OF PUBLIC WORKS.

Highway Activities.

Personal Services.

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| 6010-0001 | For personal services of the department; provided, that, notwithstanding the provisions of section four of chapter sixteen of the General Laws, the commissioner may appoint six additional assistants who shall serve at the pleasure of the commissioner and shall not be subject to chapter thirty-one of the General Laws and may also appoint a deputy chief counsel (counsel III) who shall not be subject to chapter thirty-one of the General Laws, including not more than three thousand four hundred and thirty-eight positions | | \$84,100,000 |
| | Highway Fund | 100.0% | |
| 6010-0009 | For a program for the planning and design of projects necessary to alleviate traffic congestion at various locations as determined by the department | | \$183,721 |

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| Highway Fund | | 100.0% |
| <u>Administrative and Engineering Expenses.</u> | | |
| 6020-2501 | For certain administrative and engineering expenses and equipment of the commission, the office of the public works commissioner and the division of administrative services, highway engineering, highway maintenance, highway construction and the district and other highway activity offices; provided that not less than one hundred and fifty thousand dollars shall be obligated for the purchase of all administrative and engineering equipment; provided that not less than one hundred and sixty-nine thousand dollars shall be obligated for the rental of a district seven office; provided, that the department of public works shall implement a system of inventory control and shall file a complete inventory report for fiscal year nineteen hundred and eighty-seven on or before the fifteenth of January, nineteen hundred and eighty-seven, with the house and senate committees on ways and means, prior appropriation continued | \$6,438,22 |
| Highway Fund | | 100.0% |
| <u>Outdoor Advertising Division.</u> | | |
| 6020-2505 | For the administration of the division, including not more than three positions | \$112,722 |
| <u>Maintenance and Operation of State Highways and Bridges. Appropriations under this heading may be expended for traffic safety control on certain city or town ways;</u> | | |
| 6030-7201 | For the expenses of snow and ice control; provided, that a detailed report on district cost comparisons for fiscal year nineteen hundred and eighty-seven expenditures be filed with the house and senate committees on ways and means on or before May first, nineteen hundred and eighty-seven; and provided further, that any surplus after May first, nineteen hundred and eighty-seven may be expended for bridge repairs in said districts, including the cost of sand, salt and chemicals | \$20,500,000 |
| Highway Fund | | 100.0% |
| 6030-7301 | For expenses in connection with traffic line painting, including the cost of materials | \$1,057,652 |
| Highway Fund | | 100.0% |
| 6030-7401 | For the purchase of materials and supplies for the maintenance and operation of state highways and bridges, excluding those specifically provided for in items 6030-7201, 6030-7301 and 6030-7603. | \$2,122,875 |
| Highway Fund | | 100.0% |

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| 6030-7403 | For the expenses of fleet management and maintenance equipment, prior appropriation continued Highway Fund 100.0% | \$3,080,683 |
| 6030-7408 | For the expenses of design and foundation work necessary for the construction of an overpass over the Southeast Expressway in the town of Milton Highway Fund 100.0% | \$300,000 |
| 6030-7409 | For the expenses of reconstructing a certain bridge on Boylston Street in the city of Lowell Highway Fund 100.0% | \$1,000,000 |
| 6030-7410 | For repairs to the staff sergeant Arthur DeFranzo Memorial in the town of Saugus | \$17,000 |
| 6030-7411 | For the installation of a traffic signal on route 58 at the Meadowbrook Elderly Complex Highway Fund 100.0% | \$20,000 |
| 6030-7412 | For the design, engineering and replacement of a bridge crossing the Concord River on Pollard Street in North Billerica Highway Fund 100.0% | \$95,000 |
| 6030-7601 | For maintenance and operation of state highways and bridges including the provisions of chapter eight hundred and three of the acts of nineteen hundred and seventy-nine; provided, however, that an engineering plan and study for Highland Avenue and Needham Street Concept Plan in the town of Needham and the city of Newton be completed; and provided further, that the department shall perform a study on the construction impact and traffic flow in Seekonk, along Route 6 from the Swansea town line to East Providence, Rhode Island, and Route 114A from Mink Street to Route 44 in the town of Seekonk, prior appropriation continued Highway Fund 100.0% | \$6,075,000 |
| 6030-7603 | For the expense of painting and repairing state bridges Highway Fund 100.0% | \$5,500,000 |
| 6031-0131 | For a property management program, prior appropriation continued. Highway Fund 100.0% | |
| 6034-0008 | For reimbursements to cities and towns listed in section four of chapter eight hundred and twenty-five of the acts of nineteen hundred and seventy-four to be used solely for the provision of or payment for mass transportation services, including assessments for said services; provided, that such amount reimbursed shall be based upon the amount which is expended for said services on or before June thirtieth, nineteen hundred and eighty-six and shall not exceed the amount specified for each city or town in said section four of said chapter eight hundred and twenty-five; and provided further, that the town of Nahant be re- | |

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| | imbursed nine thousand dollars | | \$2,500,000 |
| | Local Aid Fund | 100.0% | |
| 6034-0009 | For payment to cities and towns; provided, that each city and town shall receive the same amount in this fiscal year as was received in the prior fiscal year under the provisions of item 6034-0008 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five | | \$18,469,803 |
| | Local Aid Fund | 100.0% | |
| 6034-0010 | To direct the department of public works to study the safety improvements on Route 88 in the town of Westport and report findings on or before June thirtieth, nineteen hundred and eighty-seven | | \$50,000 |
| 6034-0017 | For the preservation of historical markers along the Old Boston Post Road as authorized by chapter six hundred and twenty-one of the acts of nineteen hundred and sixty | | \$25,000 |
| 6034-0018 | For the construction of certain portions of a sidewalk in the Town of Maynard adjoining the sidewalk to be constructed under the Federal Aid Project F-68 (001) and M000S (254), said sidewalk construction being necessary for the health and safety of pedestrian traffic with said construction to be undertaken on land not in public ownership | | \$35,000 |

EDUCATION.

Libraries.

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| 7000-9101 | For the administration and expenses of the board of library commissioners, including not more than twenty positions | | \$661,738 |
| 7000-9401 | For state aid to regional public libraries; provided, that notwithstanding the provisions of section nineteen C of chapter seventy-eight of the General Laws or any other general or special law to the contrary, the Boston Public Library shall, as the library of last recourse for reference and research services for the commonwealth, be paid from this item an amount equal to sixty-one and three-tenths cents per resident in the commonwealth; provided, further, that notwithstanding the provision of any general or special law to the contrary, no regional public library shall receive any money under this item in any year when the appropriation of the city or town where such regional public library is located to such regional public library is below an amount equal to the average of its appropriation for free public library service for the three years immediately preceding, increased by two and one-half percent of said average | | \$9,706,840 |
| | Local Aid Fund | 100.0% | |

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| 7000-9501 | For state aid to public libraries; provided, that not less than three million dollars shall be distributed to cities and towns according to the provisions of section eighteen C of chapter fifty-eight of the General Laws; provided, further, that notwithstanding the provision of any general or special law to the contrary, no city or town shall receive any money under this item in any year when the appropriation of said city or town for free public library services is below an amount equal to the average of its appropriation for free public library service for the three years immediately preceding, increased by two and one-half per cent of said average; provided, further, that any payment made under this appropriation shall be deposited with the Item treasurer of such city or town and held as a separate account and shall be expended by the public library of such city or town without appropriation, notwithstanding the provisions of any general or special law to the contrary | \$5,842,409 |
| | Local Aid Fund 100.0% | |
| 7000-9502 | For additional state aid to public libraries; provided, that the amount distributed to each city or town shall be in the same proportion as their population is to the total population of all cities and towns within the commonwealth, excluding that which is provided for in subsection (4) of section nineteen C of chapter seventy-eight of the General Laws | \$1,500,000 |
| | Local Aid Fund 100.0% | |
| 7000-9505 | For the purpose of making grants to public libraries for new public library projects and for certain renovation projects and equipment purchases; provided, that of the amount appropriated herein, not less than three hundred and fifty thousand dollars shall be obligated for said renovation projects and equipment purchases; provided, further, that no expenditures may be made from this item for said renovation projects without the prior written approval of the house and senate committees on ways and means | \$5,000,000 |
| | Local Aid Fund 100.0% | |
| 7000-9506 | For telecommunication expenses of automated resource sharing networks and their member libraries | \$200,000 |
| | Local Aid Fund 100.0% | |

DEPARTMENT OF EDUCATION.

Board of Education and Commissioner's Office.

7010-0005 For the general administration of the department, including the expenses of the members of the board, the office of the commissioner, the division of administration and personnel, the division of state and federal assistance, the division of research and development, the bureau of equal educational opportunity

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| 7010-0012 For | <p>and the bureau of assessment; provided, that twenty-five thousand dollars may be obligated to satisfy the requirements of section sixty of chapter fifteen of the General Laws; including not more than one hundred positions</p> <p>grants to cities, towns, or regional school districts for payments of certain costs incurred under the program for the elimination of racial imbalance; provided, that grants to a city, town or regional school district shall be limited by the board of education to actual and specifically documented incremental costs including those costs incurred pursuant to chapter seventy-one B of the General Laws incurred as a direct consequence of participation in the program whenever the reimbursements requested by such city, town or regional school district exceed the level of reimbursements received in fiscal year nineteen hundred and seventy-seven; provided further, that the board of education shall establish a uniform procedure by which the categories and amount of the incremental costs directly consequent to participation in the program shall be determined and reported by cities, towns and regional school districts; provided, further, that the board of education shall certify to the accuracy of said incremental costs determination to the house and senate committees on ways and means before September first, nineteen hundred and eighty-six; provided further, that reimbursements for incremental instructional costs shall in no case exceed the average per-pupil instructional costs, exclusive of administrative costs, and the incremental special education cost, as defined by the board of education for appropriate grade levels as incurred by the school district during the current school year; provided further, that payments to the provider shall be made through one disbursing agent as designated by the board of education and that they be not more than twelve and one-half percent of the non-transportation costs of the program; provided, further, that there shall be no discrimination on the basis of race, sex, color or creed; provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation; and provided further, that not less than ten thousand dollars shall be expended for summer education programs to be conducted by the provider in order to prepare new students in their transferral into new school systems; provided, further, that the commissioner of education shall perform a study of this program to determine the feasibility of offering disadvantaged, non-minority students with an opportunity equal to that provided to minority students to participate in the program; provided, further, that the commissioner of education shall file a report with the house and senate committees on ways and means and the joint</p> | \$4,591,934 |
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| | committee on education on or before October first, nineteen hundred and eighty-seven detailing the findings of said study complete with any recommendations necessary to implement such a project; provided, further, that the provider for this program shall be selected only after the solicitation of three or more bids | | \$12,215,041 |
| | Local Aid Fund | 100.0% | |
| 7010-0025 For | the development, administration and scoring of a statewide assessment test and a statewide basic skills test | | \$925,000 |
| 7010-0042 For | grants to cities, towns or regional school districts for the cost of providing magnet educational programs in accordance with the provisions of section thirty-seven I and thirty-seven J of chapter seventy-one of the General Laws; provided, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary; provided, further, that any portion of this appropriation item may be expended by the state board of education to purchase magnet educational programs; and provided, further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation, including not more than four positions, prior appropriation continued | | \$5,050,000 |
| | General Fund | 4.0% | |
| | Local Aid Fund | 96.0% | |
| 7010-0043 For | grants for the Equal Education Improvement Fund for cities, towns or regional school districts under the provisions of section one I of chapter fifteen of the General Laws; provided, that notwithstanding the provisions of said section one I or section thirty-seven D of chapter seventy-one of the General Laws, pupils qualifying for funding under the Equal Education Improvement Fund shall also include those of Hispanic and Southeast Asian origin; provided further, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary; and provided, further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation | | \$9,641,900 |

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| | Local Aid Fund | 100.0% | |
| 7010-0044 | For emergency grants to cities, towns, or regional school districts for the cost of providing for the educational needs of a rapid increase in the enrollment of children of limited English-speaking ability when such emergency funding is deemed necessary by the board of education under such guidelines as it may establish; provided that such guidelines shall consider such rapid increases of enrollment of such children in either fiscal year nineteen hundred and eighty-six, or fiscal year nineteen hundred and eighty-seven, or both; provided, however, that not more than twenty-five percent of the amounts distributed under this program shall be distributed to any one city, town, or regional school district; provided, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary; provided, further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation; and provided, further, that the commissioner of education shall file quarterly reports with the commissioner of administration, the gateway cities council, and the house and senate committees on ways and means detailing the expenditures made for each grant | | \$1,500,000 |
| | Local Aid Fund | 100.0% | |
| <u>Division of Occupational Education.</u> | | | |
| 7027-0001 | For the administration of the division, to be in addition to any federal funds available for the purpose to comply with the requirements of federal authorities under the Carl D. Perkins Vocational Education Act of 1984 (Public Law 98-524, as amended), including not more than forty-nine positions | | \$1,437,751 |
| 7027-0016 | For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for said programs in consultation with the secretary of economic affairs; provided further, that any funds that are distributed under this item to cities, towns, or regional school districts shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee without further appropriation; provided further, that each grant awarded herein shall be matched by the recipient from local, federal or private funds; pro- | | |

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vided further, that the board of education may determine the percentage match required on an individual grant basis; provided, further, that the department of education shall file quarterly reports with the joint committee on education and the house and senate committees on ways and means detailing the expenditures made for each grant

\$1,750,000

Local Aid Fund

100.0%

Division of Special Education.

7028-0001 For the administration of the division of special education, to be in addition to any federal funds available for the purpose, including not more than sixty-two positions

\$1,907,284

7028-0031 For the expenses of school age children in institutional school departments as required under section twelve of chapter seventy-one B of the General Laws; provided, that the department shall provide services to eligible inmates in county houses of correction in accordance with and during the preliminary injunction issued by the United States District Court, District of Massachusetts; provided, further, that pursuant to the court judgment in *Quirk v. Anrig* the department may pay retroactive salary adjustments for services provided by institutional school personnel, including not more than one hundred and forty-eight positions

\$10,475,000

7028-0101 For "incentive grants" to be paid to cities, towns and regional school districts to pay for the approved costs of educating certain children transferred to local education programs, the amount of such approved costs to be determined in each case by the department of education; provided, that any "incentive grant" payments made under this appropriation shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary; and provided further, that any educational costs covered by an "incentive grant" payment made under this appropriation shall not be eligible for recovery under section two of chapter seventy of the General Laws, prior appropriation continued

\$1,584,011

Local Aid Fund

100.0%

7028-0302 For the educational expenses of certain school age children with special needs attending schools under the provisions of section ten of chapter seventy-one B of the General Laws, for the educational expenses of school age children with special needs attending day or residential programs who have no father or mo-

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ther or guardian living in the commonwealth, and for expenses relating to the provisions of special education to certain children transferred from the department of public welfare to the department of education; provided, that said children transferred from the department of public welfare to the department of education were placed by the department of public welfare in a private special education program as of September first, nineteen hundred and seventy-four, have continued to attend such program at the expense of the department of public welfare up to the date of said transfer, and continue to need such special education program; provided, further, that notwithstanding the provisions of any general or special law to the contrary, all increases in the rate paid to any institution or school for services provided in a prior fiscal year may be funded with monies appropriated herein; and provided, further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation.

\$14,287,743

Division of Curriculum and Instruction.

7030-0100 For the general administration of the division, including bilingual programs and for the expenses of an educational television program; provided, that one hundred thousand dollars be obligated for a comprehensive evaluation of the programs created by chapter one hundred and eighty-eight of the acts of nineteen hundred and eighty-five pursuant to section fifty-seven of this act; provided, further, that a report detailing the findings of said evaluation complete with any recommendations necessary to improve the implementation of said chapter one hundred and eighty-eight be filed with the joint committee on education and the house and senate committees on way and means on or before January thirtieth, nineteen hundred and eighty-seven, including not more than sixty-one positions grants to cities, towns, regional school districts and educational collaboratives for early childhood education programs, pursuant to the provisions of section fifty-four of chapter fifteen of the General Laws; provided, that seventy-five percent of said funds shall be allocated to programs serving low income sites, as determined by the board of education; provided, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary

\$3,375,876

\$8,500,000

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| | Local Aid Fund | 100.0% | |
| 7030-1500 | For grants to head start programs | | \$2,800,000 |
| 7030-2000 | For grants to cities, towns, regional school districts and educational collabora- tives for basic skills remediation programs for students in grades one through nine and dropout prevention programs for students in grades seven through twelve, pursuant to the provisions of section fifty-two of chapter fifteen of the General Laws; provided, that seventy-five per cent of said funds shall be allocated to basic skills remediation programs and twenty-five percent of said funds shall be allocated to dropout prevention programs; provided, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, regional school district or educational collabor- ative and held as a separate account and shall be expended by the school com- mittee of such city, town, regional school district or educational collabor- ative without appropriation, notwithstanding the provisions of any general or special law to the contrary; provided, further, that of the amount appropriated herein, not less than seven hundred and fifty thousand dollars shall be obliga- ted for a science kit resource program in the public schools | | \$10,000,000 |
| | Local Aid Fund | 100.0% | |
| 7030-3000 | For the operation of a leadership academy by the department of education | | \$250,000 |
| 7030-4000 | For the administration of the Lucretia Crocker dissemination program to replicate and disseminate exemplary educational programs, pursuant to the provisions of section fifty-nine of chapter fifteen of the General Laws; including the award- ing of fellowships to public school teachers and the granting of funds for the publication and distribution of materials; provided, that the annualized amount of each fellowship does not exceed the annual salary and benefits of the recipi- ent and is awarded in place of and not in addition to the recipient's salary; provided, however, that any payment made under this appropriation shall be de- posited with the treasurer of the appropriate city, town or regional school dis- trict and held as a separate account and shall be expended by the school com- mittee of such city, town or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary | | \$600,000 |
| | Local Aid Fund | 84.0% | |
| | General Fund | 16.0% | |
| 7030-5000 | For the establishment of the Educational Technology Trust Fund to provide support for the development and dissemination of new uses of educational technologies and to award grants to cities, towns, regional school districts, independent vocational schools, and educational collaboratives for projects to demonstrate innovative applications of electronic technology to curriculum and instruction, | | |

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| | pursuant to section fifty-six of chapter fifteen of the General Laws | \$500,000 |
| | Local Aid Fund 100.0% | |
| 7030-6000 | For grants to cities, towns, regional school districts and educational collabora- tives to assist them in the purchase of instructional materials and for the purchase, and installation if necessary, of vocational education equipment, pursuant to section fifty-seven of chapter fifteen of the General Laws; pro- vided, that priority is given to school districts receiving equal educational opportunity grants pursuant to chapter seventy A of the General Laws; provided further, that no grant for said vocational education equipment shall be for less than five thousand dollars; provided, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, regional school district or educational collaborative and held as a separate ac- count and shall be expended by such city, town, regional school district or ed- ucational collaborative without appropriation, notwithstanding the provisions of any general or special law to the contrary | \$1,000,000 |
| | Local Aid Fund 100.0% | |
| 7030-7000 | For the development of a teacher certification exam, pursuant to section thirty- eight G of chapter seventy-one of the General Laws | \$475,000 |
| 7032-0210 | For the administration of a program for gifted and talented school aged children, to be in addition to any federal funds available for the purpose | \$70,536 |
| 7032-0211 | For a program in the public schools for gifted and talented children in the com- monwealth to be administered by the department of education; provided, that not less than eight hundred thousand dollars shall be expended for grants to ci- ties, towns and regional school districts for the development of said programs; provided further, that notwithstanding the provisions of any general or special law to the contrary, any funds distributed under this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district without further appropriation; provided fur- ther, that the department of education shall draw up rules and regulations for the administration of said program and shall provide technical assistance to applicants; provided further, that not less than fifty percent of the dollar value of said grants shall be expended for programs in cities, towns and re- gional school districts who are eligible for equal education opportunity grants as outlined in item 7061-1000 of this act; provided further, that not less than one hundred thousand dollars shall be expended for grants to cities, towns and regional school districts for the provision of inservice education to teachers and administrators on the subject of gifted and talented education; and pro- | |

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| | vided further, that a list of grant recipients be filed with the house and senate committee on ways and means and the commissioner of education by March first, nineteen hundred and eighty-seven | \$1,000,000 |
| 7032-0301 For | grants to cities, towns and regional school districts through the Commonwealth Inservice Institute to provide school based educational training; provided, that notwithstanding any general or special law to the contrary, any funds distributed under this item shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district; provided, further, that not more than five percent of the amount appropriated herein, shall be used for administrative costs | \$900,000 |
| | Local Aid Fund | 95.0% |
| | General Fund | 5.0% |
| 7032-0500 For | grants to cities, towns and regional school districts for school based comprehensive health education and human services in the public schools; provided, that any funds distributed under this item shall be deposited with the treasurer of said city, town or regional school district and held in a separate account and shall be expended without further appropriation by the school committee; provided further, that all comprehensive health education and human service programs shall be coordinated with the departments of public health and social services; provided further, that a comprehensive health program should include, but not be limited to, substance abuse prevention education, suicide prevention education, family violence prevention education and school counseling services; provided further, that each funded program shall have a strong teacher training component; provided further, that the board of education shall appoint a state advisory council on health education to consist of parents, educators, health and social service professionals and community members; provided further, that said council shall contract for a statewide study of existing health programs in the public schools; provided further that said study shall be subfitted by said council to the house and senate committees on ways and means and the joint committee on education and the joint committee on health care by December first, nineteen hundred and eighty-six; provided further, that said council shall use the results of said study in determining grant recipients, particularly as to targeting underserved areas and encouraging emulation of successful programs; and provided further, that not more than ten per cent of the amount herein appropriated shall be used for administrative costs | \$400,000 |
| | General Fund | 10.0% |
| | Local Aid Fund | 90.0% |

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| 7035-0001 For | the adult education and extended services program, including not more than twenty-seven positions, prior appropriation continued | \$624,316 |
| 7035-0002 For | the expenses of providing basic educational attainment and work-related programs in reading, writing and mathematics at adult learning centers; provided, that no expenditures for non-employee services from the so-called 03 subsidiary shall be made from this account | \$2,000,000 |
| 7035-0004 For | the reimbursement of cities, towns and regional school districts and independent vocational schools for certain expenditures for transportation of pupils pursuant to the provisions of sections seven A, seven B, and thirty-seven D of chapter seventy-one of the General Laws; section eight of chapter seventy-one A of the General Laws; section fourteen of chapter seventy-one B of the General Laws; and section eight A of chapter seventy-four of the General Laws; provided, further, that of the amount appropriated herein, not less than one million five hundred thousand dollars shall be obligated for the implementation of chapter six hundred and sixty-three of the acts of nineteen hundred and eighty-three; provided, further, that any city, town, regional school district or independent vocational school which has not accepted the provisions of chapter six hundred and sixty-three of the acts of nineteen hundred and eighty-three shall be ineligible for any reimbursement of costs incurred during fiscal year nineteen hundred and eighty-seven under this item or for reimbursement of such costs under any of the provisions of general law referred to herein; and provided, further, that the commonwealth's obligation shall not exceed the amount appropriated herein | \$58,021,497 |
| | Local Aid Fund 100.0% | |
| 7035-0006 For | the reimbursement of regional school districts for the transportation of pupils; provided, that an additional three thousand four hundred and two dollars be reimbursed to the town of Groveland for unanticipated transportation expenses due to the commonwealth's road reconstruction project on Route 97 | \$24,844,396 |
| | Local Aid Fund 100.0% | |
| 7035-0007 For | the administration of a transportation efficiency program by the department, including the development of pilot programs; provided, that the commissioner shall file a report with the house and senate committees on ways and means detailing the type of automation system to be used under said programs; provided, further, that said program shall utilize all available resources within the institutions of higher education of the commonwealth, prior appropriation continued. | |

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Division of School Facilities and Related Services.

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| 7051-0005 | For the general administration of the division, including the school building assistance bureau and the school lunch bureau, and for printing school registers and other school blanks for cities and towns, including not more than thirty-five positions | \$1,168,091 |
| 7051-0015 | For the administration of the temporary emergency food program, in addition to any federal funds available for the purpose; provided, that the commissioner of education shall perform a study of said temporary emergency food program with respect to the role of the department in administering said program and shall devise and implement appropriate measures to ensure the efficient and effective operation of said program; and provided further, that the commissioner shall file said study together with any procedures for its implementation with the house and senate committees on ways and means by February first, nineteen hundred and eighty-seven | \$322,507 |
| 7052-0004 | For grants and reimbursements to cities, towns, regional school districts and counties under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, for first annual payments on school projects approved on or after July first, nineteen hundred and seventy-five; provided, that the aggregate amount of first annual estimated payments for school projects approved by the board of education under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight in the fiscal year ending June thirtieth, nineteen hundred and eighty-seven shall not exceed seven million five hundred thousand dollars, of which amount not more than six million dollars shall be for projects ordered or approved by a court as necessary for desegregation or such projects as may be required in the judgment of said board to reduce or eliminate racial imbalance, prior appropriation continued | \$10,000,000 |
| 7052-0005 | For grants and reimbursements to cities, towns, regional school districts and counties under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, for annual payments on accounts of school projects approved prior to July first, nineteen hundred and seventy-five and all other school projects approved on or after said date on which the first annual payment has been made; provided, however, that one hundred percent of the principal and interest of the project of the Blue Hills Regional School District shall be reimbursed as it comes due in accordance with the agreement between the Blue Hills School District and the Board of Trustees of Massasoit Community College | \$109,605,675 |
| | Local Aid Fund | 100.0% |

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| 7052-0006 | For grants and reimbursements for cities, towns, regional school districts and counties under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, for (a) educational, engineering and architectural services for regional school districts as set forth in section six of said chapter six hundred and forty-five, (b) for surveys made of school building needs and conditions as set forth in section six A of said chapter six hundred and forty-five, (c) for matching stabilization fund payments as set forth in section nine of said chapter six hundred and forty-five, and (d) for costs of leasing buildings for vocational programs and originally equipping and furnishing said buildings for vocational programs as set forth in section nine of said chapter six hundred and forty-five | | \$845,000 |
| | Local Aid Fund | 100.0% | |
| 7053-1909 | For the reimbursement of cities and towns for partial assistance in the furnishing of lunches to school children, including partial assistance in the furnishing of lunches to school children as authorized by chapter five hundred and thirty-eight of the acts of nineteen hundred and fifty-one, and for supplementing funds allocated for the special milk program; provided, that notwithstanding any provisions of any general or special law to the contrary, payments so authorized in the aggregate for partial assistance in the furnishing of lunches to school children shall not exceed the required state revenue match contained in Public Law 79-396, as amended, cited as the National School Lunch Act, and in the regulations implementing said act | | \$5,426,986 |
| | Local Aid Fund | 95.0% | |
| | General Fund | 5.0% | |
| 7053-1910 | For the reimbursement to cities and towns and partial assistance to private schools for a lunch program for needy elderly persons, prior appropriation continued | | \$965,000 |
| | Local Aid Fund | 100.0% | |
| 7061-0003 | For the reimbursement of regional school districts of the amount of school aid due under the provisions of section sixteen D of chapter seventy-one of the General Laws; provided, that notwithstanding any provisions of chapter seventy-one or any other general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein; provided, further, that notwithstanding any general or special law to the contrary, four hundred and sixty-seven thousand eight hundred and thirty-four dollars of this appropriation shall be distributed among those regional school districts receiving a lesser amount of school aid pursuant to section sixteen D of chapter seventy-one in fiscal year nineteen hundred and eighty-seven than the amount received in fiscal year nineteen hundred and eighty-six beyond the proportion of the | | |

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| | one million seven hundred thousand dollars received in line item 7061-0003 in fiscal year nineteen hundred and eighty-six | \$77,993,286 |
| | Local Aid Fund 100.0% | |
| 7061-0004 | For additional assistance to cities and towns in which the total regional school assessment in fiscal year nineteen hundred and eighty-six exceeded eighty percent of the fiscal year nineteen hundred and eighty-six allowable tax levy as determined by the commissioner of revenue. The amount to be distributed to each eligible municipality shall be proportional to one-half of the amount by which said total assessment was in excess of eighty percent of said allowable levy | \$100,000 |
| | Local Aid Fund 100.0% | |
| 7061-0005 | For assistance to cities and towns that are members of regional school districts; provided, that the amount to be paid to each eligible city or town under this item shall be determined according to the proportion of the fiscal year nineteen hundred and eighty-six cherry sheet aid, so-called, for each such district to the total of all such cherry sheet aid for the district and all member cities and towns; provided, further, that the actual amount distributed to each eligible city or town under this item shall be in accordance with a schedule which must be filed by the commissioner of administration with the house and senate committees on ways and means no later than thirty days before the first distribution from this item during fiscal year nineteen hundred and eighty-seven | \$12,406,130 |
| | Local Aid Fund 100.0% | |
| 7061-0007 | For grants to cities, towns and regional school districts for the direct cost of programs of instruction approved in accordance with section seven B of chapter seventy-four of the General Laws, for apprentices as defined in sections eleven E to eleven L of chapter twenty-three of the General Laws | \$400,000 |
| | Local Aid Fund 100.0% | |
| 7061-0008 | For school aid to cities, towns, regional school districts, counties maintaining agricultural schools and independent vocational schools under the provisions of chapter seventy of the General Laws and pursuant to section three of this act; provided, that the total amount of school aid received under said chapter shall not be less than sixty-four and two-tenths per cent of the amount of school aid paid under said chapter during the fiscal year ending June thirtieth, nineteen hundred and seventy-nine and the chapter seventy percentage shall not be less than fifteen percent; provided further, that the calculation of aid to cities and towns to be received under this item shall be made on the basis of a total to be distributed of one billion seventeen million nine hundred sixteen thou- | |

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| | sand nine hundred and forty dollars; provided further, that the amount paid to regional school districts from this item in fiscal year nineteen hundred and eighty-seven shall be equivalent to the amounts listed in section three of this act | \$1,106,811,709 |
| | Local Aid Fund 100.0% | |
| 7061-0009 For | the reimbursement to cities, towns and regional school districts of the tuition in the public schools of any school age child placed elsewhere other than in his own home town by, or under the control of, the department of public welfare or the department of social services under the provisions of sections seven and nine of chapter seventy-six of the General Laws | \$7,500,000 |
| | Local Aid Fund 100.0% | |
| 7061-0010 For | the reimbursement to cities, towns and regional school districts of one-half of the cost of recreation programs for school age children with special needs, under the provisions of section eleven of chapter seventy-one B of the General Laws | \$500,000 |
| | Local Aid Fund 100.0% | |
| 7061-0012 For | non-educational costs of residential school programs for students placed by a local school district or ordered by the bureau of special education on appeals, as provided under chapter seventy-one B of the General Laws; provided, that subject to rules and regulations promulgated by the commissioner of education, each city and town shall verify to the commonwealth the cost thereof and upon approve the commissioner the treasurer shall be authorized to make such payments directly to the service provider for services provided on or after July first, nineteen hundred and eighty-six; provided, further, that the commonwealth shall not pay more than sixty per cent of the cost of any such residential placement; and provided further, that any city, town or regional school district which is relieved of the costs of funding said placement in fiscal year nineteen hundred and eighty-seven shall relinquish all claims for reimbursement from the commonwealth for the costs of said placements incurred by said city, town or regional school district in fiscal year nineteen hundred and eighty-six | \$7,750,080 |
| | Local Aid Fund 100.0% | |
| 7061-1000 For | equal education opportunity grants to cities, towns, regional school districts and independent vocational schools to increase spending on direct services in districts where actual expenditures on direct services in fiscal year nineteen hundred and eighty-five or prior years was less than eighty-five percent of the state average of such expenditures, pursuant to chapter seventy A of the General Laws; provided, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, regional school dis- | |

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| | <p>trict or independent vocational school and held as a separate account and shall be expended by the school committee of such city, town, regional school district, or independent vocational school without appropriation, notwithstanding the provisions of any general or special law to the contrary</p> | \$55,226,254 |
| | <p>Local Aid Fund 100.0%</p> | |
| 7061-2000 For | <p>professional development grants to supplement teacher compensation in cities, towns, regional school districts, educational collaboratives and independent vocational schools, pursuant to section thirteen of chapter one hundred and eighty-eight of the acts of nineteen hundred and eighty-five; provided, that each city, town, regional school district, educational collaborative or independent vocational school receiving a grant has accepted the provisions of said section thirteen; provided further, that such compensation is paid to teachers employed in any public school in the commonwealth, except persons in training and those employed as temporary substitutes; and provided further, that said grants are subject to agreements negotiated between said school committee, educational collaborative board or board of trustees of independent vocational schools and the appropriate employee organization, pursuant to the provisions of chapter one hundred and fifty E of the General Laws; provided, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, regional school district, educational collaborative or independent vocational school and held as a separate account and shall be expended by the school committee of such city, town, regional school district, educational collaborative or independent vocational school without appropriation, notwithstanding the provisions of any general or special law to the contrary</p> | \$31,350,000 |
| | <p>Local Aid Fund 100.0%</p> | |
| 7061-3000 For | <p>minimum salary grants to cities, towns, regional school districts, educational collaboratives and independent vocational schools to increase to eighteen thousand dollars the salary of each teacher whose salary was below that level prior to October thirtieth, nineteen hundred and eighty-six, pursuant to section forty of chapter seventy-one of the General Laws and section seventeen of chapter one hundred and eighty-eight of the acts of nineteen hundred and eighty-five; provided, that the school committee or appropriating body has, upon majority vote, accepted the provisions of said section forty of chapter seventy-one, except that in a regional school district, acceptance requires approval of two-thirds of the appropriating authorities of the municipalities in such regional school district; provided, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town, regional school</p> | |

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\$4,000,000

100.0%

\$8,446,530

100.0%

\$7,293,276

100.0%

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BOARD OF REGENTS.

| | | |
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| 7066-0000 | For the office of the board of regents, including not more than sixty-one positions | \$2,862,588 |
| 7066-0003 | For the operation of a data processing system and an enrollment auditing system by the board of regents; provided, that notwithstanding any provision of law to the contrary, data processing services may be rendered to agencies of the commonwealth and educational institutions at no expense to the system; provided further, that charges for such service shall be allocated to the agencies and institutions utilizing the data processing system; and provided further, that the data processing system shall maintain a schedule of fees for services provided to agencies, institutions and other educational organizations within the commonwealth, including not more than forty-one positions | \$2,636,260 |
| 7066-0004 | For a program for a silver-haired legislature | \$50,000 |
| 7066-0005 | For the commonwealth's share of the cost of the compact for education | \$46,200 |

Scholarship Programs.

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| 7070-0030 | For the administration of the scholarship office, including the intern program; provided, that not less than one hundred twenty-five thousand dollars shall be obligated for intern program stipends and payments; provided, further, that not less than one hundred thousand dollars shall be obligated for an educational opportunities information center; provided, further, that said center provide information and assistance to prospective college and university students, pursuant to section eight of chapter fifteen A of the General Laws; provided further, that said center disseminate information on all state and federal scholarship programs to current and prospective college and university students through a toll-free hotline, including not more than seventeen positions | \$725,153 |
| 7070-0031 | For a program to increase access to public and independent institutions of higher education, to be titled the Ronald E. McNair Education Opportunity Program; provided that funds provided herein may be obligated for a college success program to be operated in the public two year colleges for students from educationally disadvantaged backgrounds, including certain instructional and support programs and services; provided, further, that funds provided herein may also be obligated for a higher educational opportunity program for early identification, recruitment and supplemental training of highly talented educationally disadvantaged students planning to pursue professional careers; this higher education opportunity program to be particularly targeted toward, but not limited | |

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| | to, professions in which a demonstrated underrepresentation of minorities exists, such as engineering, medicine, nursing, and teaching in the schools, colleges and universities of the commonwealth; provided further, that the board of regents shall seek private or business sector matching contributions to the programs for access and retention supported by this item; and provided further, that not more than one hundred forty thousand dollars shall be obligated from this item for a minority engineering program at the University of Massachusetts contingent upon partial matching cash and/or in-kind contributions from private or business sources | \$3,640,000 |
| 7070-0032 For | the operation of student aid accounts, as determined by the board of regents; provided, that the board of regents shall allocate such appropriation in accordance with an allocation plan filed with the house and senate committees on ways and means | \$3,849,152 |
| 7070-0033 For | a collaborative engineering program administered by the board of regents; provided, that not more than fifty-two new students shall receive stipends through this program to attend private engineering institutions; provided, further, that the University of Massachusetts at Boston shall file a report with the house and senate committees on ways and means on or before January first, nineteen hundred and eighty-seven detailing the number of students accepted into their pre-engineering program and the number of students eligible for transfer to private engineering institutions through this collaborative engineering program; prior appropriation continued | \$624,000 |
| 7077-0020 For | the expenses of the New England Board of Higher Education and for the expenses of the members of said board | \$354,222 |
| 7077-0021 For | payments to certain universities, on acceptance of certain Massachusetts students into medical, dental, veterinary medical, related health and physical and occupational therapy programs; provided, that contracts relative thereto include a provision for payback service to the commonwealth for a period after said students have fulfilled all internship and residency requirements; provided further, that all contracts relative thereto are approved by the chancellor of the board of regents; provided further, that four new contracts shall be established in fiscal year nineteen hundred and eighty-seven within said medical programs and are to be restricted to students who commit to specializing in primary care | \$1,950,521 |
| 7077-0023 For | a contract with the Tufts School of Veterinary Medicine; provided, that all funds appropriated herein shall be expended solely for supportive veterinary services provided to the commonwealth pursuant to contracts entered into by the chancellor of the board of regents and said school and submitted along | |

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with a cost-benefit analysis done by the board of regents to the house and senate committees on ways and means for approval; provided further, that no funds may be expended from this item without the prior approval of the house and senate committees on ways and means

\$4,000,000

System of Institutions of Higher Education.

7100-0100 For a reserve for the administration and maintenance of the system of institutions of higher education including the office of the president of the University of Massachusetts; provided, that notwithstanding any provision of law to the contrary, the board of regents shall allocate such appropriation in accordance with an allocation plan approved by the house and senate committees on ways and means; provided further, that the University of Massachusetts board of trustees shall institute and maintain learning contracts for students admitted on or after the fall of nineteen hundred and seventy-eight which include provisions for "payback" service or monetary payback to the commonwealth for a period after said students have fulfilled all internship and residency requirements; provided further, that all sums so approved shall be allocated and expended in accordance with the provisions of sections twenty-seven and twenty-seven A of chapter twenty-nine of the General Laws and section thirty-one of chapter one thousand two hundred and thirty of the acts of nineteen hundred and seventy-three; provided further, that of the sum appropriated herein, not less than eight hundred ninety thousand four hundred and forty-three dollars shall be obligated for the purposes of the area health education centers program, also known as "AHEC," to be administered by the University of Massachusetts Medical School; provided further, that the "AHEC" programs include information on the diagnosis and treatment of Alzheimer's disease as a part of the outreach and education of health professionals; provided further, that in the event any collective bargaining agreement requires payment to a union or a joint union-management trust fund, said payment made may be charged by the comptroller against this item; provided further, that no transfer or payment to said unions or joint union-management trust fund shall be made from this item without the prior approval of the house and senate committees on ways and means after said committees have received copies of said collective bargaining agreement, together with an analysis of all cost items contained in said agreement; provided further, that of the amount appropriated herein, not less than twenty-five thousand dollars shall be obligated for a study relative to the establishment of programs within the public higher education system designed to train

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| | and educate students for careers in the community-based service system; provided further, that of the amount appropriated herein, not less than one hundred and fifty thousand dollars shall be obligated for the purposes of the Gloucester marine station administered by the University of Massachusetts at Amherst; provided further, that of the sum appropriated herein, not less than one hundred thousand dollars shall be obligated for the purposes of club football at the University of Massachusetts at Boston; provided further, that of the sum appropriated herein, not less than three hundred ninety-one thousand seven hundred and forty-one dollars shall be obligated for the operation of the Massachusetts institute for social and economic research at the University of Massachusetts at Amherst to manage United States census data and provide state population estimates and projections; provided further, that of the amount appropriated herein, not less than five hundred thousand dollars shall be obligated to implement recommendations from the board of regents' business program review; provided further, that of the amount appropriated herein, not less than two hundred seventy-one thousand three hundred and eighty dollars shall be obligated for the purposes of research and analytical studies by the Black Studies Department at the University of Massachusetts at Boston; and provided further, that every institution receiving funds from this appropriation shall file monthly payroll projection and personnel monitoring reports with the board of regents detailing monthly payroll expenditures and the number of filled full-time equivalent employees, including not more than fourteen thousand two hundred and twenty-four positions | \$551,446,322 |
| 7100-0101 For | a program in county cooperative extension works as authorized by sections forty through forty-five, inclusive, of chapter one hundred and twenty-eight of the General Laws, to be conducted by the University of Massachusetts at Amherst for the Berkshire, Franklin, Hampden, Hampshire, Suffolk, Essex, Dukes/-Nantucket, Middlesex, Worcester and Norfolk County Cooperative Extension Services; provided, that not less than fifty-six thousand dollars shall be expended for a lead paint education program in low-income neighborhoods in Suffolk County, including not more than one hundred and fifty-one positions | \$4,632,838 |
| 7100-0110 For | a reserve for the establishment of collaborative educational programs between the public and independent institutions of higher education and public elementary and secondary schools of the commonwealth; provided, that, notwithstanding any provision of law to the contrary, the chancellor of the board of regents shall allocate such appropriation to said institutions of higher education in accordance with an allocation plan approved by the house and senate committees on ways and means; provided, further, that dollars allocated from this item to | |

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| | independent institutions shall be matched by cash and/or in-kind contributions from private, business and/or institutional sources; provided, further, that such appropriation may be expended for the purpose of direct assistance, including direct payments to local education agencies for the improvement of elementary and secondary education in the commonwealth; provided, further, that such direct payments made to local education agencies shall be deposited with the treasurer of the city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town or regional school district without appropriation, notwithstanding any provision of law to the contrary, prior appropriation continued | \$5,000,000 |
| 7100-0200 | For a reserve for data processing and information systems for the system of higher education; provided, that the board of regents shall submit quarterly reports to the commissioner of administration and the house and senate committees on ways and means including but not limited to the following: the allocation of funds, the expenditure of such funds and a detailed inventory of such expenditures | \$2,015,000 |
| 7100-9504 | For the purchase of scientific, technological and other educational reference material for the libraries; provided, that notwithstanding any provision of law to the contrary, the board of regents shall allocate such appropriation in accordance with an allocation plan approved by the house and senate committees on ways and means | \$8,225,000 |
| 7100-9604 | For a program of assistance for students from various racial backgrounds in disadvantaged environments; provided, that expenditures may be made for, but not limited to, scholarships, loans, matching federal and private grants, tutorial assistance and programs of cultural enrichment; provided further, that not less than one hundred thirty thousand dollars shall be used for a collaborative program for introductory ESL training; and provided further, that such programs shall be administered by the board of regents | \$2,958,284 |
| 7220-0005 | For the Northeast Consortium of Colleges and Universities in Massachusetts, subject to the condition that the funds appropriated herein will be for the express purpose of support of the Lawrence Project, so-called, in conjunction with other state and private institutions which are members of the Northeast Consortium of Colleges and Universities | \$81,000 |
| 7400-0200 | For the expenses of the Massachusetts corporation for educational telecommunications as established pursuant to chapter five hundred and sixty of the acts of nineteen hundred and eighty-two; provided, that the corporation shall submit quarterly reports to the house and senate committees on ways and means detailing all expenditures including, but not limited to, all contractual services | |

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| | and progress made by the corporation | \$677,000 |
| 7411-1008 For | the expenses of a drug analysis laboratory at the University of Massachusetts Medical School, prior appropriation continued | \$10,000 |
| 7411-3000 For | the operation of a Family Practice Residency program by the University of Massachusetts Medical School, prior appropriation continued | \$200,000 |
| 7416-2005 For | the expenses of a Public Policy Center at the University of Massachusetts at Boston | \$390,750 |
| 7416-2006 For | the expenses of a Gerontology Institute at the University of Massachusetts at Boston, College of Public and Community Service | \$295,575 |
| 7452-0101 For | the expenses of the William Joiner Center at the University of Massachusetts at Boston in the division of student affairs; provided, that of the sum appropriated herein, not less than sixty thousand dollars shall be expended for the purposes of a Veterans Educational Training Program to be administered by the University of Massachusetts at Boston; provided further, that of the sum herein, not less than ninety-four thousand dollars shall be expended for such purposes by the University of Massachusetts at Boston | \$367,554 |
| 7452-0102 For | the expenses of the William Joiner Center Archives Department at the University of Massachusetts at Boston | \$164,900 |
| 7452-0300 For | the purpose of a needs assessment and feasibility study relative to the establishment of an extension of Bristol Community College in the city of Attleboro | \$30,000 |

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

| | | |
|---------------|---|-------------|
| 8000-0100 For | the office of the secretary, including not more than ten positions | \$421,095 |
| | Highway Fund | 85.0% |
| | General Fund | 15.0% |
| 8000-0102 To | meet the expenses of the operation of a road block program for the apprehension of drunk drivers and other motor vehicle violators; provided, that no expenditure or commitment made pursuant thereto shall be incurred in excess of funds appropriated herein | \$98,288 |
| 8000-0105 For | the administration of the office of chief medical examiner and payment for services to medical examiners as authorized by chapter seven hundred and seventy-three of the acts of nineteen hundred and eighty-one, including not more than forty-three positions | \$2,883,532 |
| 8000-0110 For | the administration and operation of the criminal justice information system, including not more than forty-eight positions | \$2,141,535 |

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| | Highway Fund | 50.0% | |
| | General Fund | 50.0% | |
| 8000-0150 | For the LEAPS/CJIS Terminal Network | | \$1,189,997 |
| | Highway Fund | 50.0% | |
| | General Fund | 50.0% | |
| 8000-0155 | For the administration and operation of an automated fingerprint identification system | | \$430,000 |
| 8000-0160 | For the operation of the State Board of Building Regulations and Standards, for the purpose of implementing and enforcing the provisions of sections ninety-three through one hundred of chapter one hundred and forty-three of the General Laws, including not more than five positions | | \$256,451 |

Massachusetts Criminal Justice Training Council.

| | | | |
|-----------|--|--|-------------|
| 8200-0200 | For the administration and operation of training programs to be conducted by the Massachusetts criminal justice training council; including domestic violence training at the recruit academy and regional inservice academies; provided, that the position of academy director and the position of principal clerk shall be established at the Plymouth Training Center, including not more than forty-nine positions | | \$2,989,019 |
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Department of Public Safety.

| | | |
|-----------|--|-------------|
| 8311-1000 | For the administration of the department, including not more than sixty-nine positions | \$1,797,608 |
| 8311-2060 | For the administration and operation of the crime laboratory, including not more than thirty-one positions | \$1,204,190 |

Division of State Police.

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| 8312-0100 | For the administration of the division; provided, however, that there shall be a minimum of one hundred state police officers assigned to full time duty with the narcotics unit in the bureau of investigative services within the division of state police and under the command of a commissioned officer of the state police; provided further, that all such officers shall be exclusively assigned on a full time basis to undercover operations, smuggling operations, the investigation of the diversion of legally manufactured drugs, and the investigation of illegal distributions of controlled substances among minors; and that officers assigned to said unit shall not be discharged to details other than | |
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| | those described above unless they are replaced by another officer, including not more than one thousand three hundred and forty-four positions | | \$45,123,068 |
| | General Fund | 15.0% | |
| | Highway Fund | 85.0% | |
| 8312-0105 | For overtime costs associated with the position of any state police officer authorized by item of appropriation 8312-0100 and assigned to duty with various offices of district attorneys of the commonwealth | | \$1,017,810 |
| | General Fund | 15.0% | |
| | Highway Fund | 85.0% | |
| 8312-0205 | For a reserve to be administered by the executive office of public safety to provide for certain expenses associated with the position of any state police officer authorized by item of appropriation 8312-0100 and assigned by the commissioner of public safety to duty with various offices of district attorneys of the commonwealth. Funds appropriated herein shall be allocated to items of appropriation for various offices of district attorneys of the commonwealth, pursuant to recommendations by the commissioner of public safety, upon notification to the house and senate committees on ways and means, and to the commissioner of administration. Said district attorneys are hereby authorized to expend amounts allocated from this reserve for the purposes of said certain expenses | | \$432,000 |
| | General Fund | 15.0% | |
| | Highway Fund | 85.0% | |
| 8312-6000 | For the administration and operation of a Motor Carrier Safety Assistance program | | \$500,000 |
| | Highway Fund | 100.0% | |
| 8312-6050 | For the administration and operation of a Drug Enforcement Administration Task Force | | \$250,000 |

Division of Fire Prevention.

| | | | |
|-----------|---|--|-----------|
| 8314-1000 | For the administration of the division, provided that one hundred thousand dollars of the amount appropriated herein shall be expended for a Suffolk county based arson prevention program; provided further, that said one hundred thousand dollars shall be assessed against insurance companies licensed to sell fire insurance in the commonwealth by the commissioner of insurance, and transferred to the General Fund, and such assessments shall be charged to the normal operating costs of each company; and provided further, that not more than ten percent of the amount designated for said arson program shall be expended for the administrative cost of the program, including not more than fifteen positions | | \$435,657 |
| 8314-1500 | For the administration of a fire fighting academy and training program, to be in addition to any federal funds available for the purpose; provided that not more | | |

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| 8314-2000 | For reimbursement of the costs of purchasing fire equipment; provided that such equipment shall be used for the protection of state institutions, provided that expenditures from this item shall be made pursuant to schedules approved by the house and senate committees on ways and means | \$1,094,774 |
| | Local Aid Fund 100.0% | \$717,000 |

Division of Inspection.

| | | |
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| 8315-1000 | For the administration of the division, including not more than forty-six positions | \$1,468,128 |
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Board of Pipefitters and Refrigeration Technicians.

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| 8315-1010 | For the expenses of the board of pipefitters and refrigeration technicians pursuant to section ten A of chapter twenty-two of the General Laws, including not more than one position | \$40,893 |
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State Boxing Commission.

| | | |
|-----------|--|----------|
| 8317-1000 | For the administration of the commission, including not more than one position | \$45,533 |
| 8319-1000 | For the administration of an eye examination program for all boxers participating in events regulated by the State Boxing Commission | \$50,000 |

Architectural Barriers Board.

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| 8321-1000 | For the expense of the board, including not more than four positions | \$86,883 |
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Board of Fire Prevention Regulations.

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| 8340-1000 | For the expenses of the board of fire prevention regulations pursuant to section fourteen of chapter twenty-two of the General Laws, including not more than one position | \$47,374 |
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Registry of Motor Vehicles.

| | | |
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| 8400-0001 | For the administration of the registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to | |
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| | the registrar, director of law enforcement, registry of motor vehicles and the director of employee relations shall not be subject to civil service law and rules, provided that all expenditures related to computer automation shall be subject to satisfactory quarterly reviews by the office of management information systems and pursuant to schedules approved by said office, including not more than one thousand two hundred and forty-eight positions; provided further, that said total shall include a minimum complement of registry police officers and shall not be less than three hundred and twenty-five | \$29,951,605 |
| | Highway Fund 100.0% | |
| 8400-0002 For | the administration of the certificate of title law; provided, however, that all employees of the title division perform only those duties that are directly related to the administration of the certificate of title law, including not more than one hundred and forty-eight positions | \$3,347,089 |
| | Highway Fund 100.0% | |
| 8400-0007 For | a staffing reserve for pilot programs at certain registry offices provided that the Norwood registry be used as a model office provided that expenditures from this item shall be made pursuant to schedules approved by the house and senate committees on ways and means, prior appropriation continued. | |
| 8400-0040 For | expenses of the Motor Vehicle Safety and Emissions Inspections Program authorized by chapter ninety of the General Laws, including not more than forty-two positions | \$1,407,264 |
| | Highway Fund 100.0% | |
| 8400-0100 For | expenses of the merit rating board authorized by chapter six of the General Laws; provided, however, that as of January first, nineteen hundred and eighty-five, that notwithstanding any general or special law to the contrary, no safe driver insurance plan shall require the payment of an unsafe driver point surcharge for the first offense for non-criminal, motor vehicle traffic violations as described in chapter ninety C of the General Laws, including not more than seventy-two positions | \$3,359,038 |
| <u>Capitol Police.</u> | | |
| 8500-0001 For | the operation and administration of the capitol police force; provided, that notwithstanding any provision of chapter thirty-one of the General Laws, members of the capitol police force may be temporarily allocated to special secondary ratings in accordance with the schedule approved by the house and senate committees on ways and means, a copy of which is on file with the personnel administrator, including not more than eighty-three positions | \$2,574,110 |

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Committee on Criminal Justice.

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| 8600-0001 | For the administration of the committee on criminal justice, including not more than eleven positions | \$302,556 |
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MILITARY DIVISION.

Notwithstanding the provisions of chapter thirty of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades, so-called.

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| 8700-0001 | For the office of the adjutant general, including not more than thirty-four permanent positions | \$1,200,641 |
| 8700-1010 | For the office of the State Quartermaster | \$10,498 |
| 8700-1110 | For the operation of armories of the first class, including not more than seventy-five positions | \$2,584,587 |
| 8700-1300 | For the Camp Curtis Guild rifle range, including not more than seven positions | \$131,757 |
| 8700-1410 | For certain storage and maintenance facilities, including not more than twenty-two positions | \$364,313 |
| 8700-1510 | For certain national guard aviation facilities, including not more than eight positions | \$226,265 |
| 8700-9003 | For the operation of the state house office of Vietnam Veterans of Massachusetts, Inc. | \$20,000 |
| 8700-9004 | For the operation and maintenance of an office of Vietnam Veterans of Massachusetts, Inc., at the state office building located at 436 Dwight Street in the city of Springfield | \$20,000 |

Civil Defense Agency.

Notwithstanding any provision of law to the contrary, the civil defense agency shall not expend any of the funds herein appropriated for activities related to the planning for nuclear war.

Notwithstanding any provision of law to the contrary, the civil defense agency shall submit to the house and senate committees on ways and means, by October first, nineteen hundred and eighty-six, a copy of the comprehensive agreement entered into by the agency and the federal emergency management agency.

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| 8800-0001 | For the service of the civil defense agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities and shall be expended with at least an equivalent amount of federal funds for the purpose of this item, including not more than forty positions | \$607,988 |
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| 8800-0002 | For the service of the civil defense agency nonmatching fund program; provided, however, that from the sum appropriated herein not less than one hundred eighteen thousand dollars shall be expended to provide fuel, insurance, equipment, maintenance and miscellaneous expenses to sustain the operation of the Massachusetts Civil Air Patrol relating to aerial surveillance duties of Massachusetts land and water areas to monitor for environmental pollution discharges, toxic waste dumps, transportation of hazardous materials and wastes and accidents involving said transport, in conjunction with the responsible agency insofar as is practicable | \$194,000 |
| 8800-0012 | For the maintenance of existing emergency communications equipment operated by the civil defense agency | \$10,742 |

Governor's Highway Safety Bureau.

| | | |
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| 8850-0001 | For providing matching funds for a federal planning and administration grant to the governor's Highway Transportation Act of nineteen hundred and seventy-eight, section two hundred and seven (d), including not more than nine positions | \$130,869 |
| | Highway Fund | 100.0% |

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Office of the Secretary.

| | | |
|-----------|---|-------------|
| 9000-0100 | For the office of the secretary; provided, that of the amount appropriated herein, not less than one hundred thousand dollars shall be obligated for a program of minority business development, including not more than twelve positions | \$649,648 |
| 9000-0102 | For the expenses of the Massachusetts Technology Park Corporation | \$2,000,000 |
| 9000-0105 | For the expenses of the Comprehensive Offenders Employment Resources System; provided, that increased emphasis be placed on the provision of services to female offenders | \$735,689 |
| 9000-0110 | For the expenses of the centers of excellence corporations | \$1,344,755 |
| 9000-0300 | For the employment training, counseling and placement of displaced homemakers; provided that said programs shall be administered by the Bay State Skills Corporation; and provided further, that for purposes of administration of said programs, the displaced homemaker participants of said programs shall be considered as targeted individuals within the meaning of section four of chapter forty I of the General Laws | \$662,776 |

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| 9000-0400 | For the expenses of the Bay State Skills Corporation | \$1,862,500 |
| 9000-1700 | For the expenses of the Reemployment Assistance Program as specified in section seventy-one D of chapter one hundred and fifty-one A of the General Laws | \$1,940,836 |
| 9000-1710 | For the provision of capital for the economic stabilization fund as provided by section seven to fifteen, inclusive, of chapter twenty-three C of the General Laws, to be used for making loans to or investments in business and persons that comply with said section, prior appropriation continued. | |
| 9000-1711 | For the expenses of administering the industrial service program and economic stabilization fund as provided by chapter twenty-three C of the General Laws; provided, that not less than seventy-five thousand dollars shall be obligated for a Quincy shipyard employee buyout feasibility study | \$407,000 |

Division of Employment Security.

| | | |
|-----------|--|-------------|
| 9081-0350 | For the administration of the Division of Employment Security | \$1,500,000 |
| 9081-7000 | For the payment of reemployment assistance benefits as provided by section seventy-one F of chapter one hundred and fifty-one A of the General Laws, prior appropriation continued | \$4,000,000 |
| 9081-7001 | For the expenses of administering section seventy-one A to seventy-one G, inclusive, of chapter one hundred and fifty-one A of the General Laws | \$1,000,000 |
| 9081-7002 | For research expenses relative to the implementation of sections seventy-one A to seventy-one F, inclusive, of chapter one hundred and fifty-one A of the General Laws | \$245,000 |
| 9081-7003 | For the payment of health insurance benefits in accordance with section seventy-one G of chapter one hundred and fifty-one A of the General Laws | \$50,000 |

Department of Commerce and Development.

| | | |
|-----------|--|-------------|
| 9091-0100 | For the administration of the department; provided, that not less than one hundred thousand dollars be obligated to finance programs and expenses incurred by the Small Business Development Assistance Division as mandated under section fifteen to twenty-three of chapter twenty-three A of the General Laws, including not more than sixty-five positions | \$1,720,980 |
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Division of Tourism.

| | | |
|-----------|--|-----------|
| 9091-0200 | For the operation of tourist information booths; provided, that no position in this item shall be subject to chapter thirty-one of the General Laws, including not more than eight positions | \$134,881 |
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- 9091-0211 For financial assistance for local tourist councils; provided, that the division develop a formula for the distribution of said funds which shall be filed with the house and senate committees on ways and means \$2,000,000
- 9091-0300 For the promotion of vacation travel within the commonwealth; provided, that all expenditures from this item shall be for the exclusive purpose of promoting the commonwealth's vacation and tourist industry, including the Heritage State Parks and the Bay State Games; provided, further, that no salaries or expenses of employees shall be chargeable to this item; provided, further, that of the amount appropriated herein, not less than one hundred thousand dollars shall be obligated for the operation of the ship, the "Spirit of Massachusetts"; provided, further, that of the amount appropriated herein, not less than twenty thousand dollars shall be obligated for an organization serving international visitors; provided further, that through the secretary of economic affairs and the commissioner of the department of commerce, the director of tourism shall develop and initiate planning and marketing strategies with both the council on arts and humanities and the department of environmental management for a comprehensive campaign for the promotion of travel and tourism within the commonwealth which incorporates the commonwealth's cultural and artistic attractions as well as its scenic and recreational resources; and provided further, that no funds appropriated herein shall be used for the maintenance and administration of the department \$7,071,567

Division of Economic Development.

- 9091-0400 For expenses and operational support of industrial advertising, promotion, public relations and economic development expenses such as telephone, telegraph, freight costs, postage, printing, duplication expenses, photographic services, preparation of industrial development literature, preparation of industrial exhibits for conventions and trade shows, in-state and out-of-state travel to promote industrial development literature, preparation of industrial development, attendance at major industrial convention and trade shows, and related costs; not including vacation travel and not including salaries or wages of employees; provided, that all industrial advertising, promotion, public relations and economic development activities carried on pursuant to this item shall wherever possible stress the substantial skills, training and educational resources of the commonwealth and the purpose and resources of the commonwealth's Bay State Skills Corporation; provided further, that the department of commerce shall work in close cooperation with the Bay State Skills Corpora-

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| | tion in this regard; and subject further to the condition that the commissioner shall file with the house and senate committees on ways and means a quarterly report of itemized expenditures in the eleven subsidiary (advertising and printing); provided further, that no funds appropriated herein shall be used for the maintenance and administration of the department | \$650,000 |
| 9091-0404 | For the expenses of the international trade council; provided, that no funds from this account be expended for any travel by members of the general court | \$690,000 |
| 9091-0405 | For the purpose of financing the required state share of the cost of operating a small business development center; provided, that no funds shall be expended from this account until such time as the small business administration has executed a grant or contract with the University of Massachusetts for the operation of said center; provided further, that the funds expended from this account shall not exceed twenty-five percent of the gross operation cost of said center; and provided further, that quarterly reports of expenditures shall be filed with the house and senate committees on ways and means | \$562,824 |
| 9091-0516 | For the expenses of the state office of minority business assistance, including not more than fourteen positions | \$343,126 |

Massachusetts Technology Development Corporation.

| | | |
|-----------|--|-----------|
| 9091-2001 | For the expenses of the Massachusetts Technology Development Corporation; provided, that the corporation shall reimburse the commonwealth for the appropriation herein; provided further, that a detailed report of expenditures shall be filed quarterly with the house and senate committees on ways and means | \$148,000 |
| 9091-2003 | For the purpose of assisting the formation and expansion of technology based small business in the commonwealth, through the corporations for innovative development fund | \$800,000 |
| 9091-3001 | For the administration of the Massachusetts Film Bureau; provided, that quarterly reports documenting the economic activity of the film industry in the commonwealth be filed with the house and senate committees on ways and means | \$535,146 |

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

| | | |
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| 9100-0100 | For the planning and administration of the executive office of elder affairs; provided, that the functions of the office of the secretary, planning and policy, | |
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| | and program planning and management are maintained, including not more than seventy positions | \$2,494,417 |
| 9110-1630 | For a home care program and for certified home health services for the elderly eligible for home care services, including a program of protective services, pursuant to regulations adopted by the department, which shall include a sliding fee program in which all qualified elders shall participate; provided, that no new programs shall be established without the prior written approval of the house and senate committees on ways and means; provided further, that said home care services shall be maintained and expenditures allocated in such a manner that will not cause said services to be terminated prior to the end of the fiscal year; provided further, that said expenditures shall not exceed appropriation; provided further, that of the amount appropriated herein, not more than one hundred and fifty thousand dollars shall be obligated for non-employee services from the so-called 03 subsidiary; provided further, that not less than one million dollars and not more than one million two hundred thousand dollars shall be obligated for the purchase of certified home health services for elders who are not eligible for Medicaid; provided further, that said certified home health services shall include, but are not limited to, home health aid, nursing management and nursing assessments; provided further, that not less than two million dollars shall be obligated for a program of respite care services to provide relief for caregivers who normally provide care to severely impaired individuals, especially those with Alzheimer's disease; provided further, that not more than two per cent of the funds appropriated herein for home care services may be used to meet matching requirements of Title III, Older Americans Act; provided further, that the department of elder affairs shall submit a detailed monthly report of all caseload trends and expenditures for its home care program, including the purposes made therefor, to the house and senate committees on ways and means and the secretary of administration and finance, no later than the fifteenth day of the following month; and provided further, that the department shall maximize available federal and third party reimbursements for program expenses including reimbursements under Title XIX of the Social Security Act; and provided further, that any federal funds received from the federal government for the purposes of this item shall be credited to the General Fund | |
| 9110-1640 | For a reserve to fund adult foster care programs and demonstration projects; provided, that not less than three hundred thousand dollars shall be expended for contracts for demand responsive transportation services for elders in certain rural regional transit authority districts; provided further, that a schedule | \$113,357,166 |

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| | of all adult foster care programs, demonstration projects and amounts allocated and expended for the purposes of this item shall be filed on a quarterly basis with the house and senate committees on ways and means | \$641,714 |
| 9110-1660 For | a program of congregate and shared housing services for the elderly | \$751,149 |
| 9110-1665 For | contracting with a nonprofit organization charged with the promotion, counseling and education on home equity conversion and related elderly housing programs and opportunities; provided, that said nonprofit shall conduct public education, advocacy, research and evaluation of elder equity conversion activities; provided that a board of directors shall consist of at least four representatives of banks actively financing elder home equity conversion instruments, five representatives of nonprofit agencies geographically distributed throughout the commonwealth, representatives from the executive offices of elder affairs, consumer affairs, and community development, and two representatives of the consumer population; provided, further, that not less than ninety thousand dollars shall be obligated for the payment of elderly home equity conversion counsellors with nonprofit organizations which currently participate in home equity conversion activities or will do so in the future | \$135,000 |
| 9110-1900 For | programs providing local services to the elderly including volunteer programs for the elderly; provided, that not less than eight hundred forty-eight thousand six hundred forty dollars shall be obligated for an elder service corps; provided further, that all funds appropriated under this item for an elder service corps shall be for corpsmen stipends, for the cost of mailing corpsmen stipends and for corpsmen participation in group insurance programs, as set forth in chapter one thousand one hundred and sixty-eight of the acts of nineteen hundred and seventy-three; provided further, that the stipend for full-time corpsmen shall not exceed the maximum allowable under earnings limitation sections of the Social Security Act and stipend for part-time corpsmen shall not exceed one hundred and thirty dollars per month; provided further, that not less than three hundred and four thousand dollars shall be expended for foster grandparent programs and senior companion programs; and provided further, that not less than sixty-two thousand dollars shall be expended for the retired senior volunteer program; provided further, that not less than two million eight hundred eighty-four thousand sixty-three dollars shall be obligated for the administration of a meals program for elderly persons; provided, that the department of elder affairs shall maximize federal reimbursement for meals served herein; and provided further, that not less than three million dollars shall be obligated for grants to councils on aging | \$7,102,402 |

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EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Office of the Secretary.

| | | |
|-----------|--|-----------|
| 9200-0100 | For the office of the secretary, including not more than ten positions | \$386,802 |
| 9200-0150 | For new car arbitration, prior appropriation continued | \$70,000 |

State Racing Commission.

| | | |
|-----------|--|-------------|
| 9210-0001 | For the administration of the commission, including not more than thirty-three positions | \$2,190,259 |
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Alcoholic Beverages Control Commission.

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| 9212-0001 | For the administration of the commission, including not more than forty-two positions | \$1,317,444 |
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Community Antenna Television Commission.

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| 9215-0001 | For the administration of the community antenna television commission, including not more than nine positions | \$312,446 |
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Division of Standards.

| | | |
|-----------|--|-----------|
| 9218-0100 | For the personal services and expenses of the division of standards, including not more than twenty-nine positions | \$696,327 |
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Division of Banks.

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|-----------|--|-------------|
| 9221-1000 | For the office of the commissioner, including not more than one hundred and eighty-six positions | \$5,542,898 |
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Division of Insurance.

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|-----------|--|--|
| 9222-0100 | For the administration of the division, including expenses of the board of appeal, and certain other costs of supervising motor vehicle liability insurance and the expenses of fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to the provisions of chapter thirty-one of the General Laws; provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner | |
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| | of insurance shall not be subject to the restrictions prescribed by section one of chapter five of the General Laws; provided further, that notwithstanding the provisions of section three of chapter seven hundred and twenty-eight of the acts of nineteen hundred and seventy-five, the provisions of section two of said chapter seven hundred and twenty-eight, including the levels of compensation therein authorized, shall continue to be effective after December thirty-first, nineteen hundred and seventy-eight, including not more than one hundred and seventy-three positions, prior appropriation continued | \$4,600,000 |
| | General Fund | 65.0% |
| | Highway Fund | 35.0% |
| 9222-0199 | For the expenses and administration of the board of appeal on motor vehicle liability policies and bonds, including not more than sixteen positions | \$490,347 |
| | Highway Fund | 100.0% |
| | <u>Division of Registration.</u> | |
| 9230-0001 | For the administration of the division; provided, that the position of investigator of radio-television technicians shall not be subject to chapter thirty-one of the General Laws; provided further, that not less than nine positions shall be located in the western Massachusetts office, including not more than one hundred and twenty-six positions | \$3,850,000 |
| 9230-0150 | For the expenses of the board of registration and discipline in medicine and the committee on acupuncture, including not more than twenty positions | \$1,180,619 |
| | <u>Department of Public Utilities.</u> | |
| 9270-0001 | For the general administration of the department, including not more than ninety-nine positions | \$2,700,000 |
| | <u>Commercial Motor Vehicle Division.</u> | |
| 9272-0001 | For the administration of the division, including not more than nineteen positions | \$538,114 |
| | Highway Fund | 100.0% |

EXECUTIVE OFFICE OF ENERGY RESOURCES.

Notwithstanding any provisions of law to the contrary, the executive office of energy resources shall administer energy programs including but not limited to the following: (1) an energy policy and data program, (2) a program to encourage energy

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conservation in publicly owned buildings, (3) a program to encourage energy conservation in residential buildings, (4) a program to encourage energy conservation in commercial buildings, (5) a program to encourage the use of renewable energy resources, and (6) an energy forecasting program; provided, that the executive office of energy resources shall report quarterly to the commissioner of administration and the house and senate committees on ways and means the status of all programs, including the total cost of each program, detailed description of expenditures made by program, and such other information as may be required by said committees from time to time.

9300-0003 For the administration of the office of energy resources; provided, that an amount not less than one hundred sixty-one thousand and two hundred dollars be obligated for an energy forecasting program, including not more than thirty-two positions

\$1,423,322

9300-0005 For a reserve to fund programs of energy conservation and weatherization to be expended by the executive office of energy resources; provided, that expenditures from this item shall be pursuant to schedules approved by the house and senate committees on ways and means, prior appropriation continued.

Energy Facilities Siting Council.

9300-0500 For the expenses of the energy facilities siting council; provided that, the expenditures from this item to the maximum amount of five hundred twenty-five thousand dollars shall be assessed upon utility companies in accordance with the provisions of chapter one hundred and sixty-four of the General Laws; provided further, that the excess over the appropriated amount shall be placed in an expendable trust account, to be spent or maintained from year to year by the council for the limited purpose of reviewing major energy facilities, without further appropriation and not subject to reversion to the General Fund; provided further, that the balance remaining in the expendable trust account shall be deducted from the following year's assessment of the electric and gas companies; provided further, that the amount collected from the utilities in the following year shall not be less than the amount appropriated for that year; provided, further, that the position of executive secretary of the council shall be exempt from the provisions and requirements of job classification by the personnel administrator under chapter thirty of the General Laws, including not more than five positions

\$434,656

9300-0600 For the administration of the residential conservation service program pursuant to chapter four hundred and sixty-five of the acts of nineteen hundred and eighty,

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| | and the commercial and apartment conservation service program pursuant to section twelve of chapter twenty-five A of the General Laws, including not more than nine positions | \$232,330 |
| 9300-0800 | For the advancement of photovoltaic research, productivity improvement, cell and module manufacturing, and testing; to include a photovoltaic technology transfer program between private and public institutions of higher education in the commonwealth; provided, that supplemental funds shall be sought from the federal government and from private sources; and provided further, that said funds shall be jointly administered by the executive office of energy resources and the executive office of economic affairs | \$350,000 |
| 9300-0900 | For the purposes of a grant to the South Essex sewerage district for phase II of the development of a pilot plant for the extraction of methane gas from sewerage sludge; provided, that the commonwealth's share of any royalties resulting from the commercial development of such a system shall be deposited in the General Fund; and provided further, that this appropriation shall be matched or exceeded by other private or public sector participants in the pilot project, prior appropriation continued. | |

EXECUTIVE OFFICE OF LABOR.

| | | |
|-----------|---|-----------|
| 9400-0100 | For the office of the secretary, including not more than twelve positions | \$430,536 |
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Department of Labor and Industries.

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| 9410-0100 | For general administration of the department, including not more than fifteen positions | \$398,486 |
| 9411-0100 | For the expenses of the division of industrial safety, including not more than seventy-one positions | \$2,531,348 |
| 9411-0105 | For the purposes of implementing certain provisions of chapter four hundred and seventy of the acts of nineteen hundred and eighty-three, the so-called "Right-to-Know" law, including not more than twenty-five positions | \$695,696 |
| 9412-0100 | For the expenses of the division of occupational hygiene, including not more than fourteen positions | \$510,786 |
| 9412-0200 | For the division of occupational hygiene; provided, that all funds appropriated under this item shall be for a program to evaluate the asbestos level in public schools and other public buildings; provided, further, that the division for this purpose may employ staff which shall not be subject to chapter thirty-one of the General Laws and engage engineering and medical and other consultants, | |

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| | including not more than nine positions | \$402,399 |
| 9413-0100 | For the expenses of the department in enforcing the minimum wage laws, including not more than eighteen positions | \$445,618 |
| 9414-0100 | For the expenses of the division of employment agencies, including not more than four positions | \$108,823 |
| | <u>Division of Apprentice Training.</u> | |
| 9415-0100 | For the administration of the division; provided, that no position in the division shall be subject to chapter thirty-one of the General Laws, including not more than twenty-three positions | \$458,672 |
| | <u>Board of Conciliation and Arbitration.</u> | |
| 9420-0100 | For the expenses of the board of conciliation and arbitration, including not more than nineteen positions | \$597,971 |
| 9421-0100 | For a joint labor-management committee, including not more than eight positions | \$395,034 |
| | <u>Labor Relations Commission.</u> | |
| 9430-0100 | For the administration of the commission, including not more than twenty-five positions, prior appropriation continued | \$803,910 |
| | <u>Department of Industrial Accidents.</u> | |
| 9440-0200 | For the administration of the department and the advisory council; provided, that the General Fund will be reimbursed for monies appropriated under this account from assessments levied pursuant to section fifty-five of chapter five hundred and seventy-two of the acts of nineteen hundred and eighty-five, including not more than two hundred and twenty-nine positions, prior appropriation continued | \$7,000,000 |

FEDERAL GRANTS.

SECTION 2A. Notwithstanding the provisions of any general or special law to the contrary, any department, board, commission or institution expending federal funds appropriated in this section shall submit a spending plan of such federal funds, by subsidiary breakdown, with the house and senate committees on ways and means and the joint standing committee on federal financial assistance no later than sixty days after the effective date of this act.

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All appropriations made in this section are from the General Federal Grants Fund and shall be recorded on the books of the commonwealth only in the amount of the actual receipts of federal funds and only the recorded amount shall be available for expenditure. Federal funds received in excess of the amount appropriated in this section shall be expended only in accordance with the provisions of section six B of chapter twenty-nine of the General Laws.

The amount of any unexpended balance of federal grant funds received prior to June thirtieth, nineteen hundred and eighty-six, and not included as part of an appropriation item in this section, is hereby made available for expenditure during fiscal year nineteen hundred and eighty-seven, in addition to any amount appropriated in this section.

DISTRICT ATTORNEYS.

| | |
|--|----------|
| 0340-0260 For the purposes of a federally funded grant entitled, Habitual, Serious and Violent Juvenile Offender Program | \$87,500 |
| 0340-0371 For the purposes federally funded grant entitled, Retail Level Heroin Enforcement and Property Crime | \$89,279 |
| 0340-0558 For the purposes of a federally funded grant entitled, Effective Prosecution of Child Abuse Cases | \$85,000 |

SECRETARY OF THE COMMONWEALTH.

Massachusetts Historical Commission.

| | |
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| 0526-0105 For the purposes of a federally funded grant entitled, Massachusetts Historical Survey | \$500,000 |
| 0526-0115 For the purposes of a federally funded grant entitled, Massachusetts Historical Preservation | \$243,000 |

ATTORNEY GENERAL.

| | |
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| 0810-6646 For the purposes of a federally funded grant entitled, Crime Victim Compensation | \$550,000 |
| 0840-0110 For the purposes of a federally funded grant entitled, Crime Victim Assistance Program | \$1,400,000 |

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EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of the Commissioner.

| | | |
|-----------|--|-------------|
| 1100-1514 | For the purposes of a federally funded grant entitled, Protection and Advocacy Grant | \$316,139 |
| 1100-1523 | For the purposes of a federally funded grant entitled, Economic Development 302 Planning Assistance | \$82,500 |
| 1100-1703 | For the purposes of a federally funded grant entitled, Administering Agency for Developmental Disabilities | \$1,041,852 |
| 1100-1710 | For the purposes of a federally funded grant entitled, Massachusetts Developmental Disabilities Service | \$276,331 |

Office of Handicapped Affairs.

| | | |
|-----------|--|--------|
| 1107-2450 | For the purposes of a federally funded grant entitled, Client Assistance Program | 34,336 |
|-----------|--|--------|

Council on Arts and Humanities.

| | | |
|-----------|--|-----------|
| 1121-9717 | For the purposes of a federally funded grant entitled, Promotion of Arts, Basic State Grant | \$400,700 |
| 1121-9718 | For the purposes of a federally funded grant entitled, Promotion of Arts, Artists in Education | \$95,000 |
| 1121-9720 | For the purposes of a federally funded grant entitled, Folk Arts | \$35,500 |
| 1121-9723 | For the purposes of a federally funded grant entitled, Inter-Arts | \$35,000 |

Massachusetts Commission Against Discrimination.

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| 1150-5338 | For the purposes of a federally funded grant entitled, Fair Housing Assistance Program - Type I | \$186,000 |
| 1150-5339 | For the purposes of a federally funded grant entitled, Equal Employment Resolution Contract | \$476,822 |

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

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| 2000-0141 | For the purposes of a federally funded grant entitled, Coastal Zone Management Development | \$1,650,000 |
| 2000-0143 | For the purposes of a federally funded grant entitled, Estuarine Sanctuaries | \$1,800,000 |
| 2000-9731 | For the purposes of a federally funded grant entitled, Buzzards Bay Project - Comprehensive Estuarine Management | \$35,000 |
| 2030-9701 | For the purposes of a federally funded grant entitled, Outdoor Recreation Projects | \$3,000,000 |

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

| | | |
|-----------|--|-------------|
| 2120-9701 | For the purposes of a federally funded grant entitled, Rural Community Fire Protection - Local Aid | \$26,500 |
| 2120-9707 | For the purposes of a federally funded grant entitled, Urban and Community Forestry | \$75,000 |
| 2120-9708 | For the purposes of a federally funded grant entitled, Improved Lumber Drying Program | \$77,000 |
| 2121-9709 | For the purposes of a federally funded grant entitled, Forestry Planning | \$30,000 |
| 2121-9710 | For the purposes of a federally funded grant entitled, Rural Fire Protection | \$140,800 |
| 2130-9701 | For the purposes of a federally funded grant entitled, Clam River Watershed Project | \$1,000,000 |
| 2130-9703 | For the purposes of a federally funded grant entitled, Washington Mountain Brook Watershed Project | \$1,000,000 |
| 2130-9705 | For the purposes of a federally funded grant entitled, SUASCO Watershed Project | \$250,000 |
| 2130-9711 | For the purposes of a federally funded grant entitled, Baiting Brook Watershed Project | \$500,000 |

DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING.

Office of the Secretary.

| | | |
|-----------|--|-------------|
| 2200-9704 | For the purposes of a federally funded grant entitled, Solid Waste Disposal-Conservation and Recovery | \$1,700,000 |
| 2200-9705 | For the purposes of a federally funded grant entitled, Underground Water Protection | \$93,050 |
| 2200-9706 | For the purposes of a federally funded grant entitled, Water Quality Management Planning | \$1,000,000 |
| 2200-9709 | For the purposes of a federally funded grant entitled, Multi-Site Cooperative Agreement | \$1,000,000 |
| 2200-9710 | For the purposes of a federally funded grant entitled, Cooperative Agreement for Buzzards Bay Assessment Studies | \$75,000 |

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| 2200-9744 | For the purposes of a federally funded grant entitled, Permit Acceleration Program | \$90,000 |
| 2240-9706 | For the purposes of a federally funded grant entitled, Accelerated Construction | \$400,000 |
| 2240-9707 | For the purposes of a federally funded grant entitled, Management of Construction Grants | \$1,200,000 |
| 2240-9708 | For the purposes of a federally funded grant entitled, Phase II Basin Planning | \$400,000 |
| 2240-9709 | For the purposes of a federally funded grant entitled, Clean Lakes Program | \$1,600,000 |
| 2240-9710 | For the purposes of a federally funded grant entitled, Administration of the Construction Program | \$4,500,000 |
| 2250-9701 | For the purposes of a federally funded grant entitled, Public Water Supply Supervision | \$377,700 |
| 2250-9710 | For the purposes of a federally funded grant entitled, Statewide Air Pollution Control Program | 3,408,000 |

DEPARTMENT OF FISHERIES AND WILDLIFE AND ENVIRONMENTAL LAW ENFORCEMENT.

Division of Marine Fisheries.

| | | |
|-----------|---|---------|
| 2330-9706 | For the purposes of a federally funded grant entitled, Extended Fisheries Jurisdiction | 25,000 |
| 2330-9709 | For the purposes of a federally funded grant entitled, Commercial Fisheries Research and Development | 95,000 |
| 2330-9710 | For the purposes of a federally funded grant entitled, Cod Aging | 31,000 |
| 2330-9712 | For the purposes of a federally funded grant entitled, Commercial Fisheries Statistics | 130,000 |
| 2330-9718 | For the purposes of a federally funded grant entitled, Striped Bass Landings | 27,000 |
| 2330-9719 | For the purposes of a federally funded grant entitled, Vessel Services Assessment | 36,000 |
| 2330-9721 | For the purposes of a federally funded grant entitled, Anadromous Fish Management | 40,000 |
| 2330-9722 | For the purposes of a federally funded grant entitled, PCB Monitoring and Finfish Disease Research-Buzzards Bay | 38,000 |

Division of Environmental Law Enforcement.

| | | |
|-----------|--|---------|
| 2340-9701 | For the purposes of a federally funded grant entitled, Safe Boating Program | 250,000 |
| 2350-9701 | For the purposes of a federally funded grant entitled, Cooperative Law Enforcement | 75,000 |

DEPARTMENT OF FOOD AND AGRICULTURE.

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Division of Regulatory Services.

| | | |
|-----------|--|---------|
| 2511-0310 | For the purposes of a federally funded grant entitled, Pesticide Enforcement | 152,000 |
| 2511-0320 | For the purposes of a federally funded grant entitled, Pesticide Applicators | 20,000 |

Division of Agricultural Development.

| | | |
|-----------|--|-----------|
| 2516-9002 | For the purposes of a federally funded grant entitled, Development of Institutional Marketing. | \$100,000 |
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EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

Division of Community Development.

| | | |
|-----------|--|--------------|
| 3722-9013 | For the purposes of a federally funded grant entitled, Existing Housing Allowance Program, Section 8 | \$26,000,000 |
| 3722-9019 | For the purposes of a federally funded grant entitled, Moderate Rehabilitation, Section 8 | \$11,600,000 |
| 3722-9020 | For the purposes of a federally funded grant entitled, New Construction, Section 8 | \$4,523,656 |
| 3724-3037 | For the purposes of a federally funded grant entitled, Small Cities Community Development Block Grant; provided, that revenues not to exceed an amount of eight million dollars accrued from economic development programs may be expended without further appropriation | \$23,658,900 |
| 3724-9009 | For the purposes of a federally funded grant entitled, Substantial Rehabilitation, Section 8 | \$1,961,170 |

Division of Community Services.

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| 3743-2030 | For the purposes of a federally funded grant entitled, Low Income Weatherization Assistance Program | \$6,022,243 |
| 3743-2033 | For the purposes of a federally funded grant entitled, Low Income Home Energy Assistance Program | \$82,701,151 |
| 3743-2034 | For the purposes of a federally funded grant entitled, Community Services Block Grant; provided, that ninety percent of these funds be directly contracted with community action agencies | \$8,677,819 |

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EXECUTIVE OFFICE OF HUMAN SERVICES.

Office of the Secretary.

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| 4000-0803 For | the purposes of a federally funded grant entitled, Mutual Assistance Association Incentive Grant | \$150,000 |
| 4000-0804 For | the purposes of a federally funded grant entitled, Targeted Assistance Grant to Foster Refugee Self-Sufficiency | \$1,265,000 |
| 4000-0805 For | the purposes of a federally funded grant entitled, Favorable Alternative Site Placement Project | \$75,000 |
| 4000-1503 For | the purposes of a federally funded grant entitled, State Health Planning and Development Agency | \$417,020 |
| 4000-9400 For | the purposes of a federally funded grant entitled, Alcohol, Drug Abuse, and Mental Health Block Grant; provided that the mental health portion of block grant funds shall only be allocated for the provision of direct care mental health services and programs | \$18,240,000 |

Massachusetts Commission for the Blind.

| | | |
|---------------|--|-------------|
| 4110-3020 For | the purposes of a federally funded grant entitled, Vocational Rehabilitation Basic Support Grant; provided, that the amount of funds used for personnel assumed by the state in line item 4110-0001, may be used only for direct services; provided further, that any reimbursement received for successful vocational rehabilitation closures under the federal Social Security Act's Vocational Rehabilitation Program may be used by the commission for the blind to provide for essential client programming, including but not limited to, pre-vocational and supported employment services | \$4,200,000 |
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Massachusetts Rehabilitation Commission.

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|---------------|--|--------------|
| 4120-0020 For | the purposes of a federally funded grant entitled, Vocational Rehabilitation | \$26,000,000 |
| 4120-0171 For | the purposes of a federally funded grant entitled, Psychiatric Rehabilitation Training Program | \$100,000 |
| 4120-0511 For | the purposes of a federally funded grant entitled, Determination of Disability | \$24,000,000 |
| 4120-0760 For | the purposes of a federally funded grant entitled, Independent Living; provided, that not less than twenty-five thousand dollars shall be obligated for a program for the deaf and hard of hearing | \$800,000 |

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Office for Children.

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| 4130-2086 | For the purposes of a federally funded grant entitled, Program to Reduce Abuse in Out of Home Day-Care Facilities | \$20,000 |
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DEPARTMENT OF PUBLIC WELFARE.

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|-----------|--|--------------|
| 4400-1012 | For the purposes of a federally funded grant entitled, Medicaid Management Information System (MMIS); provided, that federal funds received for the purpose of Medicaid administration, not to exceed thirteen million four hundred twenty-four thousand four hundred dollars shall be credited to this item | \$13,424,400 |
| 4400-1014 | For the purposes of a federally funded grant entitled, Child Support Administration; provided, that federal funds received for the purpose of child support administration, not to exceed one million five hundred fifty-seven thousand five hundred dollars shall be credited to this item | \$1,500,000 |
| 4402-1041 | For the purposes of a federally funded grant entitled, Conversion to Social Security - Administration | \$214,300 |
| 4407-9001 | For the purposes of a federally funded grant entitled, Work Incentive Demonstration Project Grant | \$13,400,000 |

DEPARTMENT OF PUBLIC HEALTH.

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|-----------|---|--------------|
| 4500-1000 | For the purposes of a federally funded grant entitled, Preventive Health Services Block Grant; provided that no less than one million, fifty thousand dollars be obligated for Emergency Medical Services | \$2,582,426 |
| 4500-2000 | For the purposes of a federally funded grant entitled, Maternal and Child Health Block Grant | \$9,178,399 |
| 4510-0400 | For the purposes of a federally funded grant entitled, Health Insurance-Medicare | \$851,000 |
| 4510-9019 | For the purposes of a federally funded grant entitled, Environmental Monitoring Program | \$24,000 |
| 4510-9038 | For the purposes of a federally funded grant entitled, Behavioral Risk Factor Surveillance System | \$7,450 |
| 4512-0102 | For the purposes of a federally funded grant entitled, Venereal Disease Control | \$476,500 |
| 4512-0179 | For the purposes of a federally funded grant entitled, Vaccination Assistance Project | \$563,350 |
| 4513-9007 | For the purposes of a federally funded grant entitled, Special Supplementary Food Program for Women, Infants and Children (WIC) | \$25,862,912 |
| 4513-9014 | For the purposes of a federally funded grant entitled, Injury Prevention Implementation Project | \$464,000 |

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| 4513-9015 | For the purposes of a federally funded grant entitled, Improved Prenatal Care Utilization and Birth Outcome | \$218,000 |
| 4513-9016 | For the purposes of a federally funded grant entitled, Family Day Care Health Improvement Project | \$125,000 |
| 4513-9017 | For the purposes of a federally funded grant entitled, Recruitment Plus Project | \$45,851 |
| 4515-0113 | For the purposes of a federally funded grant entitled, Health Program for Refugees | \$164,775 |
| 4515-0115 | For the purposes of a federally funded grant entitled, Outreach/Case Register Services for Tuberculosis | \$124,550 |
| 4518-1000 | For the purposes of a federally funded grant entitled, National Death Index (NDI) | \$19,000 |
| 4518-9020 | For the purposes of a federally funded grant entitled, Epidemiologic Methods in Study of Effects of Chloramine as a Water Disinfectant | \$6,000 |
| 4518-9021 | For the purposes of a federally funded grant entitled, Capacity Building Occupational Safety and Health Program | \$55,000 |
| 4535-9601 | For the purposes of a federally funded grant entitled, National Energy Conservation Act, Title III | \$106,000 |

DEPARTMENT OF SOCIAL SERVICES.

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| 4800-0006 | For the purposes of a federally funded grant entitled, Sexual Abuse Treatment Outcomes: Effects on Children and Their Families | \$143,150 |
| 4800-0045 | For the purposes of a federally funded grant entitled, Social Services Block Grant | \$64,664,805 |
| 4800-0046 | For the purposes of a federally funded grant entitled, SSBG - Day-Care Training Allotment | \$76,041 |
| 4899-0001 | For the purposes of a federally funded grant entitled, Child Welfare Services, Title IVB | \$2,995,260 |
| 4899-0005 | For the purposes of a federally funded grant entitled, Child Abuse and Neglect, Prevention and Treatment | \$257,000 |

DEPARTMENT OF MENTAL HEALTH.

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| 5012-9109 | For the purposes of a federally funded grant entitled, NIMH - Manpower Planning and Development | \$95,000 |
| 5021-9101 | For the purposes of a federally funded grant entitled, Community Support Program | \$215,000 |
| 5021-9103 | For the purposes of a federally funded grant entitled, Refugee Mental Health Project | \$164,895 |

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EXECUTIVE OFFICE FOR TRANSPORTATION AND CONSTRUCTION.

Office of the Secretary.

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|-----------|--|-------------|
| 6000-0180 | For the purposes of a federally funded grant entitled, Statewide-Assistance Rural Public Transportation | \$1,050,000 |
| 6000-9923 | For the purposes of a federally funded grant entitled, UMTA Technical Studies | \$127,000 |
| 6000-9949 | For the purposes of a federally funded grant entitled, Elderly and Handicapped Transportation | \$890,400 |
| 6000-9954 | For the purposes of a federally funded grant entitled, Local Rail Service Assistance-Planning | \$100,000 |
| 6000-9970 | For the purposes of a federally funded grant entitled, Local Rail Service Assistance - Attleboro/Hyannis | \$1,000,000 |
| 6000-9980 | For the purposes of a federally funded grant entitled, Local Rail Service Assistance-Danvers | \$247,462 |
| 6030-8880 | For the purposes of a federally funded grant entitled, Slip Base Utility Pole Program | \$25,000 |

EDUCATION.

Libraries.

| | | |
|-----------|---|-------------|
| 7000-9703 | For the purposes of a federally funded grant entitled, Interlibrary Cooperation - Title III | \$418,843 |
| 7000-9705 | For the purposes of a federally funded grant entitled, Library Services - Title I | \$1,736,376 |
| 7000-9707 | For the purposes of a federally funded grant entitled, Public Library Construction - Title II | \$568,973 |

DEPARTMENT OF EDUCATION.

Board of Education and Commissioner's Office.

| | | |
|-----------|---|-----------|
| 7010-0013 | For the purposes of a federally funded grant entitled, Race Desegregation Assistance - Administration | \$212,000 |
| 7010-9706 | For the purposes of a federally funded grant entitled, Common Core Data Project | \$14,000 |

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| 7010-9711 For the purposes of a federally funded grant entitled, National Desegregation Origin Assistance | \$156,000 |
| 7010-9728 For the purposes of a federally funded grant entitled, Sex Desegregation Assistance | \$251,000 |
| 7010-9732 For the purposes of a federally funded grant entitled, Education Consolidation and Improvement Act of 1981, Block Grant - Chapter II Administration and Support | \$2,150,000 |

Division of Occupational Education.

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| 7027-9116 For the purposes of a federally funded grant entitled, Carl D. Perkins Vocational Education Act of 1984 | \$16,800,000 |
| 7027-9126 For the purposes of a federally funded grant entitled, Carl D. Perkins Vocational Education Act-Administration | \$2,000,000 |

Division of Special Education.

| | |
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| 7028-0012 For the purposes of a federally funded grant entitled, Early Childhood Service Delivery; provided, that a comprehensive service delivery plan for servicing children birth through five years of age who are handicapped or are "at risk" be filed with the house and senate committees on ways and means on or before January thirtieth, nineteen hundred and eighty-seven; provided, further, that said plan shall be developed by the department of education in conjunction with the department of public health and shall outline the current process for transitioning said children who are handicapped or are "at risk" from the department of public health to the department of education and make any recommendations for improving this transitional process | \$117,000 |
| 7028-0013 For the purposes of a federally funded grant entitled, Assessment of the Impact of Special Education | \$100,000 |
| 7028-0015 For the purposes of a federally funded grant entitled, Massachusetts Administrators Training Project | \$49,000 |
| 7028-0601 For the purposes of a federally funded grant entitled, Education for the Handicapped - Administration | \$1,637,000 |
| 7028-0816 For the purposes of a federally funded grant entitled, State-Operated Program for the Handicapped | \$9,900,000 |

Division of Curriculum and Instruction.

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| 7030-0191 For the purposes of a federally funded grant entitled, Coordination of Bilingual Education | \$106,000 |
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| Item | | |
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| 7030-9736 | For the purposes of a federally funded grant entitled, Chapter II, Education Consolidation and Improvement Act of 1981 - Block Grant - Distribution | \$8,597,000 |
| 7030-9756 | For the purposes of a federally funded grant entitled, EESA, Title II, Math and Science | \$1,357,000 |
| 7032-0402 | For the purposes of a federally funded grant entitled, Educationally Deprived Children - Administration | \$864,000 |
| 7035-0013 | For the purposes of a federally funded grant entitled, Education of the Handicapped - Discretionary Funds | \$1,992,000 |
| 7035-0116 | For the purposes of a federally funded grant entitled, Educationally Deprived Children - Distribution | \$76,533,000 |
| 7035-0126 | For the purposes of a federally funded grant entitled, Children in Institutions | \$334,000 |
| 7035-0136 | For the purposes of a federally funded grant entitled, Children in State Adult Correctional Institutions | \$119,000 |
| 7035-0146 | For the purposes of a federally funded grant entitled, Children of Migratory Workers | \$5,400,000 |
| 7035-0316 | For the purposes of a federally funded grant entitled, Education of the Handicapped | \$32,500,000 |
| 7035-0713 | For the purposes of a federally funded grant entitled, Early Childhood Incentive - Administration | \$405,000 |
| 7035-0716 | For the purposes of a federally funded grant entitled, Early Childhood Incentive - Distribution | \$250,000 |
| 7038-0002 | For the purposes of a federally funded grant entitled, Adult Basic Education-Administration | \$200,000 |
| 7038-0106 | For the purposes of a federally funded grant entitled, Adult Basic Education-Distribution | \$1,891,605 |
| 7038-9721 | For the purposes of a federally funded grant entitled, Transitional Refugee Program - Administration | \$10,000 |
| 7038-9736 | For the purposes of a federally funded grant entitled, Transitional Refugee Program - Distribution of Funds | \$1,017,000 |
| 7038-9746 | For the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance | \$880,000 |
| 7053-2105 | For the purposes of a federally funded grant entitled, Cash in Lieu of Commodities | \$448,000 |
| 7053-2111 | For the purposes of a federally funded grant entitled, Special Milk | \$700,000 |
| 7053-2112 | For the purposes of a federally funded grant entitled, School Lunch, Section 11 - Special Assistance | \$42,500,000 |
| 7053-2113 | For the purposes of a federally funded grant entitled, Community School Lunch Program | \$11,500,000 |
| 7053-2114 | For the purposes of a federally funded grant entitled, School Breakfast Program | \$5,500,000 |
| 7053-2117 | For the purposes of a federally funded grant entitled, Child Care Food Program | \$14,200,000 |

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| 7053-2118 | For the purposes of a federally funded grant entitled, Nutrition Education | \$143,000 |
| 7053-2126 | For the purposes of a federally funded grant entitled, Temporary Emergency Food Assistance | \$1,100,000 |
| 7053-2202 | For the purposes of a federally funded grant entitled, Summer Food Service Program for Children | \$2,111,000 |
| 7062-0008 | For the purposes of a federally funded grant entitled, State Administration Expenses | \$2,100,000 |

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of Public Safety.

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| 8314-9707 | For the purposes of a federally funded grant entitled, Underground Storage Tanks - Registry Program | \$131,000 |
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Commission on Criminal Justice.

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| 8600-0002 | For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act Planning | \$85,000 |
| 8600-0003 | For the purposes of a federally funded grant entitled, Juvenile Justice, Delinquency and Prevention | \$1,600,000 |

Civil Defense Agency.

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| 8800-0003 | For the purposes of a federally funded grant entitled, Emergency Management Assistance - State | \$671,600 |
| 8800-0004 | For the purposes of a federally funded grant entitled, Emergency Management Assistance - Cities and Towns | \$532,696 |
| 8800-0005 | For the purposes of a federally funded grant entitled, Disaster Preparedness Improvement | \$25,000 |
| 8800-0006 | For the purposes of a federally funded grant entitled, Radiological Systems Maintenance | \$150,000 |
| 8800-0007 | For the purposes of a federally funded grant entitled, Radiological Defense Officer | \$62,000 |
| 8800-0008 | For the purposes of a federally funded grant entitled, Population Protection Planning | \$217,000 |
| 8800-0009 | For the purposes of a federally funded grant entitled, Emergency Management Training | \$112,000 |
| 8800-0010 | For the purposes of a federally funded grant entitled, Earthquake Preparedness | \$65,000 |

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8800-0011 For the purposes of a federally funded grant entitled, Facility Surveys \$66,631

Governor's Highway Safety Bureau.

8850-0002 For the purposes of a federally funded grant entitled, Distribution to Cities and Towns \$301,762

8850-0003 For the purposes of a federally funded grant entitled, Planning and Administration \$185,000

8850-0004 For the purposes of a federally funded grant entitled, State Agency Programs \$1,909,681

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

9000-1621 For the purposes of a federally funded grant entitled, Job Training and Partnership Act; provided that the Secretary of Economic Affairs shall file detailed quarterly expenditure reports for all administrative costs associated with this program with the joint committee on federal financial assistance and the house and senate committees on ways and means \$65,790,908

Division of Employment Security.

9081-0100 For the purposes of a federally funded grant entitled, Administration \$60,000,000

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9110-1074 For the purposes of a federally funded grant entitled, Title III-B, Nursing Home/ Social Services \$8,350,752

9110-1173 For the purposes of a federally funded grant entitled, Title III-C, Nutrition \$9,108,266

9110-1178 For the purposes of a federally funded grant entitled, Community Service Employment Program \$1,543,274

9110-1181 For the purposes of a federally funded grant entitled, Cash in Lieu of Commodities Program \$2,649,863

EXECUTIVE OFFICE OF ENERGY RESOURCES.

Energy Facilities Siting Council

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Item

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| 9300-9642 | For the purposes of a federally funded grant entitled, Institutional Conservation Program | \$69,548 |
| 9300-9720 | For the purposes of a federally funded grant entitled, State Survey No. 2 Heating Oil | \$17,700 |
| 9300-9741 | For the purposes of a federally funded grant entitled, Energy Extension Service | \$154,100 |
| 9300-9742 | For the purposes of a federally funded grant entitled, State Energy Conservation Plan | \$365,100 |
| 9300-9756 | For the purposes of a federally funded grant entitled, Section 155, Oil Overcharge | \$3,350,000 |
| 9300-9757 | For the purposes of a federally funded grant entitled, Northeast Regional Biomass Program | \$40,000 |
| 9300-9758 | For the purposes of a federally funded grant entitled, Oil Overcharge, AMOCO | \$83,000 |
| 9300-9759 | For the purposes of a federally funded grant entitled, Oil Overcharge, Northeast Petroleum | \$254,050 |
| 9300-9760 | For the purposes of a federally funded grant entitled, Oil Overcharge, Perry Gas Processors | \$1,325 |
| 9300-9761 | For the purposes of a federally funded grant entitled, Oil Overcharge, ARCO | \$217,025 |
| 9300-9762 | For the purposes of a federally funded grant entitled, Oil Overcharge, EXXON | \$24,000,000 |
| 9300-9763 | For the purposes of a federally funded grant entitled, Oil Overcharge, Coline | \$9,092 |

EXECUTIVE OFFICE OF LABOR.

Department of Labor and Industries.

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|-----------|---|-----------|
| 9411-2013 | For the purposes of a federally funded grant entitled, Mine Safety and Health Training | \$67,200 |
| 9411-4203 | For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Statistical Survey | \$77,000 |
| 9411-4204 | For the purposes of a federally funded grant entitled, Supplementary Data System | \$250,000 |
| 9411-4205 | For the purposes of a federally funded grant entitled, Toxic Substances Enforcement | \$133,330 |
| 9411-4206 | For the purposes of a federally funded grant entitled, Contractor Certification - Asbestos Abatement | \$105,263 |
| 9411-9701 | For the purposes of a federally funded grant entitled, OSHA Onsite Consultation Program | \$756,664 |

SECTION 2B. Notwithstanding any general or special law to the contrary the amounts appropriated herein shall not expire until June thirtieth, nineteen hundred and ninety:

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JUDICIARY.

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| 0330-7872 | For general renovations and improvements to county facilities housing the trial court system, provided that such improvements shall be pursuant to schedules prepared by the chief administrative justice of the trial court and submitted by the commissioner of administration to the house and senate committees on ways and means thirty days prior to expenditure of said funds | \$1,000,000 |
| 0332-7871 | For repairs to the air conditioning system at the Haverhill division of the district court | \$40,000 |
| 0332-7871 | For certain renovations and improvements to the third district court building, East Cambridge; to be in addition to the amount appropriated in item 0332-8812 of chapter five hundred and seventy-eight of the acts of nineteen hundred and eighty | \$1,500,000 |

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Central Services Division.

Division of Capital Planning and Operations.

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| 1102-7870 | For repairs and renovations of state-owned property to prevent deterioration or costly future repairs as authorized and allocated by the deputy commissioner of capital planning and operations in accordance with section 2F of chapter twenty-nine of the General Laws; provided that the expenditure of funds for the purpose of this item shall be based upon schedules submitted by the commissioner of administration to the house and senate committees on ways and means thirty days prior to expenditure of said funds | \$10,000,000 |
| 1102-7872 | For studies and for the removal and/or encapsulation of asbestos materials in state-owned buildings; to be in addition to the amount appropriated in item 1102-7843 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$12,000,000 |
| 1102-7873 | For studies, and for the removal of toxic substances in certain electrical equipment of the commonwealth; to be in addition to the amount appropriated in item 1102-7844 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$500,000 |
| 1102-8871 | For emergency repair projects of state-owned property provided that the house and senate committees on ways and means be notified within thirty days of expenditure | |

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Item

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| | ture of any funds under the provisions of this item; to be in addition to the amount appropriated in item 1102-8846 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$1,000,000 |
| 1102-8872 For | studies and the preparation of plans, if necessary, and for renovations for energy conservation at various facilities of the commonwealth | \$4,000,000 |
| 1102-8873 For | studies and for fire protection improvements in accordance with the recommendations of the department of public safety to comply with the provisions of chapter one hundred and forty-three of the General Laws, and for certain other improvements to eliminate fire hazards including improvements to electrical distribution systems to be designated by the deputy commissioner of capital planning and operations and approved by the commissioner of administration; to be in addition to the amount appropriated in item 1102-7842 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$2,700,000 |
| 1102-8874 For | studies and for construction of certain air pollution abatement projects at various institutions of the commonwealth; to be in addition to the amount appropriated in item 1102-7848 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$500,000 |

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Ernestina Schooner Commission.

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| 2000-7872 For | repairs and restoration of the Ernestina Schooner including the cost of furnishings and equipment including nautical supplies and equipment; to be in addition to the amount appropriated in item 2000-9840 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, and provided further that said department may expend funds appropriated herein to reimburse the Waterfront Area Historic League for any capital improvements made to the Schooner Ernestina pursuant to a contract for such services between said League and said department | \$250,000 |
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Department of Environmental Management.

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|---------------|---|-------------|
| 2120-7873 For | the rehabilitation of the existing skating rinks and swimming pools | \$1,100,000 |
| 2120-7874 For | a study and the preparation of plans, if necessary, and for the rehabilitation and improvement of existing recreational facilities including utility systems such as wells, pumps, water lines and comfort stations, to be in addition to amounts appropriated in item 2120-9847 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$1,500,000 |

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| Item | | |
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| 2120-7875 | For a study and the preparation of plans, if necessary, and for the renovations and improvements of Salisbury Beach including but not limited to reconstruction of waterlines, electrical services, and sewerage pumps and improvements to parking areas, access points, and facilities; and for a master plan | \$700,000 |
| 2150-7871 | For the design and reconstruction of Lake Ashmere Dam in the town of Hinsdale to correct structural deficiencies | \$500,000 |
| 2150-7872 | For the rehabilitation of existing dams statewide pursuant to chapter two hundred and fifty-three, sections forty-four through forty-seven inclusive of the General Laws | \$1,000,000 |
| 2150-7873 | For the rehabilitation of existing dams located on property of the department of environmental management | \$685,000 |
| 2150-7874 | For evaluation, study and, if necessary, emergency repairs involving potentially unsafe dams, pursuant to chapter two hundred and fifty-three, sections forty-four through forty-seven inclusive of the General Laws; to be in addition to the amount appropriated in item 2150-7842 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$500,000 |

Metropolitan District Commission.

Parks Division.

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|-----------|---|-------------|
| 2440-7870 | For replacement of existing ammonia refrigeration systems, providing necessary room enlargements where required and installing new freon refrigeration equipment, to be in addition to the amount appropriated in item 2440-8844 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$2,000,000 |
| 2440-7871 | For the preparation of plans for the reconstruction of the seawall along the Charles River adjacent to the property owned by the general services administration | \$300,000 |
| 2440-7874 | For the preparation of plans for the restoration, rehabilitation and repair of the Hatch Memorial Shell and surrounding grounds, including utilities repair, landscaping, site work, lighting and statue restoration | \$200,000 |
| 2440-7875 | For a study and the preparation of plans, if necessary, and for the repair or replacement of two dams at Beaver Brook Reservation | \$1,000,000 |
| 2440-7878 | For general repairs and improvements to the existing facilities, including site-work and landscaping | \$1,000,000 |
| 2440-7879 | For a study and the preparation of plans, if necessary, and for general restoration, rehabilitation and landscaping and any costs related thereto; including | |

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| | furnishings and equipment, of the metropolitan district commission reservations, parklands, parks and playgrounds, including but not limited to erosion control, ground improvements, parking lot improvements, construction or repair of dams, docks, floats and shelters | \$1,000,000 |
| 2440-8871 | For a study and the preparation of plans, if necessary, and for repairs and renovations to the Amelia Earhart Dam, including but not limited to the lock gates, structure control system, culverts and mechanical systems, to be in addition to the amount appropriated in item 2440-8846 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$1,400,000 |
| 2440-8872 | For a study and the preparation of plans, if necessary, and for the repair or replacement, and any costs related thereto, of the roof of the Trailside Museum at the Blue Hills Reservation | \$225,000 |

EXECUTIVE OFFICE OF HUMAN SERVICES.

Department of Youth Services.

Western Youth Service Center.

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| 4225-1010 | For certain roofing repairs | \$590,000 |
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Department of Correction.

M.C.I. Norfolk.

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|-----------|---|-------------|
| 4316-7871 | For certain renovations and repairs to the perimeter wall, including but not limited to wall panels, piers, pier caps, wall capping, and replacement of the existing electrical lighting conduit system, electrified barbed-wire security protection system, existing wall lighting system and the vehicle trap doors | \$3,908,000 |
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Department of Public Health.

Lemuel Shattuck Hospital.

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| 4532-7871 | For certain renovations and improvements to comply with life safety codes | \$1,429,000 |
| 4532-7872 | For the installation of a security system | \$509,000 |
| 4540-7871 | For the repair and replacement of roadways and parking lots at various facilities | \$475,000 |

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Department of Mental Health.

5011-7871 For certain site improvements including sidewalks, roadways and streetlighting at Walter E. Fernald State School, Paul A. Dever State School and Wrentham State School

\$978,000

Region III.

Charles V. Hogan Regional Center.

John T. Berry Rehabilitation Center.

5377-7871 For the renovation of the adult and adolescent units, including the cost of furnishings and equipment; provided that any expenditure from this item shall be contingent upon the prior approval and assurance of the secretary of human services that not less than the maximum percent of such expenditures are eligible for federal reimbursement under Title XIX of the Social Security Act of nineteen hundred and sixty-seven as amended by Public Law 92-603; to be in addition to the amount appropriated in item 5377-8841 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three

\$2,500,000

5377-7872 For the construction of a handicapped access ramp to replace the existing unsafe ramps connecting the administration building and the cafeteria

\$1,283,000

BOARD OF REGENTS.

Bridgewater State College.

7109-7871 For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, doors, and windows

\$700,000

Fitchburg State College.

7110-7871 For interior and exterior repairs including brickwork, ceilings, floors, walls, parking lots, and roadways

\$800,000

Framingham State College.

ACTS, 1986. - Chap. 206.

Item

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| 7111-7871 | For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, doors, and windows | \$600,000 |
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North Adams State College.

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| 7113-7871 | For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, doors, and windows | \$400,000 |
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Salem State College.

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| 7114-7871 | For certain repairs and renovations of the administration building complex, including the cost of furnishings and equipment, and the expansion of the parking lot to be in addition to the amount appropriated in item 7114-8801 of chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine | \$2,000,000 |
| 7114-7872 | For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, doors and windows | \$800,000 |

Westfield State College.

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| 7115-7871 | For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, doors, and windows | \$700,000 |
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Worcester State College.

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| 7116-7871 | For the renovation of the administration building including removal of and installation of partitions, upgrading of the mechanical system, exterior repairs, and handicapped access improvements to be in addition to the amount appropriated in item 7116-8801 of section two of chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine | \$500,000 |
| 7116-7872 | For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, doors, and windows | \$635,000 |

University of Lowell.

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| 7220-7871 | For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, and windows | \$3,000,000 |
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Southeastern Massachusetts University.

ACTS, 1986. - Chap. 206.

Item

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| 7310-7872 For repairs and/or replacement of roofing of certain buildings | \$935,000 |
| 7310-7873 For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, and windows | \$500,000 |

University of Massachusetts - Amherst.

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| 7410-7872 For a study and preparation of plans for a central facility for lab animals | \$200,000 |
| 7410-7873 For interior and exterior repairs, roofing, elevators, mechanical and electrical systems, and for improvements to roads and walks; including certain repairs and renovations to the Fine Arts Center Building; to be in addition to the amount appropriated in item 7410-8845 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$5,700,000 |

University of Massachusetts - Worcester.

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| 7411-7871 For a study and preparation of plans, if necessary, and the replacement of the power plant chimney | \$700,000 |
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University of Massachusetts - Boston.

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| 7416-7871 For modifications to the heating and ventilating system of building 010, to be in addition to the amount appropriated in item 7416-8811 of chapter five hundred and seventy-eight of the acts of nineteen hundred and eighty | \$460,000 |
| 7452-7871 For resurfacing certain areas of the harbor campus plaza | \$820,000 |
| 7452-7872 For repairs to the elevator and roof of 250 Stuart Street | \$1,142,000 |
| 7452-7873 For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, and windows | \$1,100,000 |
| 7452-7874 For repairs or replacement of certain roofs at the Harbor Campus | \$1,200,000 |
| 7452-7875 For preparation of plans, if necessary, and for the repairs and renovations of the exterior of Library Building 090 at the Harbor Campus; to be in addition to the amount appropriated in item 7452-8842 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three | \$1,200,000 |

Berkshire Community College.

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| 7502-7871 For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, and windows | \$200,000 |
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Bristol Community College.

ACTS, 1986. - Chap. 206.

Item

7503-7871 For plans for the renovation of the Durfee Street Building \$150,000

Cape Cod Community College.

7504-7871 For construction, repairs, renovations, and certain campus improvements; to be in addition to item 7504-8842 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three \$1,435,000

7504-7872 For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, doors, and windows \$325,000

Greenfield Community College.

7505-7871 For interior and exterior repairs including roofing, masonry, and courtyards \$450,000

Massachusetts Bay Community College.

7507-7872 For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, and windows \$500,000

Massasoit Community College.

7508-7871 For interior and exterior repairs including roofing, walls, ceilings, masonry, floors, heating, ventilation, air conditioning, and underground wiring \$1,830,000

Mt. Wachusett Community College.

7509-7871 For roof repairs, including renovation, improvements, and replacement, and for certain masonry, mechanical, and roadway repairs; to be in addition to the amount appropriated in item 7509-8841 of section two of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three \$425,000

Northern Essex Community College.

7510-7871 For interior and exterior repairs including campus roadways, heating, ventilation, air-conditioning, ceilings, floors, walls, walkways, and terrazzo areas \$500,000

Quinsigamond Community College.

ACTS, 1986. - Chap. 206.

Item

7512-7871 For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, and windows \$250,000

Bunker Hill Community College.

7518-7871 For interior and exterior repairs to certain buildings including roofing, flooring, ceilings, doors, masonry, and electrical and mechanical systems \$700,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Massachusetts Criminal Justice Training Council.

8200-7871 For a study, and the preparation of plans, if necessary, and the renovation of the Feeding Hills Training School for use as the western Massachusetts law enforcement academy including the cost of furnishings and equipment, to be in addition to the amount appropriated in item 8200-8841 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three \$829,000

SECTION 2C.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Fiscal Affairs Division.

Office of Management Information Systems.

1101-7872 For a reserve for the purchase of installation of certain computer and data processing equipment, including telecommunication equipment, provided that the commissioner of administration is authorized to transfer funds herein appropriated to other state agencies for expenditures for said purposes; and provided, further, that expenditure of funds for the purpose of this item shall be based upon schedules submitted by the commissioner of administration to the house and senate committees on ways and means thirty days prior to expenditure of said funds \$4,500,000

Central Services Division.

Motor Vehicle Management Bureau.

ACTS, 1986. -- Chap. 206.

Item

1102-7870 For a reserve for the purchase of heavy automotive equipment, including but not limited to cars, trucks, tractors, bulldozers, and plows, to replace existing equipment and to provide additional vehicles; provided that expenditure of funds for the purpose of this item shall be based upon schedules submitted by the commissioner of administration to the house and senate committees on ways and means thirty days prior to expenditure of said funds \$8,000,000

Division of Capital Planning and Operations.

1102-7871 For project programming, studies and environmental impact reports, including cost estimates, for state agencies, excluding counties; provided that the said studies shall be pursuant to schedules submitted by the commissioner of administration to the house and senate committees on ways and means thirty days prior to expenditure of said funds; to be in addition to the amount appropriated in item 1102-7841 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three \$5,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

2120-7871 For the purpose of conducting surveys of the boundaries of the department of environmental management's forest and park properties statewide \$500,000

Department of Environmental Quality Engineering.

2250-7871 For the purchase of a mobile air sampling and analysis lab for an emergency and toxic monitoring program consisting of air monitoring samples for carbon monoxide, lead, particulates including inhalable sulfur dioxide ozone, nitrogen dioxide, polychlorinated biphenyl, and dioxin, and to fund associated costs to equip the motorized van, including but not limited to a portable GC, infrared analyzer, and thermal desorber, and communication package \$293,000

2250-7872 For the replacement and improvement of the department of environmental quality engineering air monitoring network for criteria contaminants including monitoring devices for carbon monoxide ozone, sulfur dioxide, nitrogen dioxide and meteorological monitoring \$248,000

Department of Fisheries, Wildlife and Environmental Law Enforcement.

ACTS, 1986. - Chap. 206.

Item

2310-7871 For project programming, studies, and environmental impact reports, including cost estimates, provided that the commissioner of the department of fisheries, wildlife and environmental law enforcement shall prepare schedules; and provided, further, that the said schedule shall be submitted by the commissioner of administration to the house and senate committees on ways and means thirty days prior to expenditure of said funds \$50,000

Metropolitan District Commission.

2410-7872 For project programming, studies, and environmental impact reports, including cost estimates, provided that the commissioner of the metropolitan district commission shall prepare schedules; and provided, further, that the said schedule shall be submitted by the commissioner of administration to the house and senate committees on ways and means thirty days prior to expenditure of said funds \$2,200,000

2440-7878 For the purchase of an equipment carrier boat, including the cost of furnishings and equipment and any costs related thereto, to be used for the purpose of carrying equipment to and between the Boston Harbor Islands \$300,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

4000-7871 For the purchase of equipment including but not limited to x-ray units, ICU monitoring devices, communications equipment, nurse call equipment, laundry and medical equipment, provided that a schedule be prepared by the secretary of the executive office of human services and submitted by the commissioner of administration to the house and senate committees on ways and means \$5,000,000

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Public Works.

6020-7863 For the purchase of atomic absorption spectrophotometer to replace existing equipment \$65,000

6020-7871 For the purchase of a new hydraulic testing system to replace existing system \$95,000

6020-7872 For the purchase and installation of computerized automatic fuel dispensing equipment at fuel depots \$200,000

6020-7873 For the purchase and installation of computerized automatic fuel dispensing equipment at fuel depots \$150,000

DEPARTMENT OF EDUCATION.

ACTS, 1986. - Chap. 206.

Item

Division of Occupational Therapy.

Firefighting Academy.

7000-7872 For the purchase of mowers/sweeper units, tractor, and a radio system \$105,000

BOARD OF REGENTS.

7100-7871 For a reserve for the purchase and installation of furnishings and equipment for the institutions of the system of higher education; provided that a schedule be prepared by the board of regents and submitted by the commissioner of administration to the house and senate committees on ways and means \$9,000,000

SECTION 2D.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Miscellaneous.

1599-8871 For the forward funding of the Massachusetts Bay Transportation Authority, provided that the commissioner of administration is hereby authorized and directed to enter into a contract with the Massachusetts Bay Transportation Authority to provide assistance for the net cost of service, including the net cost of rail service, to cities and towns outside of said authority, for the period January first, nineteen hundred and eighty-six through June thirtieth, nineteen hundred and eighty-seven; provided, further, that the net cost of service for said period and the cost of borrowing related to the financing of such service for said period shall be paid by the commonwealth and shall not be assessed upon the cities and towns comprising the authority; provided, further, that such contract may provide that the commonwealth will pay the authority an amount needed to redeem existing short term notes of the authority and to provide an amount to repay the state treasurer any advance made to the authority by the commonwealth for the net cost of service during said period; provided further, that the total operating budget for fiscal year nineteen hundred and eighty-seven shall not exceed one hundred and five per cent of its total operating budget for fiscal year nineteen hundred and eighty-six \$480,000,000

Item

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the total amount to be distributed and paid to each city, town, regional school district, and county maintaining an agricultural school from line items 0611-5500, 7061-0005, and 7061-0008 and from any amounts appropriated for the purpose of reimbursing cities and towns for reductions in the federal general revenue sharing program shall not exceed the amount listed in the following schedule. The amount to be paid under the provisions of item 7061-0008 to each city, town, regional school district, and county maintaining an agricultural school shall be determined as is necessary under the provisions of chapter seventy of the General Laws, but in no event shall exceed the amount by which the total for such city, town, district, or county set forth in the following schedule is greater than the amount, if any, that each such city, town, district, or county is eligible to receive as compensation for losses in federal general revenue sharing assistance; provided, however, that said amount to be paid to each city and town from item 7061-0008 shall be reduced by the amount to be received by such cities or towns from item 7061-0005, but in no event shall be less than zero dollars. The remaining balance, if any, in the totals in the following schedule shall be distributed and paid to such cities and towns under item 0611-5500; provided, that such amount to be paid to each city and town under item 0611-5500 shall be reduced by the excess of the amount to be received by such cities or towns from item 7061-0005 over the portion of such amount actually subtracted from the amounts to be paid under the provisions of item 7061-0008. The maximum total amount to be distributed and paid to each city, town, regional school district, or county maintaining an agricultural school pursuant to this section is as follows:

CITIES AND TOWNS:

| | |
|------------|------------|
| ABINGTON | 4,223,194 |
| ACTON | 1,699,624 |
| ACUSHNET | 2,049,893 |
| ADAMS | 1,024,480 |
| AGAWAM | 6,554,221 |
| ALFORD | 19,504 |
| AMESBURY | 4,922,198 |
| AMHERST | 5,331,010 |
| ANDOVER | 3,139,610 |
| ARLINGTON | 11,229,789 |
| ASHBURNHAM | 244,918 |
| ASHBY | 68,040 |
| ASHFIELD | 138,159 |
| ASHLAND | 1,539,286 |
| ATHOL | 1,560,635 |

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|-------------|-------------|
| ATTLEBORO | 10,505,277 |
| AUBURN | 3,397,250 |
| AVON | 1,080,433 |
| AYER | 3,029,696 |
| BARNSTABLE | 2,592,235 |
| BARRE | 151,004 |
| BECKET | 75,509 |
| BEDFORD | 1,771,875 |
| BELCHERTOWN | 2,044,735 |
| BELLINGHAM | 4,789,433 |
| BELMONT | 3,353,477 |
| BERKLEY | 769,216 |
| BERLIN | 391,314 |
| BERNARDSTON | 260,457 |
| BEVERLY | 8,599,830 |
| BILLERICA | 10,487,063 |
| BLACKSTONE | 596,733 |
| BLANDFORD | 49,750 |
| BOLTON | 231,409 |
| BOSTON | 307,588,436 |
| BOURNE | 1,563,168 |
| BOXBOROUGH | 269,535 |
| BOXFORD | 551,637 |
| BOYLSTON | 409,969 |
| BRAINTREE | 8,373,478 |
| BREWSTER | 256,534 |
| BRIDGEWATER | 3,926,444 |
| BRIMFIELD | 352,596 |
| BROCKTON | 42,982,125 |
| BROOKFIELD | 634,266 |
| BROOKLINE | 8,838,074 |
| BUCKLAND | 165,742 |
| BURLINGTON | 5,045,458 |
| CAMBRIDGE | 33,435,629 |
| CANTON | 3,139,448 |
| CARLISLE | 330,020 |
| CARVER | 1,390,095 |
| CHARLEMONT | 101,961 |
| CHARLTON | 421,059 |
| CHATHAM | 429,529 |

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| CHELMSFORD | 7,577,700 |
| CHELSEA | 14,931,575 |
| CHESHIRE | 209,724 |
| CHESTER | 92,509 |
| CHESTERFIELD | 113,643 |
| CHICOPEE | 18,912,451 |
| CHILMARK | 4,221 |
| CLARKSBURG | 606,994 |
| CLINTON | 4,755,038 |
| COHASSET | 1,061,061 |
| COLRAIN | 117,915 |
| CONCORD | 1,828,873 |
| CONWAY | 152,362 |
| CUMMINGTON | 64,292 |
| DALTON | 852,292 |
| DANVERS | 3,793,668 |
| DARTMOUTH | 3,914,216 |
| DEDHAM | 4,896,037 |
| DEERFIELD | 505,043 |
| DENNIS | 358,168 |
| DIGHTON | 1,040,272 |
| DOUGLAS | 903,189 |
| DOVER | 234,509 |
| DRACUT | 6,161,125 |
| DUDLEY | 562,996 |
| DUNSTABLE | 144,997 |
| DUXBURY | 1,702,111 |
| EAST BRIDGEWATER | 3,042,325 |
| EAST BROOKFIELD | 71,773 |
| EAST LONGMEADOW | 2,499,007 |
| EASTHAM | 147,468 |
| EASTHAMPTON | 5,005,006 |
| EASTON | 4,030,084 |
| EDGARTOWN | 102,993 |
| EGREMONT | 66,148 |
| ERVING | 181,845 |
| ESSEX | 362,913 |
| EVERETT | 8,481,479 |
| FAIRHAVEN | 4,188,355 |
| FALL RIVER | 45,963,210 |

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| FALMOUTH | 2,266,777 |
| FITCHBURG | 13,877,531 |
| FLORIDA | 47,229 |
| FOXBOROUGH | 3,222,498 |
| FRAMINGHAM | 12,342,749 |
| FRANKLIN | 5,319,086 |
| FREETOWN | 805,438 |
| GARDNER | 6,058,266 |
| GAY HEAD | 5,713 |
| GEORGETOWN | 1,535,921 |
| GILL | 34,024 |
| GLOUCESTER | 5,406,244 |
| GOSHEN | 44,697 |
| GOSNOLD | 966 |
| GRAFTON | 2,653,064 |
| GRANBY | 1,672,374 |
| GRANVILLE | 164,870 |
| GREAT BARRINGTON | 996,020 |
| GREENFIELD | 6,191,674 |
| GROTON | 570,674 |
| GROVELAND | 871,552 |
| HADLEY | 459,995 |
| HALIFAX | 1,223,155 |
| HAMILTON | 571,984 |
| HAMPDEN | 961,820 |
| HANCOCK | 72,036 |
| HANOVER | 3,453,437 |
| HANSON | 2,379,421 |
| HARDWICK | 167,822 |
| HARVARD | 1,802,427 |
| HARWICH | 815,761 |
| HATFIELD | 438,979 |
| HAVERHILL | 16,390,837 |
| HAWLEY | 16,066 |
| HEATH | 30,251 |
| HINGHAM | 3,026,371 |
| HINSDALE | 160,238 |
| HOLBROOK | 3,709,181 |
| HOLDEN | 2,200,405 |
| HOLLAND | 152,513 |

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| HOLLISTON | 3,312,683 |
| HOLYOKE | 21,694,557 |
| HOPEDALE | 1,004,466 |
| HOPKINTON | 1,167,663 |
| HUBBARDSTON | 48,576 |
| HUDSON | 5,052,525 |
| HULL | 3,969,554 |
| HUNTINGTON | 134,862 |
| IPSWICH | 2,004,634 |
| KINGSTON | 1,004,950 |
| LAKEVILLE | 745,696 |
| LANCASTER | 1,410,921 |
| LANESBOROUGH | 538,990 |
| LAWRENCE | 28,999,526 |
| LEE | 1,484,286 |
| LEICESTER | 3,400,198 |
| LENOX | 1,320,501 |
| LEOMINSTER | 10,280,404 |
| LEVERETT | 127,100 |
| LEXINGTON | 3,598,013 |
| LEYDEN | 44,847 |
| LINCOLN | 621,826 |
| LITTLETON | 1,059,840 |
| LONGMEADOW | 2,993,983 |
| LOWELL | 39,140,604 |
| LUDLOW | 4,655,772 |
| LUNENBURG | 2,189,708 |
| LYNN | 38,863,046 |
| LYNNFIELD | 1,646,831 |
| MALDEN | 21,356,716 |
| MANCHESTER | 581,399 |
| MANSFIELD | 2,876,698 |
| MARBLEHEAD | 2,057,196 |
| MARION | 292,114 |
| MARLBOROUGH | 7,103,966 |
| MARSHFIELD | 4,794,694 |
| MASHPEE | 267,392 |
| MATTAPOISETT | 467,093 |
| MAYNARD | 2,535,505 |
| MEDFIELD | 2,038,635 |

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| MEDFORD | 19,063,907 |
| MEDWAY | 2,392,464 |
| MELROSE | 8,682,183 |
| MENDON | 183,723 |
| MERRIMAC | 1,075,038 |
| METHUEN | 9,162,210 |
| MIDDLEBOROUGH | 5,354,595 |
| MIDDLEFIELD | 18,440 |
| MIDDLETON | 482,935 |
| MILFORD | 7,284,980 |
| MILLBURY | 3,805,149 |
| MILLIS | 1,612,527 |
| MILLVILLE | 123,961 |
| MILTON | 3,812,797 |
| MONROE | 15,186 |
| MONSON | 2,141,723 |
| MONTAGUE | 636,795 |
| MONTEREY | 40,781 |
| MONTGOMERY | 31,850 |
| MOUNT WASHINGTON | 4,055 |
| NAHANT | 477,960 |
| NANTUCKET | 279,813 |
| NATICK | 5,861,925 |
| NEEDHAM | 3,130,468 |
| NEW ASHFORD | 9,341 |
| NEW BEDFORD | 46,521,255 |
| NEW BRAINTREE | 33,960 |
| NEW MARLBOROUGH | 53,479 |
| NEW SALEM | 22,825 |
| NEWBURY | 547,870 |
| NEWBURYPORT | 4,092,102 |
| NEWTON | 10,230,948 |
| NORFOLK | 880,560 |
| NORTH ADAMS | 7,070,913 |
| NORTH ANDOVER | 2,446,883 |
| NORTH ATTLEBOROUGH | 5,746,078 |
| NORTH BROOKFIELD | 1,540,172 |
| NORTH READING | 2,577,578 |
| NORTHAMPTON | 8,171,177 |
| NORTHBOROUGH | 1,865,153 |

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| NORTHERIDGE | 4,175,994 |
| NORTHFIELD | 234,137 |
| NORTON | 4,256,597 |
| NORWELL | 2,043,077 |
| NORWOOD | 6,432,063 |
| OAK BLUFFS | 149,025 |
| OAKHAM | 25,477 |
| ORANGE | 1,901,184 |
| ORLEANS | 201,093 |
| OTIS | 64,458 |
| OXFORD | 4,459,874 |
| PALMER | 3,082,794 |
| PAXTON | 499,493 |
| PEABODY | 12,625,057 |
| PELHAM | 78,487 |
| PEMBROKE | 2,379,516 |
| PEPPERELL | 270,169 |
| PERU | 66,276 |
| PETERSHAM | 79,016 |
| PHILLIPSTON | 33,285 |
| PITTSFIELD | 18,834,175 |
| PLAINFIELD | 42,656 |
| PLAINVILLE | 868,198 |
| PLYMOUTH | 2,504,977 |
| PLYMPTON | 215,096 |
| PRINCETON | 357,495 |
| PROVINCETOWN | 335,941 |
| QUINCY | 30,039,961 |
| RANDOLPH | 8,987,532 |
| RAYNHAM | 1,829,940 |
| READING | 4,749,998 |
| REHOBOTH | 1,268,267 |
| REVERE | 16,748,471 |
| RICHMOND | 190,661 |
| ROCHESTER | 431,871 |
| ROCKLAND | 6,039,557 |
| ROCKPORT | 603,233 |
| ROWE | 29,410 |
| ROWLEY | 623,916 |
| ROYALSTON | 45,573 |

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| RUSSELL | 70,528 |
| RUTLAND | 1,161,839 |
| SALEM | 9,708,167 |
| SALISBURY | 829,730 |
| SANDSFIELD | 51,001 |
| SANDWICH | 623,022 |
| SAUGUS | 5,142,963 |
| SAVOY | 113,698 |
| SCITUATE | 3,480,440 |
| SEEKONK | 2,525,058 |
| SHARON | 3,028,456 |
| SHEFFIELD | 192,655 |
| SHELBURNE | 213,014 |
| SHERBORN | 330,769 |
| SHIRLEY | 1,839,954 |
| SHREWSBURY | 4,049,933 |
| SHUTESBURY | 72,734 |
| SOMERSET | 1,855,828 |
| SOMERVILLE | 37,015,838 |
| SOUTH HADLEY | 4,333,714 |
| SOUTHAMPTON | 748,008 |
| SOUTHBOROUGH | 790,060 |
| SOUTHBRIDGE | 6,122,829 |
| SOUTHWICK | 2,022,538 |
| SPENCER | 523,594 |
| SPRINGFIELD | 78,387,880 |
| STERLING | 834,852 |
| STOCKBRIDGE | 121,401 |
| STONEHAM | 4,582,136 |
| STOUGHTON | 6,824,253 |
| STOW | 613,783 |
| STURBRIDGE | 799,737 |
| SUDBURY | 2,156,895 |
| SUNDERLAND | 369,008 |
| SUTTON | 1,334,571 |
| SWAMPSCOTT | 1,885,424 |
| SWANSEA | 3,681,580 |
| TAUNTON | 16,787,969 |
| TEMPLETON | 718,890 |
| TEWKSBURY | 6,597,710 |

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| TISBURY | 187,964 |
| TOLLAND | 10,357 |
| TOPSFIELD | 689,584 |
| TOWNSEND | 403,387 |
| TRURO | 111,821 |
| TYNGSBOROUGH | 1,350,703 |
| TYRINGHAM | 20,124 |
| UPTON | 301,997 |
| UXBRIDGE | 2,144,651 |
| WAKEFIELD | 5,455,353 |
| WALES | 252,890 |
| WALPOLE | 3,992,787 |
| WALTHAM | 12,776,600 |
| WARE | 3,053,237 |
| WAREHAM | 3,802,870 |
| WARREN | 899,126 |
| WARWICK | 61,935 |
| WASHINGTON | 49,978 |
| WATERTOWN | 8,948,150 |
| WAYLAND | 1,748,725 |
| WEBSTER | 4,523,856 |
| WELLESLEY | 2,732,378 |
| WELLFLEET | 97,706 |
| WENDELL | 27,464 |
| WENHAM | 312,695 |
| WEST BOYLSTON | 1,254,741 |
| WEST BRIDGEWATER | 1,649,983 |
| WEST BROOKFIELD | 466,620 |
| WEST NEWBURY | 338,450 |
| WEST SPRINGFIELD | 5,885,209 |
| WEST STOCKBRIDGE | 91,572 |
| WEST TISBURY | 49,284 |
| WESTBOROUGH | 2,067,640 |
| WESTFIELD | 11,160,214 |
| WESTFORD | 3,330,073 |
| WESTHAMPTON | 98,435 |
| WESTMINSTER | 280,896 |
| WESTON | 957,633 |
| WESTPORT | 2,277,527 |
| WESTWOOD | 1,567,027 |

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|----------------------------|------------|
| WEYMOUTH | 17,183,444 |
| WHATELY | 107,731 |
| WHITMAN | 3,792,778 |
| WILBRAHAM | 2,021,825 |
| WILLIAMSBURG | 364,994 |
| WILLIAMSTOWN | 1,116,999 |
| WILMINGTON | 3,996,429 |
| WINCHENDON | 3,121,755 |
| WINCHESTER | 2,998,448 |
| WINDSOR | 39,889 |
| WINTHROP | 6,508,612 |
| WOBURN | 8,535,327 |
| WORCESTER | 75,316,705 |
| WORTHINGTON | 19,006 |
| WRENTHAM | 1,114,069 |
| YARMOUTH | 617,263 |
| REGIONAL SCHOOL DISTRICTS: | |
| ACTON-BOXBOROUGH | 763,203 |
| ADAMS-CHESHIRE | 2,204,646 |
| AMHERST-PELHAM | 2,324,468 |
| ASHBURNHAM-WESTMINSTER | 1,315,758 |
| ATHOL-ROYALSTON | 2,812,431 |
| BERKSHIRE HILLS | 742,027 |
| BERLIN-BOYLSTON | 275,235 |
| BLACKSTONE-MILLVILLE | 2,100,285 |
| BRIDGEWATER-RAYNHAM | 1,276,209 |
| BUCKLAND-SHELBURNE | 388,062 |
| CENTRAL BERKSHIRE | 1,125,093 |
| CONCORD-CARLISLE | 486,007 |
| DENNIS-YARMOUTH | 1,533,794 |
| DIGHTON-REHOBOTH | 708,982 |
| DOVER-SHERBORN | 317,809 |
| DUDLEY-CHARLTON | 2,817,404 |
| NAUSET | 584,489 |
| FREETOWN-LAKEVILLE | 1,018,461 |
| FRONTIER | 231,466 |
| GATEWAY | 1,030,628 |
| GROTON-DUNSTABLE | 675,890 |
| GILL-MONTAGUE | 1,340,268 |
| HAMILTON-WENHAM | 689,895 |

| | |
|----------------------------|-----------|
| HAMPDEN-WILBRAHAM | 757,027 |
| HAMPSHIRE | 498,620 |
| PATHFINDER | 623,329 |
| SHAWSHEEN VALLEY | 1,736,652 |
| SOUTHEASTERN | 3,087,855 |
| SOUTH SHORE | 767,537 |
| SOUTHERN WORCESTER COUNTY | 1,825,127 |
| TRI-COUNTY | 1,096,754 |
| UPPER CAPE COD | 508,650 |
| WHITTIER | 2,661,935 |
| BRISTOL COUNTY AGRI. TECH. | 519,703 |
| ESSEX COUNTY AGRI. TECH. | 1,069,313 |
| NORFOLK COUNTY AGRI. TECH. | 381,254 |
| HAWLEMONT | 43,139 |
| KING PHILIP | 1,316,318 |
| LINCOLN-SUDBURY | 707,774 |
| MARTHA'S VINEYARD | 199,197 |
| MASCONOMET | 729,947 |
| MENDON-UPTON | 771,462 |
| MOUNT GREYLOCK | 711,466 |
| MOHAWK TRAIL | 406,328 |
| NARRAGANSETT | 1,584,779 |
| NASHOBA | 302,348 |
| NEW SALEM-WENDELL | 113,382 |
| NORTHBOROUGH-SOUTHBOROUGH | 338,257 |
| NORTH MIDDLESEX | 3,214,797 |
| OLD ROCHESTER | 355,014 |
| PENTUCKET | 864,954 |
| PIONEER VALLEY | 121,567 |
| PLYMOUTH-CARVER | 1,344,050 |
| QUABBIN | 2,347,701 |
| RALPH C. MAHAR | 995,371 |
| SILVER LAKE | 2,444,491 |
| SOUTHERN BERKSHIRE | 402,598 |
| SPENCER-EAST BROOKFIELD | 4,365,105 |
| TANTASQUA | 904,397 |
| TRITON | 474,685 |
| WACHUSETT | 1,063,610 |
| WARREN-WEST BROOKFIELD | 660,342 |
| WHITMAN-HANSON | 1,597,932 |

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| | |
|------------------------|-----------|
| ASSABET VALLEY | 1,586,407 |
| BLACKSTONE VALLEY | 1,751,289 |
| BLUE HILLS | 1,997,551 |
| BRISTOL-PLYMOUTH | 1,774,884 |
| CAPE COD | 1,220,610 |
| QUINOBIN | 345,009 |
| FRANKLIN COUNTY TECH. | 673,934 |
| GREATER FALL RIVER | 2,489,404 |
| GREATER LAWRENCE | 3,899,245 |
| GREATER LOWELL | 5,068,444 |
| GREATER NEW BEDFORD | 4,753,136 |
| SOUTH MIDDLESEX | 1,409,127 |
| MINUTEMAN | 1,638,748 |
| MONTACHUSETT | 2,515,945 |
| NORTHERN BERKSHIRE | 1,078,788 |
| NASHOBA VALLEY | 983,741 |
| NORTHEAST-METROPOLITAN | 2,007,888 |
| NORTH SHORE | 768,617 |
| OLD COLONY | 950,353 |

SECTION 4. Notwithstanding any provisions of section one hundred and two of chapter thirty-two of the General Laws to the contrary, in any case where a former employee, spouse, or other beneficiary is receiving an annual retirement allowance, pension, or annuity pursuant to said chapter thirty-two which is nine thousand dollars or more, exclusive of additional annuity obtained by special purchase under paragraph (g) of subdivision (1) of section twenty-two of said chapter thirty-two, or any similar law, the cost-of-living adjustment paid pursuant to item 0612-1100 of section two of this act shall be in an amount determined by applying the percentum of change established in said item 0612-1100 to the sum of nine thousand dollars. The sum of the dollar amount of such cost-of-living adjustments, together with the amount of retirement allowance, pension, or annuity to which the cost-of-living percentum factor is applied and any amounts in excess of said nine thousand dollars shall become the fixed retirement allowance, pension, or annuity for all future purposes including the application of subsequent cost-of-living adjustments in future years; provided, however, that the limitations of paragraph (c) of said section one hundred and two of said chapter thirty-two shall continue to apply to subsequent cost-of-living adjustments in future years.

SECTION 5. All sums appropriated under the provisions of this act shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups, women and handicapped persons. All officials and employees of any agency, board or division of the commonwealth receiving monies under section two shall take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the commonwealth.

Each agency, board or division, in spending appropriated sums and discharging its statutory responsibilities, shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, inservice or apprenticeship training programs, and all terms and conditions of employment. Such affirmative action program shall include efforts required to remedy the effects of present and past discriminatory patterns and practices and any action necessary to guarantee equal opportunity for members of minority groups, women and handicapped persons.

The commissioner of administration shall conduct an ongoing review of affirmative action steps taken by various agencies, boards or divisions, to determine whether such agencies are complying with the intent of this section. Whenever such noncompliance is determined by the commissioner, he shall hold a public hearing on the matter and report his resulting recommendations to the head of the particular agency, board or division, the governor, and to the Massachusetts commission against discrimination.

SECTION 6. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall not authorize the payment of regular compensation, including paid leave, vacations, salary in lieu of vacations, payments in lieu of maintenance, holiday pay, overtime pay, and salary differentials from any account funded by an appropriation in section two unless the following requirements are met: Each state agency receiving an appropriation in section two shall not fill a total number of positions which exceeds the number of positions as specifically provided for in each item in said section two. For the purposes of this section, a "position" shall mean a full-time equivalent office or position in which one or more persons are currently employed, but shall not include the positions of board members or commissioners who are not full-time state employees. "Position" shall not mean any office or position in which no one is currently employed; provided, that for the purposes of this section such unfilled offices or positions shall be referred to as "vacant titles". "Position" shall mean an authorized position created by statute or under the civil service law whether the incumbent holding the position is on a permanent, provisional, or temporary appointment and all authorized positions other than seasonal positions as defined in section one of chapter thirty-one of the General Laws, excess quota positions and positions for a period of ninety days or less.

The house and senate committees on ways and means shall forward to the commissioner of administration an approved list of all new positions funded for fiscal year nineteen hundred and eighty-seven on or before August fifteenth, nineteen hundred and eighty-six.

No person shall be hired by a state agency and assigned a permanent or temporary position or a previously vacant title unless such position or vacant title is included on said list of all new positions or on a previously approved schedule; provided, that the hiring of any persons from said list of all new positions shall not cause any item of appropriation in section two of this act to be deficient at any time during the course of fiscal year nineteen hundred and eighty-seven.

The commissioner of administration shall file the most recently approved amended schedules of positions no later than September fifteenth, nineteen hundred and eighty-six with the house and senate committees on ways and means. Such schedules shall include recommendations of the list of new positions which were forwarded to said commissioner on or before August fifteenth, nineteen hundred and eighty-six and shall contain no other list of new positions or amendments. All such permanent and temporary positions shall be al-

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located to and paid from subsidiary accounts only in accordance with said schedules, as approved by the house and senate committees on ways and means.

The personnel administrator shall, not later than two weeks after the receipt of a personnel schedule approved by the house and senate committees on ways and means, notify said committees of the action taken by the personnel administrator regarding new positions or reallocations of positions contained in said schedules including explanation for all positions and reallocations not released.

The commissioner of administration shall file, when appropriate, a recommended schedule of all seasonal positions and titles as defined in section one of chapter thirty-one of the General Laws, excess quota positions, and positions and titles to be appointed for a period of ninety days or less with the house and senate committees on ways and means.

No seasonal position, excess quota position or position to be appointed for less than ninety days shall be hired by a state agency until it has been authorized by a schedule approved by the house and senate committees on ways and means. Until such time as a new schedule is so approved, the previous schedule shall remain in effect. Seasonal positions, excess quota positions and positions for a period of ninety days or less, so approved, shall be allowed in addition to positions authorized in section two of this act.

Nothing in this section or in sections two and seven of this act shall be interpreted so as to affect any employee's civil service rights. Any employee who exercises any such right to return to a permanent position in any agency shall be allowed to exercise such right, notwithstanding the fact that such agency may have filled all the positions allowed pursuant to this section. In such circumstances, said commissioner shall file notice of the exercise of such right, including the position number and agency affected, with the house and senate committees on ways and means.

State agencies are hereby authorized to transfer any authorized job title from the list of vacant titles to and from the list of scheduled permanent and temporary positions, subject only to notification of the personnel administrator and subject to the total number of positions allowed under this section.

The provisions of this section, and of clause (d) of paragraph (4) of section forty-five of chapter thirty of the General Laws, shall not apply to any office or position in the general court, the office of the governor, the office of the lieutenant governor, the office of the state secretary, the office of the state auditor, the office of the attorney general, the office of the state treasurer, or any new office or position included in items 5095-0100 or 5016-0201.

SECTION 7. In addition to the requirements of section twenty-nine A of chapter twenty-nine of the General Laws, no state agency or office of the judiciary shall contract for consultant services from the "03" subsidiary account, except under written contract which shall contain the name of the agency or office, the person or firm so engaged, the specific services or duties to be performed, the manner in which the services are to be rendered, including the tools, implements, equipment necessary, a description of the physical setting in which said services are to be performed or rendered, the total amount to be paid for such services and the length of time said services shall be required; provided that, the commissioner of administration shall submit quarterly to the house and senate committees on ways and means and the house and senate committees on post audit and oversight a report which identifies all existing consultant contracts by agency, for all accounts established or maintained by the comptroller, including but not limited

to appropriation accounts for ordinary maintenance, for federal grants, bond revenue accounts, revolving accounts, retained revenue accounts, and trust accounts. Said report shall identify each contract, its duration, its maximum dollar obligation, the name of the contractor, and the services performed by the contractor; and provided further, that consultant contracts, whether written with organizations or individuals, shall not be used as substitutes for state positions. No private vendor contracting with the commonwealth to provide services shall use state funds paid specifically for such services pursuant to any such contract as compensation for employees, consultants, or other firms where the primary responsibility of said employees, consultants, or firms is either directly or indirectly to persuade employees of said private vendor to support or oppose unionization.

SECTION 8. The commissioner of administration shall submit by November thirtieth, nineteen hundred and eighty-six, and on November thirtieth of each succeeding calendar year, a report to the house and senate committees on ways and means listing by individual job title and annual salary, the number of full-time equivalents in every item of appropriation who are paid as permanent, temporary or excess quota positions and who are assigned, whether expressly or impliedly, to another item of appropriation to which the performance of their functional job duties are related.

SECTION 9. Any state agency or office with employees or consultants compensated from the proceeds of the sale of bonds or notes shall file with the house and senate committees on ways and means no later than November fifteenth, nineteen hundred and eighty-six a report detailing the total number of such employees or consultants so compensated during fiscal year nineteen hundred and eighty-six through the "01", "02", and "03" subsidiary accounts, respectively, and detailing the total dollar amounts so expended during fiscal year nineteen hundred and eighty-six through the "01", "02", and "03" subsidiary accounts, respectively. The following state officials shall file such a report on behalf of their state agency whether or not their state agency had any such employees; the deputy commissioner of capital planning and operations; the commissioner of environmental management; the commissioner of environmental quality engineering; the commissioner of fisheries, wildlife, and environmental law enforcement; the commissioner of food and agriculture; the secretary of communities and development; the commissioner of correction; the commissioner of mental health and mental retardation; the secretary of transportation and construction; the commissioner of public works; and the chancellor of the board of regents, whose report shall include such employees of or consultants to any public institution of higher education in the commonwealth.

SECTION 10. The commissioner of administration shall conduct a review and study of the use by all state departments, boards, agencies, or offices of the judiciary, of all seasonal, intermittent, emergency appointments and temporary employment, including contractors paid out of the "03" subsidiary account, which has resulted in payment of unemployment compensation benefits by any such department, state agency or office; said review and study shall include a detailed analysis of employment patterns and profiles in such departments or agencies, detailing the said department or agency management's reasons for the use of such employees and recommending specific measures which the department or agency intends to implement to reduce such employment compensation expenses.

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Said commissioner shall compile said information and file a written report with the house and senate committees on ways and means on or before January thirty-first, nineteen hundred and eighty-seven.

SECTION 11. Notwithstanding the provisions of section one of this act to the contrary, items 0320-0001 to 0340-2100, excluding item 0340-2000, in section two of this act are charged as follows:

| | |
|----------------|-------|
| General Fund | 20.0% |
| Local Aid Fund | 80.0% |

SECTION 12. Notwithstanding the provisions of section six of chapter fifteen A and of section twenty-nine of chapter twenty-nine of the General Laws to the contrary, all departments, offices, commissions, and institutions may transfer monies designated to subsidiary accounts within appropriations made in section two of this act without the prior approval of the house and senate committees on ways and means. The budget director of the fiscal affairs division shall report quarterly to the house and senate committees on ways and means any transfer of monies between subsidiary accounts for each item of appropriation contained in said section two.

SECTION 13. Single subsidiary accounts of "00 Subsidiary Expenditures" shall apply to the legislature, the office of the governor, the supreme judicial court, the appeals court and the Lawrence Experimental Station. Except as otherwise provided in section six of this act, each department, office, institution or agency listed in this section shall be subject to the authorization of personnel schedules by the house and senate committees on ways and means as provided in this act.

SECTION 14. Notwithstanding the provisions of any law to the contrary, agencies are authorized to initiate encumbrances or to make expenditures of funds for the maintenance, repair, replacement, alteration, or purchase of equipment, including motor vehicles and data processing equipment, in accordance with their appropriation amounts, subject to the subsidiary account procedures established pursuant to section twenty-nine of chapter twenty-nine of the General Laws, without prior approval of the house and senate committees on ways and means.

SECTION 15. Notwithstanding the provisions of any general or special law to the contrary, no department, board, commission, or other agency within the jurisdiction of the executive office of human services shall authorize contracted or purchased services to their client populations at an annualized cost which exceeds the amount of monies appropriated for such services in section two; provided, however, that the above provisions shall not apply to new programs funded in line items 4120-0071, 4125-0100, 4130-0016, 4513-1000, 4800-0200, 5046-0200, 5048-0000 and 5095-0100, 5016-0200, 5011-0006 from which accounts new programming may be authorized at an annualized cost which is not greater than twice the amount of funding appropriated to start the programs; nor shall any public institution of higher education begin a new program unless sufficient funding is available from an appropriation in section two of this act. No expenditures

or commitment of monies for such services, either by contract or other agreement, shall be made in excess of the amount of monies appropriated for such services.

SECTION 16. Each member of the general court shall be paid an allowance for each day after prorogation of the general court when on legislative business affairs in accordance with the schedule contained in section nine B of chapter three of the General Laws.

SECTION 17. The state comptroller is hereby authorized and directed to promulgate regulations concerning grants of state funds. Said regulations shall include definitions and categories of state grant programs, reporting requirements, guidelines and procedures for disbursements and advances, and the status of interest thereon. Said regulations shall be filed for review and comment with the house and senate committees on ways and means no later than October first, nineteen hundred and eighty-six and shall become effective no earlier than thirty days thereafter.

SECTION 18. Notwithstanding the provisions of any general or special law to the contrary, the following named departments, commissions, and agencies are hereby authorized to retain certain revenues in amounts specified herein, derived from fees, services, or sales of materials as provided herein and to expend such revenues in amounts specified, for the purposes and under the conditions provided without further appropriation but subject to approval by the state comptroller; provided that, unless otherwise provided, said revenues shall not be expended for the compensation of employees and, provided further that any revenues received by the following named departments, commissions, and agencies in excess of the amounts authorized to be retained herein shall be credited to the General Fund.

Any remaining balances at the end of fiscal year nineteen hundred and eighty-six of the amounts available to be expended without further appropriation shall not revert, unless otherwise provided, to the General Fund, but shall be available to said departments, commissions, and agencies for the purposes provided herein during fiscal year nineteen hundred and eighty-seven.

Any department, commission or agency authorized in any section of this act or in section forty-seven of chapter ninety-four C of the General Laws to expend certain revenues without further appropriation shall prepare within thirty days after the end of each quarter a report detailing the sources and amounts of all such revenues and the purposes and amounts of all expenditures therefrom. The commissioner of administration is hereby authorized and directed to notify each agency affected hereby of its reporting obligations, to monitor the progress of such agencies in the preparation of said reports, to acquire said reports from each such agency and to forward said reports to the house and senate committees on ways and means within forty days after the end of each quarter.

Secretary of State

The secretary of state may expend revenues in an amount not to exceed eight hundred thousand dollars accrued from the sale of various documents, including a public register, for the expense of printing such documents including materials, supplies and equipment.

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State Board of Retirement

The state board of retirement may expend in an amount not to exceed ten million dollars received in reimbursement for retirement allowances paid and all contributions received from the federal government and authorities and agencies of the commonwealth and political subdivisions thereof for the payment of the commonwealth's share in financing the state employees' retirement system.

A&F - State Purchasing Agent - State Surplus Property

The state purchasing agent may expend an amount not exceeding thirty thousand dollars of revenues accrued from the sale of state surplus personal property, for expenses incidental to the advertisement and sale of such property, subject to review by the commissioner of administration.

A&F - Group Insurance Commission

The group insurance commission may expend all amounts received, up to four million dollars, from cities, towns or districts for the group insurance premium for certain retired employees and their dependents.

A&F - Appellate Tax Board

The appellate tax board may expend all revenues in an amount not to exceed one hundred thousand dollars derived from the sale of official transcripts of hearings for the personal services and expenses of the board.

Department of Personnel Administration

The department of personnel administration may expend revenues in an amount not to exceed one hundred and seventy-five thousand dollars accrued from the fees charged for civil service examination applications, subject to the approval of the commissioner of administration, for the purpose of improving the effectiveness and efficiency of the civil service examination program. Such expenditures shall be in addition to any sum appropriated for said purpose.

EOEA - Department of Environmental Management

The department of environmental management may expend thirty-five per cent of the revenues accrued from admission fees, parking fees and concessions at pools, rinks, parks, forests and beaches maintained by the department for the maintenance of farm and grounds, for repair, rehabilitation and improvements of equipment and facilities, including the purchase and replacement of vehicular and other equipment, for overall improvements to recreational programs which may encompass materials, supplies, promotional activities and interpretive materials, provided that such expenditures shall not exceed two million five hundred thousand

dollars and provided further, that the department shall submit a detailed plan of expenditures to the house and senate committees on ways and means on or before December first, nineteen hundred and eighty-six.

EOEA - Department of Fisheries, Wildlife and Environmental Law Enforcement

The department of fisheries, wildlife, and environmental law enforcement may expend revenues not exceeding two hundred thousand dollars accrued from a program of selling publications relating to, but not limited to, fisheries, wildlife and seafood, subject to the approval of the secretary of environmental affairs, for the costs of said program including the preparation of printed material and supplies and equipment incidental thereto; provided that no revenues received by said department from the sale of permits, licenses, stamps and tags under other programs administered by the department shall be used for the purposes of this section.

EOEA - Metropolitan District Commission

The metropolitan district commission may expend ten per cent of the revenues accrued from admission fees, parking fees, and concessions at pools, rinks, parks, forests, beaches, ski areas and golf courses maintained by the commission for improvements to recreational programs at said facilities, including materials, supplies, equipment, promotional activities and interpretive materials, provided that such expenditures shall not exceed one million dollars and shall be subject to the approval of the secretary of environmental affairs.

EOCD - Division of Community Development

The division of community development may expend revenues in an amount not to exceed five hundred thousand dollars accrued from the neighborhood housing rehabilitation loan program for the purposes of said program.

EOCD - Division of Community Services

The division of community services may expend an amount not to exceed three million dollars from reimbursements received from the federal government from available federal funds under the "Low Income Home Energy Assistance Act of 1981", Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) or any amendments or successor acts thereto, subject to the approval of the secretary of communities and development, for a program of supplemental energy crisis assistance for needy elders and families to be administered in accordance with regulations promulgated under said "Low Income Home Energy Assistance Act of 1981" or any amendments or successor acts thereto.

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EOCD - Department of Community Affairs

The department of community affairs may expend an amount not to exceed five hundred thousand dollars accrued from fees collected for the regulation of projects undertaken pursuant to paragraph (m) of section twenty-six of chapter one hundred and twenty-one B of the General Laws, to meet the department's costs of regulation for such projects, subject to the approval of the secretary of the executive office of communities and development.

EOHS - Commission For the Blind

The bureau of industrial aid and workshops may expend all revenues, in an amount not to exceed three million four hundred and thirty thousand dollars accrued from the program of selling blind industries' products and services, subject to the approval of the commissioner of the blind for the support of said program including the cost of materials, supplies, equipment, maintenance of industrial facilities and compensation of blind industry employees.

EOHS - Soldiers' Home in Massachusetts

The Soldiers' Home in Massachusetts, located in the city of Chelsea, may expend three percent of the revenues collected, up to a maximum of eight million five hundred thousand dollars of such revenues collected, from charges for services from third party reimbursements and individuals, to be expended for patient care, subject to the approval of the secretary of the executive office of human services. Upon application from the Soldiers' Home located in Chelsea, at the end of each quarter of fiscal year nineteen hundred and eighty-seven, the comptroller shall transfer to the revenue retention account an amount equal to three percent of revenues collected during each such quarter which may be expended without further appropriation.

EOHS - Soldiers' Home in Holyoke

The Soldiers' Home in Holyoke may expend three percent of the revenues collected, up to a maximum of four million dollars of such revenues collected, from charges for services from third party reimbursements and individuals, to be expended for patient care, subject to the approval of the secretary of the executive office of human services. Upon application from the Soldiers' Home in Holyoke at the end of each quarter of fiscal year nineteen hundred and eighty-seven, the comptroller shall transfer to the revenue retention account an amount equal to three percent of revenues collected during each such quarter which may be expended without further appropriation.

EOHS - Department of Correction

The department of correction may expend revenues in an amount not to exceed five million dollars accrued through its program of selling correctional industries products and services and an amount not to exceed

two million dollars accrued from the sale of farm products and services, subject to the approval of the commissioner of correction, for the support of the respective programs including the costs of materials, supplies, equipment, maintenance of facilities and compensation of employees of the respective programs.

EOHS - Department of Public Welfare - Child Support

The department of public welfare may expend revenues in an amount not to exceed three million dollars accrued from the child support collections from absent parents recovered pursuant to contracts with private collection agencies for the purposes of the program of aid to families with dependent children; provided that all such contracts shall be funded only from the monies recovered by said agencies.

EOHS - Department of Public Welfare - AFDC

The department of public welfare may expend an amount not to exceed sixty million dollars, in accordance with the provisions of item 4403-2000 in section two of this act, accrued from the child support payments collected pursuant to Title IV-D of the Social Security Act, for the purposes of the program of aid to families with dependent children.

EOHS - Department of Public Welfare - Medical Assistance Program

The department of public welfare may expend an amount not to exceed thirty million dollars from the monies received from collections of prior year expenditures from liens, estate recoveries, retroactive rate adjustments, and third party recoveries, subject to the approval of the commissioner of public welfare, for purposes of the medical assistance program.

EOHS - State Laboratory Institute

The state laboratory institute may expend revenues in an amount not to exceed three hundred thousand dollars accrued through the program at the institute of laboratories of selling biological projects and performing various laboratory tests, subject to the approval of the commissioner of public health for the purposes of the center for laboratory and communicable disease control services.

EOHS - Department of Public Health - Lead Paint Inspection

The commissioner of the department of public health is hereby authorized to establish and maintain an inspection crew to be known as the poisoning prevention inspections team to inspect for lead-based paint in day care facilities licensed or registered by the commonwealth and residential properties owned by public housing authorities, and to impose a fixed fee for such inspections; provided, however, that the department shall establish standards for the waiver of such fees upon the showing of need.

The commissioner of the department of public health may expend an amount not exceeding ten thousand

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dollars from fees collected from lead paint poison prevention inspections, to meet the costs of expenses of the poisoning prevention inspection team, subject to the approval of said commissioner.

EOHS - Department of Public Health Hospitals

The hospitals within the department of public health may expend three percent of revenues collected from charges for services from third party reimbursements and individuals, for patient care, subject to the approval of the commissioner of public health, provided that retained revenues shall not exceed three percent of the following amounts:

| <u>Hospital</u> | <u>Retained Revenue Cap</u> |
|-----------------------|---------------------------------|
| Lakeville | 9,000,000 |
| Lemuel Shattuck | 12,000,000 |
| Mass. Hospital School | 5,500,000 |
| Rutland Heights | 8,000,000 |
| Tewksbury | 15,000,000 |
| Western Mass. | 7,000,000 |
| Cushing | 9,000,000 |

Notwithstanding the provisions of the preceding sentence, the Lemuel Shattuck Hospital may retain the first six hundred and twenty thousand dollars of revenues collected in fiscal year nineteen hundred and eighty-seven and may expend such revenues, without further appropriation, to meet the costs of a fire watch program at said hospital. Amounts collected by said hospital in excess of six hundred and twenty thousand dollars shall be subject to the provisions of the first sentence of this paragraph.

Upon application at the end of each quarter of fiscal year nineteen hundred and eighty-seven, from each said hospital within said department, the comptroller shall transfer to the revenue retention account of each said hospital an amount equal to three percent of revenues collected during each such quarter which may be expended without further appropriation.

EOHS - Department of Social Services - SSI/SSA Benefits

The department of social services may expend not more than five million dollars, in the aggregate, of SSI and SSA cash benefits received by the department on behalf of children in its care, provided that not more than one million nine hundred thousand dollars may be allocated to and expended during fiscal year nineteen hundred and eighty-seven through item 4800-0010 of section two of this act; provided, further, that not more than three million one hundred thousand dollars may be allocated to and expended during fiscal year nineteen hundred and eighty-seven for the purposes of offsetting the costs of substitute care within regional direct service appropriations appearing in item 4800-0200 and within the social services block grant appearing in item 4800-0045.

EOHS - Department of Social Services

The department of social services may expend revenues in an amount not to exceed one hundred thousand dollars accrued from the collection of fees, subject to the approval of the commissioner of social services, for the purchase of furniture and equipment for the New Chardon Street Home for Women.

EOHS - Department of Youth Services

The commissioner of the department of youth services may expend twenty percent of revenues collected pursuant to Title IV-E of the Social Security Act, in an amount not exceeding five hundred thousand dollars, for program deficiencies and facility maintenance, including, but not limited to, the development recreational facilities.

EOHS - Department of Mental Health Hospitals

The hospitals within the department of mental health, including Gaebler Children's Center, may expend for patient care fifteen percent of the revenues generated from the collection of charges for services from third party reimbursements and individuals in an amount not to exceed one million six hundred thousand dollars, subject to the approval of the commissioner of mental health.

For the purposes of this section, revenue shall not include any monies collected as retroactive recoveries for prior year's services pursuant to Title XVIII and Title XIX of the Social Security Act; provided, however, that revenues collected pursuant to said Title XVIII and Title XIX for services rendered in the fourth quarter of the fiscal year ending June thirtieth, nineteen hundred and eighty-six shall not be considered to be retroactive recoveries and; provided, further, that the department of mental health shall prepare a report on the costs and benefits of extending retained revenue capability to the mental retardation facilities, including the Templeton colony in Baldwinville. Said report shall be filed no later than January first, nineteen hundred and eighty-seven with the house and senate committees on ways and means.

Elder Affairs - Home Care/Respite Care

The department of elder affairs may retain a sum not to exceed two million dollars from revenues generated through the home care sliding fee system which shall apply to home health services in addition to home care services rendered by said department, and the Alzheimer's respite care sliding fee system, which fees shall be credited to the home care program account as set forth in item 9110-1630 of section two of this act, such funds may be expended for diversified home care services, respite care services, and home health services.

The department shall report quarterly during fiscal year nineteen hundred and eighty-seven with the commissioner of administration and the house and senate committees on ways and means the amounts generated from the collection of fees from the above programs, the amounts expended in accordance therewith and the number of persons served in each program.

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Education - Division of Curriculum and Instruction

The division of curriculum and instruction may expend revenues in an amount not to exceed four hundred thousand dollars accrued from such courses of the adult education and extended services program as may be conducted at no expense to the commonwealth, subject to the approval of the board of education, for the purposes of the adult education and extended services program.

Military - State Quartermaster

The state quartermaster may expend revenues in an amount not to exceed four hundred thousand dollars accrued from fees derived from the fees paid for the non-military rental or use of armories of the first class for the cost of energy audits for said armories, for the cost of utilities and maintenance, and for the implementation of energy conservation measures with regard to said armories.

SECTION 19. Notwithstanding the provisions of any general or special law to the contrary, monies received by the commonwealth from rentals, commission fees, parking fees and from any and all other sources pertaining to the operation of the state transportation building shall be credited to a fund on the books of the commonwealth to be known as the State Transportation Building Management Fund. Said fund shall be used for the maintenance and operation of said building.

The division of capital planning and operations shall enter into a contract for the provision of building management services for the operation and maintenance of the State Transportation Building with one of the public agency tenants of said building, which agency shall have experience in operating building facilities.

The building manager shall collect all monies payable to the commonwealth relating to the operation of the State Transportation Building and deposit the same in the State Transportation Building Management Fund and may expend, without further appropriation, such monies from said fund as may be required to meet expenses for the maintenance and operation of said building provided, however, that such monies collected in excess of seven million five hundred thousand dollars shall be transferred to the General Fund; and provided, further, that any remaining balance of the amount available to said building manager at the end of the fiscal year nineteen hundred and eighty-six shall not revert to the commonwealth and shall be available to said building manager for the purposes as provided herein during the fiscal year nineteen hundred and eighty-seven.

The division of capital planning and operations shall file, on a quarterly basis, an itemization of all such expenditures from the fund with the commissioner of administration and the house and senate committees on ways and means.

SECTION 20. Notwithstanding the provisions of any general or special law to the contrary, monies received by the commonwealth from rents charged to agencies occupying the Springfield state office building pursuant to agreements entered into between the division of capital planning and operations and such agencies shall be credited to a fund on the books of the commonwealth to be known as the Springfield State Of-

fice Building Management Fund. Said fund shall be used solely for the maintenance and operation of said building.

The division of capital planning and operations, with the approval of the commissioner of administration, shall collect all monies relating to the operation of the said building and deposit the same in the Springfield State Office Building Management Fund and may expend, without further appropriation, such monies from said fund as may be required to meet all necessary expenses for the maintenance and operation of said building; provided, however, that any money collected in excess of three hundred and seventy-three thousand four hundred dollars and the balance remaining in said fund which is not expended during the fiscal year nineteen hundred and eighty-seven shall be transferred to the General Fund of the commonwealth.

The deputy commissioner of the said division shall file with the commissioner of administration and the house and senate committees on ways and means, no later than September first of each year, an annual report of the fund's income, expenditures and balances, based upon the status of the fund on June thirtieth of the preceding fiscal year.

SECTION 21. Notwithstanding the provisions of any general or special law to the contrary, a sum not to exceed two million dollars, in addition to those amounts provided pursuant to section thirty-five B of chapter ten of the General Laws, shall be retained by the State Arts Lottery Fund during fiscal year nineteen hundred and eighty-seven. Said two million dollars shall be distributed semi-annually by the arts lottery council as provided by law, provided, however, that at each distribution, five hundred thousand dollars shall be utilized by the council for a program to assist Massachusetts public school children to attend cultural events including, but not limited to, theater, ballet, opera, symphony and other performing arts. Sponsoring institutions of said cultural events shall provide the tickets to the council for a price not to exceed five dollars per ticket for distribution to the students. The council shall submit an annual report on the operation of this program to the joint committee on education and the house and senate committees on ways and means.

SECTION 22. The commissioner of the department of public health may expend an amount not exceeding two hundred and fifty thousand dollars, which the state comptroller is hereby authorized and directed to transfer to the General Fund from unclaimed prize money that has been held in the State Lottery Fund for more than one year from the date of the drawing in which the prize was won, for a compulsive gamblers treatment program. Any expenditure for said program shall be subject to the approval of said commissioner. Said commissioner shall file a report with the house and senate committees on ways and means detailing the services to be performed under said program, the state agencies or other providers to be involved, and the planned and actual expenditures for said program no later than January first, nineteen hundred and eighty-seven.

SECTION 23. Notwithstanding any special or general law to the contrary, the commissioner of administration may charge other agencies of the executive branch for the cost of printing, photocopying and related graphic art or design work produced by the bureau of central services; provided, however, that the proceeds received from such charges not exceeding two hundred and fifty thousand dollars in fiscal year

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nineteen hundred and eighty-seven shall be credited to the central supply fund. Any charges so received by the commissioner of administration in excess of two hundred and fifty thousand dollars shall be credited to the General Fund. The purchasing agent is hereby authorized to incur liabilities and incidental expenses for fiscal year nineteen hundred and eighty-seven for the purchase or lease of printing and graphic art supplies and equipment. The comptroller may certify for payment such incidental expenses and liabilities so incurred to an amount not exceeding two hundred and fifty thousand dollars in addition to any amount provided in this act.

SECTION 24. The bureau of computer services shall determine monthly the amount of all direct or indirect expenditures relating to the activities of the bureau and the operation of the bureau's facility, and the portion of such amount reasonably allocable to each agency of the commonwealth utilizing the bureau's services or facility. This allocation shall be based on a rate structure which shall provide incentives for efficient use of the bureau's resources and shall be subject to review and prospective amendment by the commissioner of administration. The bureau shall issue a memorandum invoice by the fifteenth day of each month to each user agency, itemizing the agency's proportionate share of the bureau's expenditures for the preceding month. The bureau shall submit to the comptroller a copy of the invoices for the department of mental health, the Massachusetts rehabilitation commission, the department of public health, the motor vehicle management bureau, and the state purchasing agent. The bureau may submit to the comptroller a copy of invoices for those services and functions provided for the first time during fiscal year nineteen hundred and eighty-six, and subsequent fiscal years, to all other agencies. Invoices submitted to the comptroller may not include invoices for services related to the personnel management information system, also known as "PMIS". The comptroller shall charge the amount of all invoices received to the respective agencies' appropriation accounts. All monies charged herein shall be transferred to the General Fund. The bureau shall submit a report to the house and senate committees on ways and means within thirty days after the end of each quarter summarizing each user agency's proportionate share of the bureau's expenditures for the quarter and for the fiscal year to date, the rate structure upon which these shares were based, and the effect of the pilot chargeback system upon the five participating agencies' use of the bureau's services and facility.

SECTION 25. Notwithstanding any general or special law to the contrary, the commissioner of administration is hereby authorized to charge other agencies for the cost of micrographics production services rendered by the bureau of administrative services; provided, however, that the proceeds received from such charges not exceeding two hundred thousand dollars shall be credited to the central supply fund. Any charges in excess of two hundred thousand dollars shall be credited to the General Fund. The purchasing agent is hereby authorized to incur liabilities and incidental expenses for fiscal year nineteen hundred and eighty-seven for the purchase of micrographic supplies and equipment. The comptroller may certify for payment such incidental expenses and liabilities so incurred to an amount not exceeding two hundred thousand dollars in addition to any amount provided in this act.

SECTION 26. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration is hereby authorized during fiscal year nineteen hundred and eighty-seven to incur liabilities and incidental expenses for the purchase or rental of telecommunication lines, services and equipment in an amount not to exceed one million dollars, and is further authorized during said fiscal year to charge to other items of appropriation such costs as are necessary to allocate fairly the costs of certain telecommunication lines, services and equipment that are centrally billed to the commonwealth. Amounts received from charges made against other items of appropriation shall be credited to the telecommunications account to be established by the comptroller. Said comptroller, with the approval of the commissioner of administration, may certify for payment such incidental expenses and liabilities incurred by the commissioner on behalf of state agencies for certain telecommunications services and equipment.

SECTION 27. Notwithstanding any general or special law to the contrary, no state agency may expend funds appropriated in this act to replace or purchase motor vehicles from any item of appropriation other than items 1102-5211, 1599-3408, 2310-0315, 2310-0400, 2315-0100, 2350-0100, 2520-0300, 2520-0900, 2520-1000, 2520-1100, 2520-1200, 2520-1300, 2520-1400 and 2520-1500 of section two of this act, unless justified by extraordinary circumstances certified by the commissioner of administration and submitted to the house and senate committees on ways and means.

SECTION 28. Notwithstanding the provisions of any general or special law to the contrary, the motor vehicle management bureau is hereby authorized to conduct a demonstration project to repair, purchase and replace motor vehicles. The bureau may expend an amount not to exceed two hundred thousand dollars from revenues received by the commonwealth from the disposal of surplus motor vehicles, from vehicle accident and damage claims and from manufacturer warranties, rebates and settlements. Said revenues shall be available for expenditure, without further appropriation, until June thirtieth, nineteen hundred and eighty-seven. Revenues received from said sources in excess of two hundred thousand dollars shall be credited to the General Fund.

The motor vehicle management bureau shall file, on a quarterly basis, an itemization of all expenditures made under this section with the commissioner of administration and the house and senate committees on ways and means. The bureau shall also file a detailed report on the demonstration project with the commissioner of administration and the house and senate committees on ways and means on or before April first, nineteen hundred and eighty-seven. Said report shall contain an over-all evaluation of the demonstration project, a cost-benefit ratio comparison indicating whether the project is cost effective, and shall include a recommendation, along with supporting data and statements, for the project's renewal if the bureau believes such a renewal is justified.

SECTION 29. Notwithstanding the provisions of section fifty-one of chapter thirty of the General Laws or any other general or special law to the contrary, the state purchasing agent is hereby authorized to incur, and the comptroller may certify for payment, incidental expenses and liabilities during fiscal year nineteen hundred and eighty-seven for the purchase of supplies, as provided by said section fifty-one, including material to be disposed of as surplus, so-called, by the federal government through agencies of the

federal government in an amount not exceeding five hundred and fifty thousand dollars in addition to any amount heretofore provided for the purpose.

SECTION 30. Notwithstanding the provisions of section forty-four A of chapter one hundred and forty-nine of the General Laws, the deputy commissioner of the division of capital planning and operations is hereby authorized during fiscal year nineteen hundred and eighty-seven, to solicit proposals for, and award contracts to the lowest bidder demonstrably possessing the skill, ability, and integrity necessary to perform faithfully energy management services at buildings constructed before nineteen hundred and eighty and owned by state agencies or building authorities; provided, however, that such awards shall be made pursuant to the provisions of section twenty A of chapter nine, section eight A of chapter twenty-nine, and sections forty-four D and forty-four J of chapter one hundred and forty-nine of the General Laws; and provided, further, that any invitation to bid on such energy conservation contracts, as authorized in this section, shall be filed with the executive office of energy resources at least sixty days prior to the publication of any notice of such invitations to bid.

Such contracts shall be subject to appropriation and may include terms of ten years or less, provisions allocating between the parties any cost savings attributable to a reduction in energy consumption due to the contractor's performance, and authorization for the contractor, subject to the approval of said deputy commissioner, to undertake various repairs and modifications to the mechanical systems of said buildings.

Notwithstanding the provisions of sections forty-four A to forty-four H, inclusive, of chapter one hundred and forty-nine of the General Laws, cities, towns, and counties are hereby authorized during fiscal year nineteen hundred and eighty-seven, to award contracts for the purchase of energy management services to the bidder demonstrably possessing the skill, ability and integrity to perform faithfully such services on the most favorable terms to the awarding authority; provided that such awards shall be made after (i) public advertising for proposals, at least two weeks before the date specified for the submission of proposals, in at least one newspaper, if any, published in the town, city or county and in the central register published by the state secretary pursuant to section twenty A of chapter nine of the General Laws, and (ii) prompt publication of the successful bidder. Contracts awarded under this paragraph may include provisions allocating between the parties any cost savings attributable to a reduction in energy consumption due to the contractor's performance. Any invitation to bid on such energy conservation contracts, offered by any city, town or county shall be filed with the executive office of energy resources at least sixty days prior to the publication of any notice of such invitations to bid.

For the purposes of this section, the term "energy management services" shall include, but not be limited to, energy audits, energy conservation measures, and energy conservation projects as defined by section three of chapter twenty-five A of the General Laws, as well as building maintenance and financing services designed to decrease the cost of energy in operating said buildings. The executive office of energy resources shall review and comment on all energy conservation contracts entered into pursuant to this section and shall file reports on the status of such contracts to the house and senate committees on ways and means and the joint committee on energy by January first, nineteen hundred and eighty-seven.

SECTION 31. In accordance with the provisions of section forty G of chapter seven of the General Laws, the deputy commissioner of capital planning and operations is hereby authorized to include an escalator clause in state agency leases of space entered into between July first, nineteen hundred and eighty-three and June thirtieth, nineteen hundred and eighty-eight, provided that the maximum escalation rate shall not exceed limits to be established in regulations promulgated by the deputy commissioner. The deputy commissioner shall file with the house and senate committees on ways and means any regulations adopted pursuant to this section, and any amendments thereto, immediately upon their adoption and shall report quarterly to said committees on any leases entered into subject to the provisions of this section and the maximum escalation rate pertaining thereto.

SECTION 32. Notwithstanding the provisions of any general or special law to the contrary, the state comptroller is hereby authorized and directed to transfer one hundred seventeen million five hundred thousand dollars from the General Fund to the pension reserve fund of the state employees' retirement system. Such transferred amount shall be recorded on the books of the commonwealth as of the date of June thirtieth, nineteen hundred and eighty-six and shall be charged against the revenues received in the General Fund for the fiscal year ending on said date.

Notwithstanding the provisions of any general or special law to the contrary, the state comptroller is hereby also authorized and directed to transfer one hundred seventeen million five hundred thousand dollars from the Local Aid Fund to the pension reserve fund of the teachers' retirement system. Such transferred amount shall be recorded on the books of the commonwealth as of the date of June thirtieth, nineteen hundred and eighty-six and shall be charged against the revenues received in the Local Aid Fund for the fiscal year ending on said date. Said amounts transferred to the state employees' retirement system and the teachers' retirement system shall be reserved exclusively for the future costs of pension benefits of the members of each respective retirement system.

Said amounts may be expended, subject to appropriation, only pursuant to an actuarial plan developed by the actuary within the division of public employee retirement administration.

SECTION 33. Notwithstanding the provisions of any general or special law to the contrary, the state comptroller is hereby authorized and directed to transfer forty million dollars from the General Fund to the pension reserve fund of the state employees' retirement system. Such transferred amount shall be recorded on the books of the commonwealth as of the date of July first, nineteen hundred and eighty-six and shall be charged against the revenues received in the General Fund for the fiscal year beginning on said date.

Notwithstanding the provisions of any general or special law to the contrary, the state comptroller is hereby also authorized and directed to transfer forty million dollars from the Local Aid Fund to the pension reserve fund of the teachers' retirement system. Such transferred amount shall be recorded on the books of the commonwealth as of the date of July first, nineteen hundred and eighty-six and shall be charged against the revenues received in the Local Aid Fund for the fiscal year beginning on said date.

Said amounts transferred to the state employees' retirement system and the teachers' retirement system shall be reserved exclusively for the future costs of pension benefits of the members of each respective

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retirement system. Said amounts may be expended, subject to appropriation, only pursuant to an actuarial plan developed by the actuary within the division of public employee retirement administration.

SECTION 34. Notwithstanding the provisions of any general or special law to the contrary, a housing authority, as defined by section one of chapter one hundred and twenty-one B of the General Laws, is hereby authorized to purchase materials, supplies, or services pursuant to the consolidated supply program of the United States Department of Housing and Urban Development; provided, however, that the provisions of section thirty-nine M of chapter thirty, and sections forty-four A to forty-four H, inclusive, of chapter one hundred and forty-nine of the General Laws shall not apply to such purchases; and provided, further, that no such purchase shall be undertaken if the amount involved therein is one thousand dollars or over, unless a notice thereof shall have been posted, not less than one week prior to the time of said purchase in a conspicuous place on or near the premises of the officer having charge of any such housing authority making such purchase, and, if the amount therein is in excess of five thousand dollars, unless such a notice shall also have been posted at least once not less than two weeks prior to the time so specified; and published at such other times prior thereto, if any, as the commissioner of administration shall direct, in the central register published by the state secretary pursuant to section twenty of chapter nine of the General Laws.

SECTION 35. There is hereby established within the department of the attorney general, a disabled persons protection commission, consisting of three persons appointed by the governor. Said commission shall establish standards and procedures for the prompt implementation of a system of investigation and remediation of instances of abuse of disabled persons. For purposes of this section, the term "disabled person" shall mean a person between the ages of eighteen to fifty-nine, inclusive, who is mentally retarded or who is otherwise mentally or physically disabled and as a result of such disability is wholly or partially dependent on others to meet his or her daily living needs. Such standards and regulations shall include, but not be limited to, provisions to assure that all appropriate agencies within the executive office of human services shall: furnish protective services to persons found by such agencies or said commission to have been abused, cooperate fully with said commission in the course of its investigations of instances of abuse alleged to have occurred in programs or facilities maintained by or pursuant to contracts with such agencies; provide for prompt investigation and remediation of instances of abuse alleged to have occurred to disabled persons whose caretaker is other than a state agency, which have been referred by the commission for investigation by such agencies; prohibit any discrimination or retaliation against any person who cooperates with said commission or said agencies in the course of an investigation; require the reporting of alleged instances of abuse of disabled persons to the commission; and implement any recommendations by said commission upon conclusion of an investigation, including recommendations relative to discipline of employees, termination of contracts or other measures deemed necessary to prevent recurrence of abuse in programs or facilities maintained or supported by such agencies. Said commission shall have the authority to hire staff, enter into contracts, require the reporting of abuse of disabled persons, conduct investigations, require remedial action, enter into interagency agreements relative to the provision of remedial services, and take such other action as is necessary to protect disabled persons from

abuse. A copy of said standards and regulations shall be forwarded to the joint committee on human services and elderly affairs and to the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and eighty-six.

SECTION 36. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established in the executive office for administration and finance an office of purchased services, hereinafter called the office, which shall be headed by a director appointed by the secretary of the executive office for administration and finance, who shall serve as administrative head of the office and report directly to said secretary.

The office shall implement a consistent, efficient, and accountable system for agencies of the commonwealth which contract for social and rehabilitative services; shall monitor and oversee state purchases of all community-based social and rehabilitative services from provider organizations, including, special education services; shall coordinate the activities of all state agencies with responsibilities relative to contracting for social and rehabilitative services, including but not limited to the comptroller's division, the rate setting commission, the executive office of elder affairs, the executive office of communities and development, the executive office of human services, and all agencies within the jurisdiction of said executive offices.

The office shall develop standards governing the procurement, selection, rate setting, contract administration, contract monitoring, contract compliance and post-audit activities of agencies purchasing social and rehabilitative services. The office shall develop administrative procedures in accordance with purchase of service laws and regulations; shall issue a manual of standard contracting procedures and shall implement and design standard contracting forms for use by all state agencies; provided, that the director may authorize interim contracting standards and contracting procedures, as deemed necessary in accordance with all relevant laws, including but not limited to interim payment mechanisms.

The office shall monitor the activities of contracting and oversight agencies to ensure compliance with purchase of service laws, regulations, and procedures; shall conduct training programs for state agency employees; and may contract with organizations and individuals to provide technical assistance or training to provider organizations and their employees.

The office shall research and evaluate the feasibility of improving purchase of service procedures employed by the commonwealth, including but not limited to investigation into the following: (a) the development of so-called "make or buy" purchasing criteria, defining functions and activities for which state agencies may contract; (b) the development of procedures which facilitate the direct provision of services as an alternative to purchased services; (c) the creation of a long-range plan to finance the contracted community-based system of care through alternative sources of revenue; (d) the creation of a human resources plan affecting both state agency and provider employees, including education, in-service training and technical assistance to providers on personnel management problems; (e) the development of policies, procedures, and, if necessary, recommendations for legislation to assist provider organizations in obtaining necessary capital funding; (f) the development of alternatives to the existing service contract mechanism, including but not limited to "performance" contracts or grant mechanisms; (g) the development of a monitoring and evaluation system for purchased services. The office shall submit a progress report to the

house and senate committees on ways and means on or before February first, nineteen hundred and eighty-seven, which shall include a statement of administrative improvements effected by the office, an outline of the office's long-range plan for carrying-out the provisions of this section, and recommendations for any legislative or budgetary changes which would assist the office in carrying-out the provisions of this section.

SECTION 37. Notwithstanding the provisions of any general or special law to the contrary, a purchase of service division is hereby established within the executive office of human services. Said division shall consist of two offices: the office of contract management and the office of auditing and accounts. The office of contract management shall establish and implement guidelines and standards for the purchase of service system within the human services secretariat that shall be consistent with guidelines and standards established by the office of purchased services in the executive office of administration and finance and that shall apply to the rate setting commission and all agencies within the jurisdiction of the executive office of human services. Said office shall develop ongoing human service agency field staff training programs to ensure the implementation of a responsible human service purchase of service system. Said training programs shall include training in acceptable negotiating procedures in the negotiated contracts system. Said office shall further develop a monitoring and evaluation process for human service purchased service contracts, develop standards against which the office of auditing and accounts audits human service contracts, and authorize the maximum obligation of all so-called "03" and "07" contracts between all human service agencies and their private providers. Said office shall, by December first, nineteen hundred and eighty-six, develop a plan for the re-use or recovery from vendors of excess state contract revenues received over actual expenditures necessary to deliver contracted services; provided that said plan shall apply to all contracts regardless of rate setting mechanism; provided, further, that implementation of said plan shall be subject to the approval of the house and senate committees on ways and means; and provided further, that said office shall submit a report annually beginning February first, nineteen hundred and eighty-seven, detailing the amounts of said excesses or surpluses by contract or program and by provider.

SECTION 38. Notwithstanding the provisions of any general or special law to the contrary, the rate setting commission may develop class rates, historically-based rates not subject to negotiation, and rates for hospital-based human services for all social and rehabilitative services purchased by any state agency; provided, however, that no class rates shall be set retroactively. The head of each agency shall determine, in conjunction with the rate setting commission, and subject to the approval of the appropriate executive secretary, which contracts shall be paid by said rates and which contracts shall be negotiated. Said determination shall be made by February fifteenth of each year and shall be applicable to all such contracts for the following fiscal year.

For fiscal year nineteen hundred and eighty-eight, the rate setting commission shall develop pricing guidelines which govern agency contract negotiations. Said guidelines shall be developed and issued by the commission no later than December thirty-first, nineteen hundred and eighty-six. Fiscal year nineteen hundred and eighty-eight contract rates negotiated by contracting agencies pursuant to said guidelines shall be deemed approved by the commission unless the commission notifies the comptroller's division in writing

of an approved rate which differs from the negotiated rate. No negotiated rate for any such purchased service shall be altered by the commission unless the commission determines that the rate was fixed in violation of an applicable guideline, regulation, or statute existing as of the contract start date.

Beginning with fiscal year nineteen hundred and eighty-seven and in each ensuing fiscal year, the rate setting commission shall develop cost increment factors, so called, which are applicable for the following fiscal year for all social and rehabilitative service contracts prior to the governor's annual budgetary recommendation to the general court for the following fiscal year.

SECTION 39. Any monies being held or received by the department of public welfare from the federal government or any other source for a program of assistance for recently resettled refugees and repatriated citizens shall be used for the purposes prescribed by line item 4000-0802 and shall be transferred to and expended through said line item.

SECTION 40. The executive office of human services shall conduct an investigation and study relative to the feasibility of combining the office of the commissioner of veterans' services with the Soldiers' Home in Massachusetts, located in the city of Chelsea and the Soldiers' Home in Holyoke. Said study shall include, but not be limited to, a descriptive overview of all veterans' services in the commonwealth, and a comparison of the client population, services and effectiveness of said veterans' office and soldiers' homes in order to evaluate whether said services should be combined.

Said office shall report the results of its investigation and study, together with any drafts of legislation necessary to carry its recommendation into effect, by filing the same with the clerk of the house of representatives no later than March first, nineteen hundred and eightyseven.

SECTION 41. The office of the commissioner of veterans' services shall conduct an investigation and study relative to the efficiency and effectiveness of veterans' outreach centers as funded in item 4170-0012. Said study shall include, but not be limited to, an analysis of the client population, services and operational costs of said centers.

Said office shall report the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the house and senate committees on ways and means no later than February first, nineteen hundred and eighty-seven.

SECTION 42. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration is authorized and directed to investigate and identify programs administered by state agencies which consider income, financial resources or both in determining eligibility therefor, and to propose other programs for inclusion in a wage reporting and bank match system, provided that he deems the inclusion of such program in the reporting system to be cost-effective, by submitting a proposal to the house and senate committees on ways and means. If within fourteen days of receipt of any such proposal no action has been taken by the house or senate committees on ways and means, the commissioner of administration may incorporate into the reporting system the program covered by the proposal. The commissioner of

administration is authorized and directed to enter into such interagency agreements as he deems necessary to incorporate such additional programs into said reporting system.

The commissioner of revenue is hereby authorized and directed to design, develop, implement and operate a wage reporting and bank match system, hereinafter referred to as the reporting system, for the purpose of verifying financial eligibility of participants in those state or federally funded programs listed in sections three and four of chapter sixty-two E of the General Laws and in such other programs as may be identified and approved for such procedure pursuant to the first paragraph hereof.

The commissioner of revenue is hereby further authorized and directed to enter into such interagency agreements with other agencies of the commonwealth as said commissioner deems are necessary to facilitate the implementation and utilization of the reporting system. Such written agreements shall include provisions requiring such agencies, their subgrantees, or local administering agencies, including local housing authorities to provide at a date specified by the commissioner a list of persons receiving benefits from such programs. Information in such lists shall include the recipient's name, social security number and other data required to assure positive identification. Such information shall be utilized in the reporting system as a post audit mechanism for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in said programs, or additional programs, included by the commissioner of administration. Said agencies, their subgrantees, or local administering agencies, including local housing authorities, are hereby authorized and directed to obtain and provide to the commissioner of revenue the information requested for the purposes of this reporting system.

Under the bank match system, the commissioner of revenue shall annually request in writing from the treasurer of every federal or state commercial or savings bank, including savings and loan associations and cooperative banks, federal or state credit unions, benefit associations, insurance or safe deposit companies or any other similar entity authorized to do business in the commonwealth, the amount deposited in such corporation, association or other entity to the credit of the persons listed in such request. Such listing shall include the names and other identifying data of persons receiving benefits under the foregoing programs and transmitted by the administering agencies to the commissioner of revenue for the purpose of verifying financial eligibility and detecting and preventing fraud, error and abuse in said programs. Said treasurer shall furnish said information within thirty days of the commissioner's request.

Said treasurers shall also furnish, upon request of the commissioner of revenue from time to time, the record of deposits and withdrawals during the past five years of any person listed in such request.

If any of the treasurers fail, without reasonable cause, to comply with such reporting requirements after notification by certified mail return receipt requested, and such failure continues for more than fifteen business days after mailing of such notification of the failure to comply, without reasonable cause, or if such treasurer willfully renders false information in reply to such request, said treasurer shall be liable for a penalty of one thousand dollars.

The commissioner of revenue shall examine the data available to him under the reporting system, make positive identification of cases in which recipients of programs included in the reporting system are receiving wages or have other assets in excess of any threshold requirement established by the administering agency or agencies, and furnish such agency or agencies the cases of recipients so identified. The information furnished to such agency or agencies shall include the name of the recipient, social security number

and other data to assure positive identification, the name and identification number of the employer or the name and location of the state and federally chartered savings banks, state and federally chartered savings and loan associations, cooperative banks, state and federally chartered credit unions, trust companies, national banking associations, benefit associations, insurance companies or safe deposit companies, and the amount of wages received or amount of financial resources. Upon the receipt of such information, such agencies, and where appropriate, local administering agencies or local housing authorities, shall seek to verify the accuracy of the information presented in accordance with regulations promulgated by the fraudulent claims commission within the executive office for administration and finance which shall include the requirement of consultation with the recipient whose status is in question. If after such informal inquiry an agency, or where appropriate, local administering agencies or local housing authorities, determine that a recipient has incorrectly received benefits under such a program, such agency shall take appropriate formal action in accordance with state and federal law to correct the error, including, but not limited to termination of benefits. No adverse action shall be taken against any recipient in the unemployment insurance benefits program or the public assistance program of the department of public welfare, except after affording such recipient full opportunity to contest such action in accordance with law, including prior notice and hearing. No adverse action shall be taken against recipients in the other programs included in the reporting system except after meeting with such recipients, providing them with an explanation for the proposed action, detailing the evidence upon which the action is based, and allowing for any other procedures which an administering agency uses to take an adverse action against a recipient in its program.

When any agency has probable cause to believe that the receipt of incorrect benefits under any such program was a result of a fraudulent action by the recipient, such agency shall refer the case to the bureau of special investigations for further action in accordance with regulations promulgated by the fraudulent claims commission. Such regulations shall provide for consideration of the willingness of the recipient to make restitution or to submit to voluntary recoupment and shall include guidelines and procedures for administrative action and recoupment. The fraudulent claims commission shall promulgate said regulations in accordance with section two of chapter thirty A of the General Laws and after consultation with agencies as to how the financial solvency and the maintenance of integrity of their programs can be best served by restitution and referrals.

The director of the bureau of special investigations shall have access to agency, subgrantee or local administering agencies' records and accounts at reasonable times and may require the production of books, documents and vouchers by agencies, subgrantees and local administering agencies, relating to any matter within the scope of an investigation pursuant to this section.

Whenever the bureau finds probable cause to believe that a person has engaged in fraud in any such program, the bureau may, pursuant to procedures established by said commission, notify other state agencies of such information so that such state agencies may investigate whether such person has engaged in fraud in other programs.

No employee or agent of the commonwealth shall divulge any information referred to in this section, except in the manner herein prescribed, to any public or private agency or individual; provided, however, that information may be disclosed and shared by and between any employee of an administering agency and any subgrantee, local administering agency, or any local housing authority for the purpose of verifying eligi-

bility and detecting and preventing fraud, error and abuse in the programs included in the reporting system. Unauthorized disclosure of any such information shall be a violation punishable by a fine of one hundred dollars per offense; provided that the unauthorized release of such information about any individual shall be a separate offense from information released about any other individual. Such unauthorized release of information shall also be cause for administrative discipline of any employee who engages in such unauthorized release.

The commissioner of revenue shall file quarterly reports with the house and senate committees on ways and means describing the status of said system and a plan to implement it. The commissioner may process only a sample of the caseload of a program, when this method is determined to be cost-effective, provided that prior notification of such sampling technique is provided to the house and senate committees on ways and means.

Where the provisions of the wage reporting system established pursuant to chapter sixty-two E of the General Laws conflict with the provisions set forth in this section, the provisions set forth in this section shall govern.

SECTION 43. The commissioner of correction shall submit monthly reports to the house and senate committees on ways and means detailing by institution all expenditures made for overtime pay for the preceding month, including the numbers of persons receiving said overtime, the total number of hours of overtime paid, and the total amount of overtime paid for that month. In addition, said report shall include, also by institution, the numbers of persons unable to work during that month as a result of extended illness, injury or disability, the anticipated return date of such person, and the total amount of money paid during that month as a result of such illness, injury or disability.

SECTION 44. Notwithstanding the provisions of any general or special law to the contrary, all persons eligible for public assistance, as determined by the department of public welfare, under the provisions of chapters one hundred and seventeen, one hundred and eighteen A, and one hundred and eighteen E of the General Laws, who are not maintaining their own homes but are receiving care in a licensed nursing home, a licensed rest home, a licensed chronic hospital or in an approved public medical institution, shall retain the first sixty dollars of their monthly income for clothing, personal needs and leisure time activities.

If there is no such income, or if it is less than sixty dollars, the recipient shall be paid monthly in advance the difference between such income and sixty dollars. The department of public welfare shall by regulation provide that personal laundry costs shall not be charged to the amount retained by or paid to the recipient pursuant to this section. Personal laundry costs shall instead be reimbursable through the per diem rates established by the rate setting commission.

SECTION 45. Notwithstanding the provisions of any general or special law to the contrary, the administrator of any facility licensed pursuant to section seventy-one of chapter one hundred and eleven of the General Laws shall deposit in an interest-bearing account of any bank organized and existing under the laws of the commonwealth, funds of any person who is an inpatient or resident at such facility, if such administrator agrees to manage such funds at the request of such person or the fiduciary of such person or if the

administrator is a fiduciary for such person. The words "fiduciary" and "funds" shall have the same meaning found in section one of chapter one hundred and twenty-three of the General Laws. The interest earned on any interest-bearing account shall be distributed in one of the following ways, at the election of the facility: (a) pro-rated to each patient on an actual interest earned basis for individual accounts, or (b) pro-rated to each patient on the basis of his end of quarter or nearest end of month balance for collective accounts. The department of public health shall promulgate rules and regulations to implement this section.

SECTION 46. The commissioner of mental health is hereby authorized and directed to prepare a report analyzing the feasibility of establishing in the commonwealth a program similar to the so-called Fountain House program in New York City. Said report shall include a detailed description of the component services of said program, an assessment of the needs for such services, including a description of the target population and appropriate siting, and a detailed budget request for said program should the commissioner deem it feasible and desirable for the commonwealth. Said report shall be submitted no later than January first, nineteen hundred and eighty-seven to the secretary of human services, and the house and senate committees on ways and means.

SECTION 47. The commissioner of the department of mental health shall develop and implement a procedure to identify all patients in state mental health facilities who require intermediate nursing services, skilled nursing services, chronic disease hospital services, or rehabilitation hospital services, as defined in the regulations promulgated by the department of public welfare, regardless of any patient's needs to have such services provided in an institutional setting.

Said procedure shall require that such patients be identified during the admission examination, during the periodic examination, and on an ongoing basis, and that, upon identification, a report be made to the commissioner, who shall keep ongoing statistics regarding such patients.

The department of mental health shall provide an individual service plan for every patient so identified within thirty days of identification, which shall be written pursuant to the standards and procedures set out in the rules and regulations of said department, relative to the standards by which an individual may request and receive mental health services and which shall note each of the patient's physical health care needs.

Said department shall identify all such patients currently residing in state mental health facilities and provide identified patients with individual service plans by January first, nineteen hundred and eighty-seven.

Said commissioner shall complete a comprehensive statewide plan to provide appropriate service to identified patients, based on an analysis of the service recommendations made in said individual service plans.

The comprehensive statewide plan shall assure that such services are provided in the most age-appropriate, and disability-appropriate settings, consistent with the mental health needs of patients.

Said commissioner shall fully implement the provisions of the comprehensive statewide plan by January first, nineteen hundred and eighty-eight.

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SECTION 48. Funds appropriated in item 5016-0104 in section two of this act in an amount in excess of the amount expended in fiscal year nineteen hundred and eighty-six shall be expended by the commissioner of mental health for a respite, day or residential care program for those mentally retarded persons who have not received mental retardation services; provided, however, that said program shall not become operative until the said commissioner shall have prepared a two-year operational plan for said program which shall be filed with the house and senate committees on ways and means by August first, nineteen hundred and eighty-six; provided that if either committee shall have filed written objections to the plan with the commissioner of said department, the plan shall not become operational and no funds shall be expended therefor. If no such written objectives are filed by either of said committees by September first, nineteen hundred and eighty-six, the said program shall become operational and the funds appropriated herein may be expended for said purposes.

SECTION 49. Notwithstanding the provisions of any general or special law to the contrary, the department of mental health, or any other state agency or department, shall not authorize or approve the construction of new facilities or the renovation or rehabilitation of existing facilities, to house either mental health or mental retardation community-based programs, including, but not limited to, intermediate care facilities, limited group residences, community residences and apartments, until such time as a schedule of start-up and full operating costs of the program to be housed at such location has been submitted to and approved by the house and senate committees on ways and means. Departments shall report annually to the committees on the status of such construction, renovation and rehabilitation projects including any revisions to the cost schedule.

SECTION 50. Any individual who has not attained the age of twenty-two shall not be confined or allowed to reside in any state mental health hospital or inpatient unit of a state funded mental health clinic under the direction and control of the department of mental health unless such individual is housed within a separate unit with individuals of the same age grouping. Such units shall provide living arrangements, staffing, mental health services, and other programs appropriate to the age grouping. Said department shall establish appropriate age groupings and programs and services to meet the needs of individuals in such age groupings. By January first, nineteen hundred and eighty-seven, any person under twenty-two who is not residing in a separate unit appropriate to his age grouping as required by this section shall be moved to a separate unit established by the department of mental health within an existing state facility and staffed by department employees.

SECTION 51. Funds appropriated in item 4000-0770 of section two, which shall be transferred to other departments within the executive office of human services with the approval of the secretary of human services, for the purpose of increasing the salaries of direct care employees in contracted social and rehabilitative programs shall be expended in conformance with the provisions of rules and regulations promulgated by the executive office for administration and finance relative to procurement procedures governing the purchase of social and rehabilitative services and guidelines issued by the secretary of human services, and the provisions of applicable regulations of the rate setting commission; provided that such funds shall

not be expended until said departments have first reallocated and applied to the upgrading of salaries of direct care employees in said programs all other available contract funds which may be unobligated or which can reasonably be reallocated through contract management efficiencies, including but not limited to historical cost budgeting; provided further, that any such salary increases shall be effective for the full fiscal year nineteen hundred and eighty-seven; provided further, that all costs for such salary increases during fiscal year nineteen hundred and eighty-seven shall be provided for within this appropriation act or by funds previously appropriated for human service purposes. Salary increases funded by this account and any other item of appropriation shall be limited to direct care employees of private human service providers as defined by the rate setting commission shall be equitably distributed across all service categories and shall not exceed the mid-point of the salary guidelines in the final report of the governor's day care partnership project for contracted day care workers, a twelve dollars per day rate for contracted family day care providers, and ten percent over final fiscal year nineteen hundred and eighty-six salaries for contracted non-day care human service providers. The director of the office of contract management within the executive office of human services shall monitor such reallocations of contract funds and expenditures for salary upgrading of said direct care employees and shall submit a report by item of appropriation which shall detail the rationale for and method of disbursing appropriated direct care salary upgrading funds, including an itemized list of all contract awards, providers receiving awards, existing salary levels and awarded salary increases by direct care position, and the amount of other funding which has been reallocated for salary increases, to the house and senate committees on ways and means no later than thirty days after the award of any salary upgrading funds.

SECTION 52. Notwithstanding the provisions of section thirteen of chapter seventy-one B of the General Laws or the provisions of any other general or special law to the contrary, children receiving clinical nursery school services pursuant to section twenty-seven of chapter nineteen of the General Laws, mentally retarded persons who qualify for educational, habilitational, or day care services pursuant to section twenty-four of chapter nineteen of the General Laws, and children of preschool age who received early intervention services pursuant to chapter one hundred and eleven G of the General Laws, shall be provided transportation with respect to said services by the department providing the services.

The department shall take appropriate steps to ensure the safety of all persons transported under this section. If the department determines that said persons cannot be transported safely without the assistance of monitors, said transporting shall include provision for monitors. Nothing in this section shall preclude the ability of parents to serve as unpaid monitors when their children are being transported.

SECTION 53. There is hereby established a task force to make an investigation and study of day care affordability and income eligibility for participation in the sliding fee system. Said task force shall consist of the director of the office for children who shall act as chairman, the chairman and vice-chairman of the house committee on ways and means, or their designees, the chairman and vice-chairman of the senate committee on ways and means, or their designees, a representative of the department of social services to be designated by the commissioner of said department and a member to be appointed by the governor and a member of the Child Care Coalition. Said task force shall file a report, on or before September

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first, nineteen hundred and eighty-six, with the commissioner of the department of social services and the house and senate committees on ways and means, making recommendations as to the expenditure of not more than two hundred and fifty thousand dollars for assistance to certain families as provided in item 4800-0060 and shall file an additional report, on or before January first, nineteen hundred and eighty-seven with the commissioner of the department of social services and the house and senate committees on ways and means, containing the results of this investigation and study along with the recommendations of the task force.

SECTION 54. Notwithstanding the provisions of chapter two hundred and fifty-eight B of the General Laws or any other general or special law to the contrary, the victim and witness assistance board is hereby authorized, subject to appropriation, to disburse funds from the victim and witness assistance fund to the office of the attorney general and the parole board for the provision of services to victims and witnesses as defined by section one of said chapter.

SECTION 55. The metropolitan parks division of the metropolitan district commission is hereby authorized to enter into contracts extending for a maximum term of five years with the option to renew for three subsequent five year terms, subject to appropriation, for the management and operation of the Franklin Park and Walter D. Stone Zoological Park, provided, however, that a separate contract shall be entered into for each park only after the department has selected a contractor or contractors pursuant to a competitive procedure including issuance of a request for proposals and solicitation of responses thereto; provided, further, that such contract shall be reviewed at least once every six months by the division to determine compliance therewith, and in the event the division determines that significant portions of the contract are not being complied with and the welfare and well-being of the parks are endangered by said lack of compliance with the express terms of said contract, said division may cancel such contract at any time with no less than ninety days notice to said contractor; provided, however, that said contracts shall contain an article prohibiting discriminatory employment practices by said contractor because of race, creed, color, national origin, ancestry, military status, sex, age, or condition of handicap, and requiring said contractor to take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to such factors, consistent with the mandates of Executive Order No. 227 (The Governor's Code of Fair Practices), Executive Order No. 237 (Minority Business Development), and any relevant laws or regulations providing for equal employment or affirmative action; provided, further, that the division may directly or through said contracts require the charging and collection of admission fares at said zoological parks; provided, however, that said zoos shall be open for a reasonable period of time each day without such admission charge; provided, however, that persons sixty-five years of age and over and uniformed members of the armed forces of the United States shall pay half price for such admission charge at all times when said charge applies and that school children in groups from communities shall be admitted without such admission charge on a scheduled basis; provided, further, that prior to issuance of the request for proposals the department shall submit for review and comment said request to the special senate committee on zoos; provided, further, that any contractor shall regularly submit to the division, to the special senate committee on zoos, and to the house and senate committees on ways and means a management

plan for the operation of said zoos accompanied by an operating budget, said plan shall encompass a five year period and shall be kept current each year, and copies of a current annual phase of said plan shall likewise be submitted to said committees as aforesaid; provided, further, that the department shall submit to said committee for review and comment all responses to said request for proposals received by the department; provided, further, that during the term of any management contract herein authorized, the contractor shall meet at least semi-annually with said committee for the purpose of reporting on the operation of said zoos; provided, further, that the department shall report annually on March thirty-first to the house and senate committees on ways and means, the amounts of revenue generated from the collection of admission fees as authorized herein, the expenditures of the same, and the details of operations and maintenance of the zoological parks pursuant to said management contract; provided, further, that revenues collected from admission fees charged at each zoological park may be retained separately for each park, without further appropriation by said contractor; and provided further, that ten percent of the revenues collected from such admission fees shall be transferred annually to a capital maintenance fund for each zoo.

SECTION 56. The house and senate committees on ways and means are hereby authorized to conduct a study and an analysis of the reimbursements and assessments contained in the following line items: 6005-0023, 6034-0008 and 6034-0009. Said committees shall prepare a report based on said study which shall contain a detailed explanation of all funds disbursed from said line items, a list of all cities and towns receiving transit services or receiving reimbursements from said line items, and a detailed analysis of existing laws and the formulas which determine reimbursements and assessments for transit services.

SECTION 57. The board of education shall file with the house and senate committees on ways and means and with the joint committee on education a comprehensive report providing an implementation update on chapter one hundred and eighty-eight of the acts of nineteen hundred and eighty-five. Said report shall be filed no later than January thirtieth, nineteen hundred and eighty-seven, and shall include such information as will aid in determining whether objectives set forth in said act are being met, including but not limited to: an accounting for each city, town and regional school district of the types and amounts of discretionary grants made available under said chapter one hundred and eighty-eight for which applications were made, with notations indicating whether said application resulted in grant awards and the amount of each award; a list of cities, towns, and regional school districts which failed to accept local option funds made available under said chapter one hundred and eighty-eight, with notations as to whether the school committee, local appropriating authority, or both declined acceptance; a report on the actual impact of sections thirteen, sixteen and seventeen of said chapter one hundred and eighty-eight on the level of compensation paid to public school teachers in fiscal year nineteen hundred and eighty-seven; a projection of target dates by which cities, towns and districts receiving equal educational opportunity grants under section twelve of said chapter one hundred and eighty-eight could meet minimum expenditure requirements set forth in section seven of chapter seventy of the General Laws; a statement of the projected impact of section ten of said chapter one hundred and eighty-eight on state tax revenues, and an accounting by city, town, regional school district, and where possible, private elementary and secondary school of the types and values of donations received from such corporations as may benefit from the provisions of said section

ten; and any other information which the board of education may deem relevant to an appraisal of whether the objectives of said chapter one hundred and eighty-eight are being met, along with recommendations, if any, for legislative action to further said objectives.

SECTION 58. Notwithstanding the provisions of any general or special law to the contrary, the board of education shall submit quarterly reports to the house and senate committees on ways and means and the commissioner of administration detailing individual project expenditures in fiscal year nineteen hundred and eighty-seven under the provisions of items 7052-0004, 7052-0005, and 7052-0006. Said report shall also list by school district the amount of approvals for school building assistance bureau grants as authorized by item 7052-0004 in fiscal year nineteen hundred and eighty-seven to be paid in nineteen hundred and eighty-eight. Said grant shall not exceed an authorization level of 7.5 million dollars for fiscal year nineteen hundred and eighty-seven to be paid in fiscal year nineteen hundred and eighty-eight.

The commissioner of administration shall conduct an investigation and a study of the funding and operation of the school building assistance program. Said study shall include a review of the grant approval process and shall recommend a formula to be used in determining grant approval. Said formula shall include but is not limited to consideration of the relative wealth of communities and the decline of the school age population. The commissioner shall submit said study, together with any drafts of legislation necessary to carry its recommendations into effect, to the house and senate committees on ways and means by February first, nineteen hundred and eighty-seven.

SECTION 59. Notwithstanding the provisions of any general or special law to the contrary, the board of regents of higher education shall file quarterly reports with the house and senate committees on ways and means detailing the number of state funded full-time equivalent employees at each of the public institutions of higher education. Each such report shall be filed within thirty days of the close of each quarter.

SECTION 60. Notwithstanding the provisions of any general or special law to the contrary, in order to meet the estimated costs of employee fringe benefits provided by the state on account of employees of the Massachusetts State College Building Authority, the University of Lowell Building Authority, the University of Massachusetts Building Authority, and the Southeastern Massachusetts University Building Authority and in order to meet the estimated cost of heat, light, power and other services to be furnished by the commonwealth to projects of the Massachusetts State College Building Authority and the University of Lowell Building Authority, provided that such payments shall not exceed nine hundred and sixty-five thousand dollars for the state colleges and not exceed seventy-five thousand dollars for the University of Lowell for the cost of heat, light, power and other services for said projects; the boards of trustees of these state colleges and universities shall transfer to the General Fund from the funds received from the operation of said projects such costs as will be incurred for the aforesaid purposes in the current fiscal year, as determined by the appropriate building authority, verified by the board of regents, and approved by the commissioner of administration and the house and senate committees on ways and means. The board of regents shall file a report with the house and senate committees on ways and means and the commissioner of admini-

stration by January first, nineteen hundred and eighty-seven which details the costs that will be incurred in the current fiscal year for employee fringe benefits, heat, light, power, and other services to be furnished by the commonwealth to the various building authorities listed in this section, and the methods of allocating and collecting the costs from said building authorities along with recommendations to coordinate such allocation and collection.

SECTION 61. There is hereby established a state health service corps program under the New England board of higher education, to be administered by the area health education center (AHEC) at Boston University. Said program shall require physicians who receive state financial assistance to attend medical school to repay such assistance by enrolling in the state health service corps upon the completion of all internship and residency requirements and by service in a medically underserved area or in an area or facility in which a health manpower shortage exists. The secretary of human services shall define such areas and shall prescribe the required length of service.

Successful participation in the state health service corps and continuous registration with the department of public welfare as a provider in the commonwealth's medicaid program for the same number of years as the physician received state financial assistance are sufficient to fulfill the payback service requirement established in item 7077-0021 of section two of this act.

The AHEC at Boston University shall submit, on or before February first, nineteen hundred and eighty-seven and annually thereafter, a report to the house and senate committees on ways and means detailing, for each prior and current recipient of financial assistance under item 7077-0021, the educational and professional status of said recipient, including but not limited to the amount of assistance received, the school attended, graduation date, the hospital where internship and residency requirements have been or are being fulfilled, whether a buyback option has been exercised or if the payback requirement has been served and, if so, where and for what period of time.

SECTION 62. The board of regents is hereby authorized and directed to conduct a study of the tuition structure, with and without the learning contracts provided for in item 7100-0100, at the University of Massachusetts Medical School, in relation to the tuition structures of other private and state supported medical schools. Said study, together with recommendations to change the current tuition structure at the University of Massachusetts Medical School, if any, shall be filed no later than January first, nineteen hundred and eighty-seven with the joint committee on education and the house and senate committees on ways and means. Notwithstanding the provisions of any general or special law to the contrary, the University of Massachusetts board of trustees is hereby authorized and directed to require of anyone seeking to enroll in the University of Massachusetts Medical School who has not graduated from a Massachusetts high school, proof of continuous Massachusetts residency for a period of not less than five years immediately prior to enrollment.

SECTION 63. There is hereby established, a special commission to consist of five members of the senate, nine members of the house of representatives, and nine persons to be appointed by the governor, one from each list of three names submitted to him by the following named organizations: the Immigrants Assis-

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tance Center, Inc. of New Bedford; the Portuguese-American Business Association of Fall River; the Taunton Organization of Portuguese-American Community; the Cambridge Organization of Portuguese-Americans; the Somerville Portuguese-American League; the Organization of Portuguese-American Immigrants of Hudson; the Peabody Organization of Portuguese-Americans; the Lowell United Portuguese-Americans; and Gremio Lusitano of Ludlow, for the purpose of making an investigation and study of the needs of the Portuguese-American population in the commonwealth, including, but not limited to, the issues of economic development, housing, employment, training, education, human and social services programs, youth, elder affairs, language barriers, and access to state programs. Said commission may call upon officials of the commonwealth and its various subdivisions, and may also call upon officials of the federal government and its various agencies and departments, for such information as it deems necessary in the course of its investigation and study.

SECTION 64. There is hereby established a special commission to consist of three members of the senate, one of whom shall be appointed as co-chairman of the commission, seven members of the house of representatives, one of whom shall be appointed as co-chairman of the commission, the secretary of administration and finance or his designee, the secretary of transportation or his designee, the secretary of environmental affairs or his designee, the secretary of communities and development or his designee, the treasurer and receiver-general of the commonwealth or his designee, the inspector general or his designee, and five persons to be appointed by the governor, one of whom shall be a representative of the building and construction trades of organized labor, one of whom shall be skilled in construction management of major public works projects, one of whom shall be skilled in financing public works projects, one of whom shall be a representative of an engineering school within the commonwealth, and one of whom shall be employed as a public works manager of a city or town within the commonwealth, for the purpose of making an investigation and study relative to investigating alternative methods of financing infrastructure construction and repair including, but not limited to, revenue bonds, bond banks, privatization, sale-lease back, user-fees, increased utilization of the tax on motor fuels, and tax-increment financing.

SECTION 65. There is hereby established a special commission to consist of three members of the senate, five members of the house of representatives, the secretary of labor, the commissioner of commerce and development, the secretary of economic development and manpower affairs, and fifteen persons to be appointed by the governor, six of whom shall be representatives of the business community, six of whom shall be representatives of labor, and three of whom shall be representatives of the employee involvement technical assistance community, for the purpose of making an investigation and study relative to employee involvement and ownership programs. Said investigation and study shall include, but not be limited to, consideration of employee stock ownership plans, employee or worker cooperatives, quality circles, and quality of working life programs.

SECTION 66. The executive office of human services, the executive office of communities and development, the division of capital planning and operations and the executive office of administration and finance shall work in cooperation to conduct a study on the feasibility of using state-owned employee-occupied residential dwellings to address the needs of human services populations, including the mentally

ill and the mentally retarded, within the commonwealth. The administrative heads of said offices and divisions shall report their findings and recommendations to the house and senate committees on ways and means no later than October first, nineteen hundred and eighty-six.

SECTION 67. Notwithstanding the provisions of the third paragraph of section fourteen of chapter thirty-one of the General Laws, or of any other general or special law or rule or regulation to the contrary, any person serving provisionally on April sixteenth, nineteen hundred and eighty-six in the title of conservation helper in the department of environmental management may be continued in such appointment on a provisional basis until June thirtieth, nineteen hundred and eighty-seven, upon the written request of the appointing authority to the personnel administrator, provided that such person was initially appointed to said position in accordance with the provisions of said chapter thirty-one, and provided further that such person has served continuously in such provisional appointment for not less than two years prior to the effective date of this act.

SECTION 68. The auditor of the commonwealth shall prepare a report which shall be placed on file with the clerk of the house of representatives and senate by September thirtieth, nineteen hundred and eighty-six on consultant contracts, so called, paid for under the 03 and 07 budget subsidiary accounts for each line item under the department of public works which shall include: The firm name, owner, and employees of every consultant company, the cost of such consultant contracts compared to equivalent contracts in the private sector for similar services; the internal department procedure for awarding the contracts, and the quality of the work performed under such contracts and amount and cost of personnel benefits received by such consultants which are also available to regular state employees.

SECTION 69. The secretary of the executive office of human services is directed to report to the house and senate committees on ways and means by July fifteenth, nineteen hundred and eighty-six, with recommendations for reconstituting the regional health planning program, to be administered by the executive office of human services. Such report shall address the continued need for local health care planning, the appropriate functions of the regional health planning program, the administrative practices of those programs, whether these functions should be administered by said executive office, the process for continued local involvement in health policy issues, and the continued need for local determination of need reviews.

SECTION 70. (1) For purposes of this section, the following words shall have the following meanings:-

(a) "Pline", a child between the ages of three and twenty-one who is enrolled in public school and whose primary language is not English;

(b) "Gateway city", any city or town in the commonwealth where: at least two different groups of fifty or more Pline's, speaking at least two different primary languages, are enrolled in the public schools; where at least eight percent of the students enrolled in the public schools are Pline's whose primary language is Asian, which term shall include Chinese, any Chinese dialect, Hmong, Khmer, Lao, Vietnamese, Korean, Japanese, Thai, Hindi, Bengali, Urdu, any other Indian language, and Tamil; or where at least eight percent of the students enrolled in the public schools are Pline's whose primary language is Spanish; pro-

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vided, said enrollment characteristics shall be determined according to the individual school reports submitted to the commissioner of education for October first, nineteen hundred and eighty-five, pursuant to section thirty-seven D of chapter seventy-one and section two of chapter seventy-one A, shall be subject to approval, verification and adjustment by the commissioner pursuant to section four of chapter seventy, and shall not include students enrolled in regional schools.

(c) "Newcomer", a person who enters the United States as an immigrant or a refugee, a person who is seeking or is granted asylum in the United States, or a person who migrated to the continental United States from Puerto Rico.

(2) There shall be within the executive office of communities and development a council on gateway cities, hereinafter referred to as "the council," consisting of twelve members to be appointed by the governor and three ex officio members. Six of the appointed members shall be mayors or members of the city councils or boards of selectmen of gateway cities. The remaining six appointed members shall include at least one immigrant and at least one refugee. Said remaining members shall be appointed as follows: at least one refugee or immigrant admitted to the United States from Southeast Asia; at least one immigrant or refugee admitted to the United States from Latin America; at least one immigrant or refugee admitted to the United States from a country outside Southeast Asia or Latin America; at least one person who migrated to the continental states from Puerto Rico; and at least two representatives of nongovernmental organizations providing services to newcomers. The secretary of communities and development, hereinafter referred to as "the secretary," the commissioner of education and the commissioner of revenue shall be the ex officio members. The council by majority vote of all members shall annually elect its own chairman and such other officers as it sees fit from among its own members. The appointed members shall serve for terms of three years each. Members of the council shall be reimbursed for their necessary expenses incurred in the performance of their duties. The council shall meet at least monthly, and shall advise the secretary on the gateway cities program.

(3) The secretary, with the advice of the council, shall perform the following duties:

(a) review and coordinate the delivery of state services to newcomers;

(b) provide information and referral to the appropriate federal, state, local or nongovernmental agency for newcomers seeking assistance and for gateway cities seeking support in meeting the needs of newcomers;

(c) determine the amounts and recipients of the emergency grants authorized by this section and approve or disapprove the expenditure plans of the gateway cities for the additional local aid provided pursuant to this section;

(d) monitor the expenditure of funds by each municipality to ensure compliance by each municipality with its plan of activities and withdraw approval of additional local aid or emergency grants to a municipality found to be in noncompliance with its plan of activities; and

(e) study and evaluate the concerns of gateway cities and newcomers regarding the adjustment of newcomers to life in the commonwealth, and recommend any further legislation which said secretary deems necessary or desirable.

(4) The secretary, with the advice of the council, shall approve or disapprove applications for grants to gateway for the provision of services needed on an emergency basis because of a rapid increase in the number of newcomers living in a city;

(5) Every gateway city shall in fiscal year nineteen hundred and eighty-seven receive an amount of local aid in addition to all other amounts, which amount shall be determined according to the following formula: for each such city, the amount appropriated for this purpose shall be multiplied by a fraction, the numerator of which is that city's "gateway allocation" and the denominator of which is the sum of the gateway allocations for all of the gateway cities. Said gateway allocation for each such city shall be determined by multiplying said city's "gateway grant portion" by the population of the city. Said gateway grant portion for each such city shall equal the product obtained by multiplying the "percent Pline ratio" for said city times the sum of the "equalized valuation ratio" for said city and the "Pline ratio" for said city. Said "percent Pline ratio" for each such gateway city shall equal the ratio of the "Pline concentration" in said gateway city to the Pline concentration for all the gateway cities; provided, said Pline concentration for said gateway city shall equal the ratio of the number of Pline's enrolled in the public schools of said gateway city to the total number of students enrolled in the public's schools of said gateway city; and provided, further, said Pline concentration for all the gateway cities shall equal the ratio of the total number of Pline's enrolled in the public schools of all the gateway cities, to the total number of students enrolled in the public schools of all the gateway cities. Said equalized valuation ratio for each such city shall equal the ratio of the total equalized valuation per capita for all the gateway cities to the equalized valuation per capita for said gateway city. Said Pline ratio for each such city shall equal the ratio of the number of Pline's per capita in said gateway city to the total number of Pline's per capita in all the gateway cities. Said additional aid shall not be released to any such gateway city until the secretary approves a plan submitted by said city for the expenditure of such aid.

(6) The secretary, with the advice of the council shall adopt regulations containing criteria for the selection of recipients of grants authorized by this section and the approval of plans for additional local aid authorized by this section.

SECTION 71. There is hereby established a special commission to consist of five members of the senate, five members of the house of representatives, the secretary of the executive office of human services, the commissioner of the department of mental health, and three persons to be appointed by the governor who shall be parents or close relatives of individuals receiving services from the department of mental health.

Said commission is hereby authorized and directed to investigate and study the proposed division of the department of mental health into a department of mental health and a department of mental retardation and to formulate findings and make recommendations to the general court on all aspects of such a division, including but not limited to, the efficient and adequate delivery of services to persons diagnosed as mentally ill, mentally retarded and those diagnosed as both mentally ill and mentally retarded.

Said commission shall travel within the commonwealth and shall conduct public hearings. Said commission shall file a report of its initial findings and recommendations together with proposed legislation with the clerks of the house and senate no later than September thirtieth, nineteen hundred and eighty-six. Said commission may file interim reports containing further findings and legislation with the clerks of the house and senate. The final report of said commission shall be filed with the clerks of the house and senate no later than July first, nineteen hundred and eighty-eight.

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SECTION 72. Notwithstanding the provisions of any general or special law to the contrary, every state agency receiving an appropriation under section two of this act shall include as part of its submission to the budget director under section three of chapter twenty-nine of the General Laws for fiscal year nineteen hundred and eighty-nine, a statement showing in detail the current condition of the buildings and other facilities under the control of such agency, and a statement identifying by facility all necessary operating costs associated with facility maintenance including but not limited to staff, service contracts, utilities, supplies, and equipment and repair funds. The budget director shall prepare and distribute to each such agency instructions and forms for the provision of information required by this section. The budget director shall include in his recommendations prepared pursuant to section six of said chapter twenty-nine a statement by facility of all categories of operating costs and the recommended amounts of such costs associated with facility maintenance. The budget submitted by the governor to the general court shall contain a recommendation by facility for all operating costs identified by the budget director pursuant to this section.

SECTION 73. Notwithstanding any general or special law to the contrary, any funds received by the commonwealth pursuant to the judgment entered in the United States District Court for the District of Columbia in the case of United States of America vs. Exxon Corporation, Civil Action No. 78-1035, shall be deposited in the General Federal Grants Fund. Such funds shall be available for expenditure, subject to appropriation from said fund, only for activities described in the following federal energy conservation statutes:

- (1) Part A of the Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. ss6861 et. seq.;
- (2) Part D of Title III of the Energy Policy and Conservation Act (relating to primary and supplemental state energy conservation programs), 42 U.S.C. ss6321 et. seq.;
- (3) Part G of Title III of the Energy Policy and Conservation Act (relating to energy conservation for schools and hospitals), 42 U.S.C. ss6371 et. seq.;
- (4) The National Energy Extension Service Act, 42 U.S.C. ss7001 et. seq.; and
- (5) The Low Income Home Energy Assistance Act of 1981, 42 U.S.C. ss8621 et. seq. Such funds shall be used to supplement, not to supplant, funds otherwise available for said activities under state or federal law. Such funds shall not be used for any administrative expenses incurred with respect to said activities, and any interest which accrues with respect to such funds shall be subject to the same restrictions as apply to the principal funds, unless otherwise ordered by the court in the aforesaid proceeding; and provided, further, that an audit pursuant to the provisions of chapter four hundred and sixty-five of the acts of nineteen hundred and eighty shall be required prior to any funds being expended for weatherization.

SECTION 74. Notwithstanding any general or special law to the contrary, the bureau of fire training, which operates the Massachusetts Firefighting Academy, within the department of education, and all employees, duties, responsibilities, and powers of said bureau shall be transferred to the executive office of public safety, effective January first, nineteen hundred and eighty-seven. The secretary of public safety shall oversee and be responsible for said transfer; provided, that notwithstanding any general or special law to the contrary, prior to January first, nineteen hundred and eighty-seven the state comptroller shall

transfer from item 8314-1500 to an allocation account established by the comptroller within the department of education sufficient funds as approved by the secretary of public safety to meet the costs of operation of the academy between July first, nineteen hundred and eighty-six and January first, nineteen hundred and eighty-seven, provided that such amounts shall be in accordance with a schedule filed with the house and senate committees on ways and means.

All employees of said bureau shall retain their positions without impairment of civil service status, seniority, retirement, or any other employee rights, without any interruption of service and without reduction in compensation and salary grade, notwithstanding any change in title or duties.

Nothing in this section shall be construed to confer upon any officer or employee any rights not held immediately prior to said effective date, or to prohibit any reduction of salary or grade, transfer, re-assignment, suspension, discharge, layoff or abolition of position not prohibited heretofore.

SECTION 75. Notwithstanding any general or special law to the contrary, one-half of all expenditures by or on behalf of any mosquito or greenhead fly control district shall be made, subject to appropriation, from the Local Aid Fund, and the state treasurer shall not assess the members of any such district for such one-half of expenditures.

SECTION 76. Notwithstanding the provisions of any general or special law to the contrary, the state comptroller is hereby authorized and directed to transfer sixty-four million and two hundred and fifty thousand dollars from the Local Aid Fund to the General Fund. Such transferred amount shall be recorded on the books of the commonwealth as of the date of June thirtieth, nineteen hundred and eighty-six and shall be charged against the revenues received in the Local Aid Fund for the fiscal year ending on said date. The purpose of said transfer shall be for the purpose of correctly charging and partially funding the future cost of the pension benefits of the teachers' retirement system.

SECTION 77. To meet the expenditures necessary in carrying out the provisions of section two C, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of thirty-five million, seven hundred and six thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Equipment Replacement Loan, Act of 1986, and shall be issued for such maximum term of years, not exceeding seven years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, nineteen hundred and ninety-eight. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 78. To meet the expenditures necessary in carrying out the provisions of section two D, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of four hundred and eighty million dollars. All bonds issued by the commonwealth, as aforesaid, shall be de-

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signed on their face, META Prospective Budgeting Loan, Act of 1986, and shall be issued for such maximum term of years, not exceeding five years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, nineteen hundred and ninety-three. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 79. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments authorized by sections two C through two D, inclusive, of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-six. Notes and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 80. The public access board of the department of fisheries, wildlife and environmental law enforcement is hereby authorized to spend funds made available for the purpose for the rehabilitation of an existing public access boat launching ramp and for the design and construction of a marina, parking lot, and support facilities in the city of New Bedford and in coastal and inland areas in Bristol and Plymouth Counties pursuant to section seventeen A of chapter twenty-one of the General Laws; provided, however that the provisions of section forty of chapter seven of the General Laws shall not apply.

SECTION 81. Notwithstanding any special or general law to the contrary, the chief administrative justice may assign probation officers among the various departments, divisions or places for holding court of the trial court, provided that no such assignment shall be made until there is agreement concerning said assignments between the parties to the collective bargaining agreement covering probation officers. A chief probation officer shall not be transferred without his express consent.

SECTION 82. The division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to acquire from the city of Fall River, for consideration of one dollar, the former B.M.C. Durfee High School building located in the city of Fall River. Said acquisition shall occur only upon the approval of the mayor and city council of the city of Fall River and shall be deed approved as to form by the attorney general. Upon acquisition by the commonwealth, control of said property shall be transferred to the trial court for the use and occupancy of the various departments of said trial court.

SECTION 83. The department of education, the board of regents of higher education and any executive office which receives federal funds shall, with respect to any state funds received under the provisions of

this act to replace reductions in federal funding, submit a report to the house and senate committees on ways and means, no later than January first, nineteen hundred and eighty-seven, recommending whether the replacement of reductions in federal funding by such state funds should be continued in subsequent fiscal years. Said offices shall further prepare quarterly reports evaluating in detail the impact of proposed or existing federal legislation on the amount of federal funding available to the commonwealth on an agency and program basis. Said reports shall make recommendations and develop plans to address the impact of any impending cuts in federal funding on state funded programs. The initial quarterly report of the said offices shall be filed with the joint legislative committee on federal financial assistance and the house and senate committees on ways and means on October first, nineteen hundred and eighty-six.

SECTION 84. Section 2 of chapter 140 of the acts of 1985 is hereby amended, in items 0699-1800, 0699-1801, 0699-1900, 0699-5800, 0699-5801, 0699-5900, 1599-3407, 1599-3472, 2050-0200, 2120-0300, 2200-0301, 2250-0907, 2440-0011, 2440-0020 through 2444-5511, inclusive, 2444-9004, 2444-9006, 2444-9014, 2520-0300 through 2520-1500, inclusive, 4000-0780, 4536-0003, 4539-0002, 7000-9503, 7000-9504, 7027-0016, 7032-0610, 7053-1909, 7061-0004, and 8314-2000, by adding the following:

| | |
|----------------|--------|
| Local Aid Fund | 100.0% |
|----------------|--------|

SECTION 85. Item 0612-1510 of said section 2 of said chapter 140 is hereby amended by adding the following:-

| | |
|----------------|-------|
| Local Aid Fund | 50.0% |
| General Fund | 50.0% |

SECTION 86. Item 1599-3509 of section 2 of chapter 449 of the acts of 1985 is hereby amended by adding the following:-

| | |
|----------------|--------|
| Local Aid Fund | 100.0% |
|----------------|--------|

SECTION 87. Sections thirty-two, seventy-six, eighty-four, eighty-five and eighty-six of this act shall take effect as of June thirtieth, nineteen hundred and eighty-six. The remaining sections shall take effect on July first, nineteen hundred and eighty-six.

This bill was returned July 10, 1986 by the Governor to the House of Representatives, the Branch in which said bill originated with his objections in writing to the following:

Item 5083-0200 and Item 8314-2000 disapproved,
Item 0330-3600 reduced to \$200,000, and
Sections 35, 47, 49, and 50.

The remainder of the bill was approved by the Governor on July 10, 1986.

ACTS, 1986. – Chaps. 207, 208.

Chapter 207. AN ACT PROVIDING TENURE OF OFFICE FOR THOMAS R. CUMMINGS AS SUPERINTENDENT OF THE PUBLIC WORKS DEPARTMENT IN THE TOWN OF HOLBROOK.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the tenure of office of Thomas R. Cummings as superintendent of the public works department in the town of Holbrook shall be unlimited but he may be removed for just cause in accordance with the provisions of chapter thirty-one of the General Laws.

SECTION 2. The state secretary shall cause the following question to be placed on the official ballot to be used in the town of Holbrook at the biennial state election to be held in the year nineteen hundred and eighty-six:-

"Shall an act passed by the General Court in the year nineteen hundred and eighty-six, entitled 'An Act providing tenure of office for Thomas R. Cummings as superintendent of the public works department in the town of Holbrook', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative then this act shall take full effect, but not otherwise.

SECTION 3. This act shall take effect upon its passage.

Approved July 10, 1986.

Chapter 208. AN ACT REVIVING AND EXTENDING IN THE CITY KNOWN AS THE TOWN OF WATERTOWN THE CIVIL SERVICE FIRE DEPARTMENT CAPTAIN'S PROMOTION LIST.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the eligible civil service list for promotion to captain of the fire department in the city known as the town of Watertown which expired on January twentieth, nineteen hundred and eighty-six shall be revived and extended to July twentieth, nineteen hundred and eighty-six.

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

Approved July 10, 1986.

Chapter 209. AN ACT VALIDATING CERTAIN ACTION TAKEN BY THE TOWN OF WELFLEET AT ITS ANNUAL TOWN ELECTION IN THE YEAR NINETEEN HUNDRED AND EIGHTY-SIX.

Be it enacted, etc., as follows:

SECTION 1. The votes passed by the town of Wellfleet under articles sixty-six and sixty-seven of the warrant for its nineteen hundred and eighty-six annual town meeting, which votes were both passed by more than two-thirds of the voters voting thereon, and the vote taken by said town on question number one placed on the official ballot for the annual town election held on May fifth, nineteen hundred and eighty-six, which question was approved by a majority of the voters voting thereon, are each hereby ratified, validated and confirmed, notwithstanding any defect or omission in the warrant calling said meeting and election or in the form of said votes. The treasurer of the town of Wellfleet, with the approval of the board of selectmen, is hereby authorized to issue the bonds or notes authorized under said articles sixty-six and sixty-seven, in the aggregate principal amount of one million two hundred and ninety-six thousand six hundred dollars, for the purpose of acquiring certain property in said town and furnishing, remodeling, reconstructing or making extraordinary repairs to the buildings on said property for use as a public library, without the necessity of further proceedings by the town, subject to the provisions of chapter forty-four of the General Laws applicable thereto.

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

Approved July 10, 1986.

Chapter 210. AN ACT FURTHER REGULATING THE RATE OR CHARGE FOR DIRECTORY ASSISTANCE SERVICE TO CERTAIN CUSTOMERS.

Be it enacted, etc., as follows:

Chapter 159 of the General Laws is hereby amended by striking out section 19A, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:—

Section 19A. The department may approve a rate, fare, toll or charge for directory assistance service to business customers pursuant to schedules filed with the department; provided, however, that for each business line and each private branch exchange trunk line to which a business customer subscribes, said customer shall be entitled to receive an allowance of ten direct dialed directory assistance calls per month. The department shall determine an appropriate reduced monthly direct dialed directory assistance call allowance applicable to each Centrex line to which a business customer subscribes to provide a monthly call

ACTS, 1986. – Chaps. 211, 212.

allowance equivalent to the allowance provided to each private branch exchange trunk line. Business customers who are certified as handicapped persons pursuant to regulations promulgated by the department shall be allowed an unlimited number of directory assistance calls without charge, and subject to such other terms and conditions as the department finds reasonable; provided, however, that no rate, fare, toll or charge for directory assistance service may be charged to users of coin operated telephones. The department may approve a rate, fare, toll or charge for directory assistance service to other common carriers as defined in paragraph (d) of section twelve for such directory assistance service provided to business customers as provided for herein; provided, however, that upon the approval of such rate, fare, toll or charge for directory assistance, the department shall adopt rules and regulations which will provide that a certain percentage of the money received by the imposition of such rate, fare, toll or charge shall be set aside annually and subsequently used to reduce or adjust the regular business and residential rates and the department shall promulgate schedules setting forth such percentages. For the purposes of this section, directory assistance service or directory assistance call shall mean information given to a customer of a telecommunications company to provide such customer with a telephone number. Each business customer will be entitled without charge to one directory covering any area within the commonwealth.

Approved July 10, 1986.

Chapter 211. AN ACT ABOLISHING JURY ISSUES IN PROCEEDINGS IN THE PROBATE AND FAMILY COURT.

Be it enacted, etc., as follows:

SECTION 1. Section sixteen of chapter two hundred and fifteen of the General Laws is hereby repealed.

SECTION 2. Section 22 of chapter 215 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— An appeal from an interlocutory order, judgment or decree, however, shall not suspend proceedings under the same pending the appeal, except as otherwise expressly provided by law.

SECTION 3. This act shall take effect on all matters entered for probate after January first, nineteen hundred and eighty-seven.

Approved July 10, 1986.

Chapter 212. AN ACT PROHIBITING THE SALE OR POSSESSION OF CERTAIN ELECTRICAL WEAPONS.

ACTS, 1986. – Chap. 213, 214.

Be it enacted, etc., as follows:

Chapter 140 of the General Laws is hereby amended by inserting after section 131 I the following section:–

Section 131J. No person shall sell, offer for sale or possess a portable device or weapon from which an electrical current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure or kill. Whoever violates the provisions of this section shall be punished by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment for not less than six months nor more than two years in a jail or house of correction, or both.

Approved July 10, 1986.

Chapter 213. AN ACT CLARIFYING THE DESIGNATION OF THE JOSEPH T. MORETTI MEMORIAL BRIDGE IN THE CITY OF REVERE.

Be it enacted, etc., as follows:

Chapter 21 of the acts of 1974 is hereby amended by striking out, in line 1, the words "at the intersection of North street and Whitten avenue" and inserting in place thereof the words:– carrying North Shore Road over the Lynnway (bridge number 1988–802–033).

Approved July 10, 1986.

Chapter 214. AN ACT AUTHORIZING THE TOWN OF HANSON TO RECALL ELECTED OFFICIALS.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and fifty-five of the acts of nineteen hundred and eighty-two is hereby repealed.

SECTION 2. Any holder of an elective office in the town of Hanson may be recalled and removed therefrom by the qualified voters of said town as herein provided.

SECTION 3. One hundred and fifty or more qualified voters may file with the town clerk an affidavit containing the name of the officer and the office held whose recall is sought and a statement of the grounds upon which the petition is based. A minimum of twenty-five qualified voters shall be from each precinct. Upon certification by the board of registrars of the required signatures, the town clerk shall thereupon deliver or make available to the designated person or persons seeking the recall, a sufficient number of petition blanks demanding such recall on

printed forms of which he shall keep on hand. The blanks shall be issued by the town clerk with his signature and official seal attached thereto; they shall be dated and addressed to the board of selectmen; shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the office held by the person named, the grounds for recall as stated in the affidavit and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within twenty days following the date of issuance of said petitions. Said recall petitions shall be signed by at least ten per cent of the registered voters from each precinct in said town and to every signature shall be added the place of residence of the signer, giving the street and number. The town clerk shall within two working days of receipt, submit the petition to the registrars of voters who shall forthwith certify thereon the number of signatures which are names of voters of said town. No paper or documents of any kind shall be attached by the petitioners to any petition for recall, nor may any paper or document of any kind be solicited by the petitioners in such a way as to obscure any part of the petition for recall.

SECTION 4. If the petition shall be found and certified by said town clerk to be sufficient, he shall submit the same with his certificate to said selectmen without delay and said selectmen shall forthwith give written notice to said officer of the receipt of said certificate and shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held within a reasonable length of time after a minimum of forty-five days from town clerk's certification of the sufficient petitions. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as herein provided.

SECTION 5. Any officer sought to be recalled may be a candidate to succeed himself, and, unless he requests otherwise in writing, said town clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to election, unless otherwise provided in this act.

SECTION 6. The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in section eight. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

ACTS, 1986. – Chap. 215.

SECTION 7. Ballots used in a recall election in said town shall submit the following proposition in the order indicated:

For the recall of (name of officer)(office held).

Against the recall of (name of officer)(office held).
Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of candidates nominated as hereinbefore provided. In this case machine voting or punch card balloting, or other forms of balloting provision shall be made to allow the same intent of the voter.

SECTION 8. No recall petition shall be filed against an officer of said town within six months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

SECTION 9. No person who has been recalled from an office in said town or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such removal by recall or resignation.

Approved July 10, 1986.

Chapter 215. AN ACT DIRECTING THE CITY OF BOSTON TO GRANT A PENSION TO RANDOLPH G. LaMATTINA.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary and in order to promote the public good, the State-Boston retirement board is hereby authorized and directed to retire Randolph G. LaMattina, a police officer of the city of Boston, who, as a result of injuries sustained while in the performance of his duties on August sixteenth, nineteen hundred and eighty-five, is totally and permanently incapacitated from further service as a police officer. The annual amount of pension payable to Randolph G. LaMattina under this act shall be fixed in an amount equal to the regular rate of compensation which would have been paid had he continued in service as a police officer in said city at the grade held by him at the time of his retirement. Such retirement shall become effective as of the date following the last day on which he is entitled to receive regular compensation. Upon the retirement of Randolph G. LaMattina, the State-Boston retirement board shall forthwith pay to him all amounts standing to his credit in the annuity savings of the State-Boston retirement system.

SECTION 2. The provisions of section one hundred of chapter forty-one of the General Laws shall continue to apply to

ACTS, 1986. – Chaps. 216, 217.

Randolph G. LaMattina relative to his indemnification by the city of Boston for any hospital, medical and related expenses which may be incurred by him after the date of his retirement as a result of the aforementioned incapacity.

SECTION 3. Upon the death of Randolph G. LaMattina, if his wife, Constance S. LaMattina survives him and as long as she remains unmarried, the city of Boston shall pay to said Constance S. LaMattina an annual annuity equal to the sum of three-fourths of the amount of the pension payable to said Randolph G. LaMattina at the time of his death and three hundred and twelve dollars for each child of said Randolph G. LaMattina for such time as such child is under eighteen years of age or totally physically or mentally incapacitated from working. If Constance S. LaMattina remarries, said city of Boston shall pay to her, in lieu of the aforesaid annuity, an annual annuity of five hundred and twenty dollars for each child of said Randolph G. LaMattina for such time as such child is residing with her and is either under eighteen years of age on January first of the year in question or totally physically or mentally incapacitated from working.

Approved July 10, 1986.

**Chapter 216. AN ACT AUTHORIZING THE STATE SECRETARY TO
AUTHORIZE THE SOLEMNIZATION OF A CERTAIN
MARRIAGE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Frank D. Vacca in the city of Malden on July eleventh, nineteen hundred and eighty-six between Francis H. Conway of the city of Malden, and Patricia A. Ball, of the city of Malden, and the state secretary shall issue to said Frank D. Vacca a certificate of such authorization.

Approved July 11, 1986.

**Chapter 217. AN ACT RELATIVE TO THE COMPENSATION OF
STATE MANAGERS.**

Be it enacted, etc., as follows:

SECTION 1. Section 156B of chapter 6 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:– The executive director shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

SECTION 2. The fourth paragraph of section 168 of said chapter 6, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:– The secretary of public safety shall, after reviewing final applicants with and securing the approval of the board, appoint an executive director who shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

SECTION 2A. Section 185 of said chapter 6 is hereby amended by striking out the fourth sentence, as amended by section 1 of chapter 307 of the acts of 1985, and inserting in place thereof the following sentence:– The position of the director shall be classified in accordance with section forty-five of chapter thirty, and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

SECTION 3. The second paragraph of section 4A of chapter 7 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:– The director of collective purchasing shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty. He may employ, subject to the approval of the purchasing agent and the commissioner, such assistants as he deems necessary.

SECTION 4. The second paragraph of section 28 of said chapter 7, as so appearing, is hereby amended by inserting after the first sentence the following sentence:– Such rules regulating vacation leave shall provide for the accrual of such leave by managers on a monthly basis, beginning with the first working day of the calendar month on or after the date of initial employment, with the annual rate of accrual as determined by such rules to be pro rated for such calendar month, and for each calendar month thereafter.

SECTION 5. The second paragraph of section 28A of said chapter 7, as so appearing, is hereby amended by adding the following sentence:– Said personnel administrator shall establish a pay incentive plan.

SECTION 6. The ninth paragraph of section 4 of chapter 21D of the General Laws, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:– Said executive secretary shall be classified in accordance with section

forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

SECTION 7. Paragraph (1) of section 46 of chapter 30 of the General Laws, as so appearing, is hereby amended by striking out the salary schedule and inserting in place thereof the following schedule:-

GENERAL SALARY SCHEDULE
Effective June 30, 1985
(Weekly Rates on Total Cash Basis)

| Job Group | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Increment |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| I | \$223.76 | \$228.94 | \$234.12 | \$239.30 | \$244.48 | \$249.66 | \$254.84 | \$5.18 |
| II | 228.51 | 234.14 | 239.77 | 245.40 | 251.03 | 256.66 | 262.29 | 5.63 |
| III | 236.64 | 242.27 | 247.90 | 253.53 | 259.16 | 264.79 | 270.42 | 5.63 |
| IV | 243.76 | 249.92 | 256.08 | 262.24 | 268.40 | 274.56 | 280.72 | 6.16 |
| V | 250.39 | 257.09 | 263.79 | 270.49 | 277.19 | 283.89 | 290.59 | 6.70 |
| VI | 261.07 | 268.42 | 275.77 | 283.12 | 290.47 | 297.82 | 305.17 | 7.35 |
| VII | 271.91 | 279.72 | 287.53 | 295.34 | 303.15 | 310.96 | 318.77 | 7.81 |
| VIII | 282.56 | 291.06 | 299.56 | 308.06 | 316.56 | 325.06 | 333.56 | 8.50 |
| IX | 295.47 | 304.37 | 313.27 | 322.17 | 331.07 | 339.97 | 348.87 | 8.90 |
| X | 312.50 | 321.87 | 331.24 | 340.61 | 349.98 | 359.35 | 368.72 | 9.37 |
| XI | 328.27 | 339.29 | 350.31 | 361.33 | 372.35 | 383.37 | 394.39 | 11.02 |
| XII | 345.56 | 357.59 | 369.62 | 381.65 | 393.68 | 405.71 | 417.74 | 12.03 |
| XIII | 363.36 | 376.82 | 390.28 | 403.74 | 417.20 | 430.66 | 444.12 | 13.46 |
| XIV | 384.34 | 398.41 | 412.48 | 426.55 | 440.62 | 454.69 | 468.76 | 14.07 |
| XV | 402.01 | 417.23 | 432.45 | 447.67 | 462.89 | 478.11 | 493.33 | 15.22 |
| XVI | 422.13 | 438.45 | 454.77 | 471.09 | 487.41 | 503.73 | 520.05 | 16.32 |
| XVII | 443.81 | 460.72 | 477.63 | 494.54 | 511.45 | 528.36 | 545.27 | 16.91 |
| XVIII | 463.68 | 481.89 | 500.10 | 518.31 | 536.52 | 554.73 | 572.94 | 18.21 |
| XIX | 485.98 | 505.41 | 524.84 | 544.27 | 563.70 | 583.13 | 602.56 | 19.43 |
| XX | 510.05 | 530.02 | 549.99 | 569.96 | 589.93 | 609.90 | 629.87 | 19.97 |

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| Job Group | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Increment |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| XXI | 532.38 | 553.44 | 574.50 | 595.56 | 616.62 | 637.68 | 658.74 | 21.06 |
| XXII | 554.69 | 576.98 | 599.27 | 621.56 | 643.85 | 666.14 | 688.43 | 22.29 |
| XXIII | 574.59 | 597.97 | 621.35 | 644.73 | 668.11 | 691.49 | 714.87 | 23.38 |
| XXIV | 598.64 | 622.75 | 646.86 | 670.97 | 695.08 | 719.19 | 743.30 | 24.11 |
| XXV | 621.09 | 646.36 | 671.63 | 696.90 | 722.17 | 747.44 | 772.71 | 25.27 |
| XXVI | 645.56 | 672.00 | 698.44 | 724.88 | 751.32 | 777.76 | 804.20 | 26.44 |
| XXVII | 672.54 | 700.13 | 727.72 | 755.31 | 782.90 | 810.49 | 838.08 | 27.59 |
| XXVIII | 697.20 | 726.01 | 754.82 | 783.63 | 812.44 | 841.25 | 870.06 | 28.81 |
| XXIX | 724.22 | 754.18 | 784.14 | 814.10 | 844.06 | 874.02 | 903.98 | 29.96 |
| XXX | 751.23 | 782.34 | 813.45 | 844.56 | 875.67 | 906.78 | 937.89 | 31.11 |
| XXXI | 783.25 | 815.95 | 848.65 | 881.35 | 914.05 | 946.75 | 979.45 | 32.70 |
| XXXII | 816.67 | 851.04 | 885.41 | 919.78 | 954.15 | 988.52 | 1022.89 | 34.37 |
| XXXIII | 851.54 | 887.67 | 923.80 | 959.93 | 996.06 | 1032.19 | 1068.32 | 36.13 |

SECTION 8. Said paragraph (1) of said section 46 of said chapter 30 is hereby further amended by striking out the salary schedule, as amended by section 7 of this act, and inserting in place thereof the following schedule:-

GENERAL SALARY SCHEDULE
Effective July 6, 1986
(Weekly Rates on Total Cash Basis)

| Job Group | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Increment |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| I | \$236.64 | \$242.27 | \$247.90 | \$253.53 | \$259.16 | \$264.79 | \$270.42 | \$5.63 |
| II | 243.76 | 249.9 | 256.08 | 262.24 | 268.40 | 274.56 | 280.72 | 6.16 |
| III | 250.39 | 257.09 | 263.79 | 270.49 | 277.19 | 283.89 | 290.59 | 6.70 |
| IV | 261.07 | 268.42 | 275.77 | 283.12 | 290.47 | 297.82 | 305.17 | 7.35 |
| V | \$271.91 | 279.72 | 287.53 | 295.34 | 303.15 | 310.96 | 318.77 | 7.81 |

| Job Group | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Increment |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| VI | 282.56 | 291.06 | 299.56 | 308.06 | 316.56 | 325.06 | 333.56 | 8.50 |
| VII | 295.47 | 304.37 | 313.27 | 322.17 | 331.07 | 339.97 | 348.87 | 8.90 |
| VIII | 312.50 | 321.87 | 331.24 | 340.61 | 349.98 | 359.35 | 368.72 | 9.37 |
| IX | 328.27 | 339.29 | 350.31 | 361.33 | 372.35 | 383.37 | 394.39 | 11.02 |
| X | 345.56 | 357.59 | 369.62 | 381.65 | 393.68 | 405.71 | 417.74 | 12.03 |
| XI | 363.36 | 376.82 | 390.28 | 403.74 | 417.20 | 430.66 | 444.12 | 13.46 |
| XII | 384.34 | 398.41 | 412.48 | 426.55 | 440.62 | 454.69 | 468.76 | 14.07 |
| XIII | 402.01 | 417.23 | 432.45 | 447.67 | 462.89 | 478.11 | 493.33 | 15.22 |
| XIV | 422.13 | 438.45 | 454.77 | 471.09 | 487.41 | 503.73 | 520.05 | 16.32 |
| XV | 443.81 | 460.72 | 477.63 | 494.54 | 511.45 | 528.36 | 545.27 | 16.91 |
| XVI | 463.68 | 481.89 | 500.10 | 518.31 | 536.52 | 554.73 | 572.94 | 18.21 |
| XVII | 485.98 | 505.41 | 524.84 | 544.27 | 563.70 | 583.13 | 602.56 | 19.43 |
| XVIII | 510.05 | 530.02 | 549.99 | 569.96 | 589.93 | 609.90 | 629.87 | 19.97 |
| XIX | 532.38 | 553.44 | 574.50 | 595.56 | 616.62 | 637.68 | 658.74 | 21.06 |
| XX | 554.69 | 576.98 | 599.27 | 621.56 | 643.85 | 666.14 | 688.43 | 22.29 |
| XXI | 574.59 | 597.97 | 621.35 | 644.73 | 668.11 | 691.49 | 714.87 | 23.38 |
| XXII | 598.64 | 622.75 | 646.86 | 670.97 | 695.08 | 719.19 | 743.30 | 24.11 |
| XXIII | 621.09 | 646.36 | 671.63 | 696.90 | 722.17 | 747.44 | 772.71 | 25.27 |
| XXIV | 645.56 | 672.00 | 698.44 | 724.88 | 751.32 | 777.76 | 804.20 | 26.44 |
| XXV | 672.54 | 700.13 | 727.72 | 755.31 | 782.90 | 810.49 | 838.08 | 27.59 |
| XXVI | 697.20 | 726.01 | 754.82 | 783.63 | 812.44 | 841.25 | 870.06 | 28.81 |
| XXVII | 724.22 | 754.18 | 784.14 | 814.10 | 844.06 | 874.02 | 903.98 | 29.96 |
| XXVIII | 751.23 | 782.34 | 813.45 | 844.56 | 875.67 | 906.78 | 937.89 | 31.11 |
| XXIX | 783.25 | 815.95 | 848.65 | 881.35 | 914.05 | 946.75 | 979.45 | 32.70 |
| XXX | 816.67 | 851.04 | 885.41 | 919.78 | 954.15 | 988.52 | 1022.89 | 34.37 |
| XXXI | 851.54 | 887.67 | 923.80 | 959.93 | 996.06 | 1032.19 | 1068.32 | 36.13 |
| XXXII | 887.88 | 925.83 | 963.78 | 1001.73 | 1039.68 | 1077.63 | 1115.58 | 37.95 |
| XXXIII | 925.79 | 965.68 | 1005.57 | 1045.46 | 1085.35 | 1125.24 | 1165.13 | 39.89 |

SECTION 9. Paragraph (1) of section 46C of said chapter 30, as appearing in the 1984 Official Edition, is hereby amended by striking out the salary schedule and inserting in place thereof the following schedule:—

MANAGEMENT SALARY SCHEDULE
Effective June 30, 1985
(Weekly Rates on Total Cash Basis)

| Job Group | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Increment |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| M-I | \$463.68 | \$481.89 | \$500.10 | \$518.31 | \$536.52 | \$554.73 | \$572.94 | \$18.21 |
| M-II | 510.05 | 530.02 | 549.99 | 569.96 | 589.93 | 609.90 | 629.87 | 19.97 |
| M-III | 554.69 | 576.98 | 599.27 | 621.56 | 643.85 | 666.14 | 688.43 | 22.29 |
| M-IV | 598.64 | 622.75 | 646.86 | 670.97 | 695.08 | 719.19 | 743.30 | 24.11 |
| M-V | 645.56 | 672.00 | 698.44 | 724.88 | 751.32 | 777.76 | 804.20 | 26.44 |
| M-VI | 697.20 | 726.01 | 754.82 | 783.63 | 812.44 | 841.25 | 870.06 | 28.81 |
| M-VII | 751.23 | 782.34 | 813.45 | 844.56 | 875.67 | 906.78 | 937.89 | 31.11 |
| M-VIII | 816.67 | 851.04 | 885.41 | 919.78 | 954.15 | 988.52 | 1022.89 | 34.37 |
| M-IX | 887.88 | 925.83 | 963.78 | 1001.73 | 1039.68 | 1077.63 | 1115.58 | 37.95 |
| M-X | 965.21 | 1007.14 | 1049.07 | 1091.00 | 1132.93 | 1174.86 | 1216.79 | 41.93 |
| M-XI | 1049.18 | 1095.52 | 1141.86 | 1188.20 | 1234.54 | 1280.88 | 1327.22 | 46.34 |
| M-XII | 1112.13 | 1161.25 | 1210.37 | 1259.49 | 1308.61 | 1357.73 | 1406.85 | 49.12 |

SECTION 10. Said paragraph (1) of said section 46C of said chapter 30 is hereby further amended by striking out the salary schedule, as amended by section 9 of this act, and inserting in place thereof the following schedule:—

MANAGEMENT SALARY SCHEDULE
Effective July 6, 1986
(Weekly Rates on Total Cash Basis)

| Job | Step | Step | Step | Step | Step | Step | Step | Increment |
|--------|----------|----------|----------|----------|----------|----------|----------|-----------|
| Group | 1 | 2 | 3 | 4 | 5 | 6 | 7 | |
| M-I | \$510.05 | \$530.02 | \$549.99 | \$569.96 | \$589.93 | \$609.90 | \$629.87 | \$19.97 |
| M-II | 554.69 | 576.98 | 599.27 | 621.56 | 643.85 | 666.14 | 688.43 | 22.29 |
| M-III | 598.64 | 622.75 | 646.86 | 670.97 | 695.08 | 719.19 | 743.30 | 24.11 |
| M-IV | 645.56 | 672.00 | 698.44 | 724.88 | 751.32 | 777.76 | 804.20 | 26.44 |
| M-V | 697.20 | 726.01 | 754.82 | 783.63 | 812.44 | 841.25 | 870.06 | 28.81 |
| M-VI | 751.23 | 782.34 | 813.45 | 844.56 | 875.67 | 906.78 | 937.89 | 31.11 |
| M-VII | 816.67 | 851.04 | 885.41 | 919.78 | 954.15 | 988.52 | 1022.89 | 34.37 |
| M-VIII | 887.88 | 925.83 | 963.78 | 1001.73 | 1039.68 | 1077.63 | 1115.58 | 37.95 |
| M-IX | 965.21 | 1007.14 | 1049.07 | 1091.00 | 1132.93 | 1174.86 | 1216.79 | 41.93 |
| M-X | 1049.18 | 1095.52 | 1141.86 | 1188.20 | 1234.54 | 1280.88 | 1327.22 | 46.34 |
| M-XI | 1112.13 | 1161.25 | 1210.37 | 1259.49 | 1308.61 | 1357.73 | 1406.85 | 49.12 |
| M-XII | 1178.86 | 1230.93 | 1283.00 | 1335.07 | 1387.14 | 1439.21 | 1491.28 | 52.07 |

SECTION 11. The fourth paragraph of section 14 of chapter 78 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following two sentences:— The director and deputy director shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty. The director and deputy director shall receive such other perquisites as the board may approve.

SECTION 12. Any person serving in a position allocated to the salary schedule provided for in section forty-six of chapter thirty of the General Laws immediately prior to the effective date of section seven of this act shall, as of said effective date, be placed in the lowest step-in-range in the grade to which such position is allocated which, as of said effective date, will yield a rate greater than or equal to the sum of (i) the rate payable to such person immediately prior to said effective date and (ii) the increment payable in such grade immediately prior to said effective date; provided, however, that no such person shall be placed at a step-in-range which is more than one step lower than the step-in-range in which such person served immediately prior to said effective date. For the purposes of determining eligibility for the step-increments provided for in said section seven, any such person serving in the maximum step-in-range on or before said effective date shall be deemed to have been serving at the step-in-range in which they are placed pursuant to this section from the date of said effective date. Any person entering service in a position allocated to said schedule subsequent to said effective date but prior to the effective date of this act shall, as of the effective date of said section seven, be placed in a new step-in-range in accordance with the provisions of this section, using the rate payable to such person as of said entrance date.

SECTION 13. Any person serving in a position allocated to the salary schedule provided for in section forty-six of chapter thirty of the General Laws immediately prior to the effective date of section eight of this act shall, as of said effective date, be placed in the lowest step-in-range in the grade to which such position is allocated which, as of said effective date, will yield a rate greater than or equal to the sum of (i) the rate payable to such person immediately prior to said effective date and (ii) the increment payable in such grade immediately prior to said effective date; provided, however, that no such person shall be placed at a step-in-range which is more than one step lower than the step-in-range in which such person served immediately prior to said effective date. For the purposes of determining eligibility for the step-increments provided for in said section eight, any such person serving in the maximum step-in-range on or before said effective date shall be deemed to have been serving at the step-in-range in which they are placed pursuant to this section from the date of said effective date.

SECTION 14. Any person serving in a position allocated to the salary schedule provided for in section forty-six C of chapter thirty of the General Laws immediately prior to the effective date of section nine of this act shall, as of said effective date, be placed in the lowest step-in-range in the grade to which such position is allocated which, as of said effective date, will yield a rate greater than or equal to the sum of (i) the rate payable to such person immediately prior to said effective date and (ii) the increment payable in such grade immediately prior to said effective date less four dollars; provided, however, that no such person shall be placed at a step-in-range which is more than one step

lower than the step-in-range in which such person served immediately prior to said effective date. For the purposes of determining eligibility for the step-increments provided for in said section nine, any such person serving in the maximum step-in-range on or before said effective date shall be deemed to have been serving at the step-in-range in which they are placed pursuant to this section from the date of said effective date. Any person entering service in a position allocated to said schedule subsequent to said effective date but prior to the effective date of this act shall, as of the effective date of said section nine, be placed in a new step-in-range in accordance with the provisions of this section, using the rate payable to such person as of said entrance date.

SECTION 15. Any person serving in a position allocated to the salary schedule provided for in section forty-six C of chapter thirty of the General Laws immediately prior to the effective date of section ten of this act shall, as of said effective date, be placed in the lowest step-in-range in the grade to which such position is allocated which, as of said effective date, will yield a rate greater than or equal to the sum of (i) the rate payable to such person immediately prior to said effective date and (ii) the increment payable in such grade immediately prior to said effective date less four dollars; provided, however, that no such person shall be placed at a step-in-range which is more than one step lower than the step-in-range in which such person served immediately prior to said effective date. For the purposes of determining eligibility for the step-increments provided for in said section ten, any such person serving in the maximum step-in-range on or before said effective date shall be deemed to have been serving at the step-in-range in which they are placed pursuant to this section from the date of said effective date.

SECTION 16. The personnel administrator is hereby authorized and directed to establish a plan for the implementation of a merit-based pay program for managers employed by the commonwealth. Said plan shall provide for the use of merit-based bonuses and other salary increments, to be based on the standard performance evaluation system prescribed by said administrator, and for such bonus or other increments to be in addition to such other longevity-based or cost-of-living salary adjustments as may be provided by law. Said plan shall provide for the implementation of such a merit-based pay program not later than July first, nineteen hundred and eighty-seven; provided, however, that no such merit-based pay program shall take effect except upon the appropriation of funds for the express purposes thereof. Said administrator shall make a report of said plan, together with drafts of any legislation, necessary to effect said plan, by filing the same with the clerk of the house of representatives who shall forward copies to the house and senate committees on ways and means and the joint committee on public service, not later than September first, nineteen hundred and eighty-six.

SECTION 17. The personnel administrator is hereby authorized and directed to conduct a study of the job responsibilities and compensation of all positions, except those positions, the salaries of which are set by statute or pursuant to the provisions of chapter one hundred and fifty E of the General Laws, in the office of the board of regents, as set forth in section four of chapter fifteen A of the General Laws, the office of the inspector general, as set forth in chapter twelve A of the General Laws, and the council on arts and humanities, as set forth in sections forty and forty-one of said chapter fifteen A. Said personnel administrator shall report the results of said study by filing the same with the secretary of administration and the house and senate committees on ways and means not later than October first, nineteen hundred and eighty-six. Said report shall include recommendations as to appropriate levels of compensation for such personnel commensurate with the salaries payable to comparable personnel subject to the provisions of sections forty-five and forty-six C of chapter thirty of the General Laws.

SECTION 18. When any of the personnel referred to in section one, two, two A, three, four, six or eleven of this act whose salary prior to July sixth, nineteen hundred and eighty-six, was set by law is initially placed in a step-in-range in one of the Job Groups in the job classification and pay plan provided for in section forty-six or forty-six C of chapter thirty of the General Laws, such personnel shall be placed in the step-in-range which corresponds to his time in service in the office or position which he held as of July fifth, unless the provisions of section nineteen of this act shall apply.

SECTION 19. If on July fifth, nineteen hundred and eighty-six, any of the state personnel referred to in section one, two, two A, three, four, six or eleven of this act is receiving a salary set by law which is greater than the salary provided for in the step-in-range in the Job Group of the job classification and pay plan provided for in section forty-six or forty-six C of chapter thirty of the General Laws, to which the office or position occupied by said state personnel has been allocated, the said state personnel shall receive a salary under the said plan which is nearest to the rate then paid but at least equal to the salary to which he was entitled on said July fifth; provided, however, that if any such state personnel is receiving a salary so set by law which is higher than any salary provided in the Job Group to which his position has been allocated in the said plan, the said state personnel shall receive a salary which is no less than the one to which he was entitled on said July fifth. When the appointment or term of such state personnel expires or if the said state personnel vacates the position for any reason, his successor in such position shall be paid a salary in accordance with the position allocation then in effect.

SECTION 20. The personnel administrator shall establish, not later than September first, nineteen hundred and eighty-six, a plan for the

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implementation of the incentive pay provisions set forth in section five of this act. Said plan shall be filed, with the approval of the commissioner of administration and finance, with the clerk of the house of representatives who shall forward copies to the house and senate committees on ways and means and with the joint committee on public service. Said plan shall provide for the implementation of such incentive pay provisions not later than July first, nineteen hundred and eighty-seven, provided that no such incentive pay provisions shall be implemented in any fiscal year unless funds have been appropriated for the express purposes thereof.

SECTION 21. Sections seven and nine of this act shall take effect as of June thirtieth, nineteen hundred and eighty-five. Sections one, two, two A, three, six, eight, ten, and eleven shall take effect as of July sixth, nineteen hundred and eighty-six. All other sections shall take effect upon their passage.

Approved July 14, 1986.

EMERGENCY LETTER: July 17, 1986. @ 9:12 A.M.

Chapter 218. AN ACT RELEASING A CERTAIN CONSERVATION RESTRICTION.

Be it enacted, etc., as follows:

SECTION 1. The town of Dennis, acting through its board of selectmen, is hereby authorized to release the conservation restriction No. 3748/120 granted to said town by Robert N. Crowell et ux by instrument dated December twenty-seventh, nineteen hundred and eighty-two.

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

Approved July 15, 1986.

Chapter 219. AN ACT AUTHORIZING THE TRANSFER OF A CERTAIN PARCEL OF CITY OWNED LAND LOCATED IN THE CITY OF TAUNTON TO THE TAUNTON HOUSING AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter four of the acts of nineteen hundred and twenty-one or any other general or special law or restriction to the contrary, the city of Taunton is hereby authorized to convey to the Taunton Housing Authority a certain parcel of land, and buildings on Middleboro avenue in said city of Taunton, on which is situated the Caswell school.

Said land and building shall be used by said authority for the purpose of constructing and maintaining housing for the elderly and the frail;

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provided that should such property not be used for said purposes, it shall revert to the city of Taunton, free of all restrictions.

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

Approved July 15, 1986.

Chapter 220. AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO REIMBURSE WILLIAM AMES OF THE TOWN OF GOSHEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the department of public works is hereby authorized and directed to reimburse from any available funds William Ames of the town of Goshen the sum of four thousand four hundred and seventy-four dollars and sixty-seven cents for costs incurred in drilling a new water supply well in September, nineteen hundred and eighty-four to replace a salt contaminated well.

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

Approved July 15, 1986.

Chapter 221. AN ACT EXEMPTING THE POSITION OF OFFICE CLERK IN THE OFFICE OF THE ZONING BOARD OF APPEALS IN THE CITY OF TAUNTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of office clerk in the office of the zoning board of appeals in the city of Taunton shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of office clerk in the office of the zoning board of appeals in the city of Taunton on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Approved July 15, 1986.

Chapter 222. AN ACT FURTHER REGULATING THE FUNDING OF GOVERNMENTAL COLLECTIVE BARGAINING AGREEMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately improve the process of collective bargaining of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 7 of chapter 150E of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "estimate", in line 35, the following words:– ; provided, further, that every such employer shall append to such request copies of each said collective bargaining agreement, together with documentation and analyses of all changes to be made in the schedules of permanent and temporary positions required by said agreement.

Approved July 15, 1986.

Chapter 223. AN ACT AUTHORIZING THE TOWN OF KINGSTON TO GRANT AN EASEMENT IN PARK LAND IN SAID TOWN TO PERMIT INSTALLATION AND MAINTENANCE OF SEWERS.

Be it enacted, etc., as follows:

SECTION 1. The town of Kingston, acting by and through its board of selectmen, is hereby authorized to grant an easement to permit installation and maintenance of interceptor and lateral sewers appurtenances through and across Gray's Beach park.

Said easement shall consist of the following four parcels: A permanent easement boundaries described as follows:–

Beginning at a point on the easterly side of Howlands Lane, N 45° – 44' – 00" E 32.15 feet from the northerly side of the Massachusetts Bay Transportation Authority Right of Way;

Thence, N 45° – 44' – 00" E, by the easterly side of Howlands Lane, thirty-three and eighty-five hundredths (33.85) feet, to an angle point in Howlands Lane;

Thence, N 81° – 57' – 00" E, ninety-four and forty-one hundredths (94.41) feet;

Thence, S 54° – 12' – 00" E, five hundred forty-eight and sixty-six hundredths (548.66) feet, to land of Richard T., Mark R. and Brian T. Guidoboni;

Thence, S 43° – 44' – 00" W, by land of Richard T., Mark R. and Brian T. Guidoboni, twenty and nineteen hundredths (20.19) feet;

Thence, N 54° – 12' – 00" W, two hundred forty-seven and seventy-four

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hundredths (247.74) feet;

Thence, S 09° – 55' – 00" E, nineteen and fifty-eight hundredths (19.58) feet;

Thence, S 40° – 56' – 00" W, sixty-six and thirty-two hundredths (66.32) feet, to the northerly side of Massachusetts Bay Transportation Authority Right of Way;

Thence, N 58° – 45' – 00" W, by the Massachusetts Bay Transportation Authority Right of Way, twenty and twenty-nine hundredths (20.29) feet;

Thence, N 40° – 56' – 30" E, sixty and twenty-three hundredths (60.23) feet;

Thence, N 09° – 55' – 00" W, thirty and fifty-seven hundredths (30.57) feet;

Thence, N 54° – 12' – 00" W, two hundred sixty-one and forty-four hundredths (261.44);

Thence, S 81° – 57' – 00" W, one hundred thirteen and sixty-seven hundredths (113.67) feet to the point of beginning, and containing 14,713 square feet as shown on Easement Plan by Whitman & Howard, Inc. dated May 5, 1986.

Also included, is a 5' Temporary Construction Easement located on the northerly side of the permanent easement and two 10' Temporary Construction Easement on the southerly side of the permanent easement as shown on said plan.

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

Approved July 15, 1986.

Chapter 224. AN ACT ESTABLISHING THE OFFICE OF TREASURER-COLLECTOR OF TAXES IN THE TOWN OF STOW.

Be it enacted, etc., as follows:

SECTION 1. The office of treasurer-collector in the town of Stow is hereby established. Said treasurer-collector shall be appointed by the board of selectmen of said town for a term not to exceed three years and shall perform all duties hereinbefore performed by the treasurer and tax collector of said town and shall have such other powers and duties as may from time to time be established. Said town may establish by by-law such qualifications for such office as deemed necessary and appropriate, otherwise such qualifications shall be established by the selectmen. Any vacancy in said office shall be filled in like manner for the unexpired portion of such term. The person so appointed shall take office upon the resignation or expiration of the terms of the treasurer and tax collector then holding office.

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

Approved July 15, 1986.

Chapter 225. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT A PERMANENT EASEMENT IN THE BLUE HILLS RESERVATION TO THE TOWN OF MILTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the division of capital planning and operations to grant a permanent easement in the Blue Hills Reservation to the town of Milton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations, acting for and on behalf of the commonwealth is hereby authorized, in accordance with the provisions of sections forty E to forty J, inclusive, of chapter seven of the general Laws, in consultation with the metropolitan district commission, to grant a permanent easement to the town of Milton, by deed approved as to form by the attorney general, upon such terms and conditions as may be acceptable to the metropolitan district commission and the division of capital planning and operations.

Said easement is situated in said town of Milton, contains 52,774 square feet of land and is bounded and described as follows:-

Beginning at a point on the South side of Hillside Street 81.16 feet Easterly from the Northwest corner of the M.D.C. property thence running along said Hillside Street N 85-09-30 E for a distance of 100.00 feet; thence turning and running S 04-50-30 E a distance of 20.0 feet; thence turning and running S 74-51-30 E a distance of 269.20 feet; thence turning and running S 04-50-30 E a distance of 120.00 feet; thence turning and running N 85-09-30 E a distance of 58.08 feet; thence turning and running S 01-52-10 W a distance of 141.97 feet; thence turning and running S 04-50-30 E a distance of 230.00 feet; thence turning and running S 88-40-00 E a distance of 306.48 feet; thence turning and running S 15-06-15 E a distance of 41.69 feet; thence turning and running N 88-40-00 W a distance of 354.18 feet; thence turning and running N 04-50-30 W a distance of 263.46 feet; thence turning and running N 01-52-10 E a distance of 73.00 feet; thence turning and running N 51-00-33 W a distance of 69.20 feet; thence turning and running N 04-50-30 W a distance of 115.00 feet; thence turning and running N 74-51-30 W a distance of 263.41 feet; thence turning and running S 85-09-30 W a distance of 65.45 feet; thence turning and running S 62-01-04 W a distance of 100.41 feet; thence turning and running N 02-17-02 E a distance of 23.15 feet; thence turning and running N 62-01-04 E a distance of 97.29 feet; thence turning and running N 04-50-30 W a distance of 28.25 feet to the point of beginning. Said parcel is shown on a plan entitled "Town of Milton Plan Showing Proposed Easement for Sanitary Sewer – Houghton's Pond

ACTS, 1986. -- Chaps. 226, 227.

Area" dated January 28, 1986 by Paul D. Kanter, Town Engineer.

SECTION 2. This act shall take effect on June first, nineteen hundred and eighty-six.

Approved July 15, 1986.

Chapter 226. AN ACT AUTHORIZING AN ADDITIONAL TIME PERIOD FOR THE TOWN OF BOXBOROUGH TO ADD OMITTED PROPERTY TO THE TAX LIST FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-FIVE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section seventy-five of chapter fifty-nine of the General Laws or any other general or special law to the contrary, if any portion of the real or personal estate of a person, to an amount not less than one hundred dollars and liable to taxation, has been omitted from the annual assessment of taxes for fiscal year nineteen hundred and eighty-five by the town of Boxborough, the assessors for said town shall, at such time as the commissioner of revenue may in writing approve, but not later than December thirty-first, nineteen hundred and eighty-six, assess such person for such estate. Valuations of all or a portion of any estate attributable to clerical or data processing errors shall be construed as omitted assessments and be subject to the provisions of this act. The taxes so assessed shall be entered on the fiscal year nineteen hundred and eighty-five tax list of the collector for said town who shall collect and pay over the same. The assessors of said town shall also deliver to the collector their warrants for the collection of all taxes so entered on the tax list. Such additional assessment shall not render the tax of said town invalid although its amount, in consequence thereof, shall exceed the amount authorized by law to be raised.

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

Approved July 15, 1986.

Chapter 227. AN ACT DESIGNATING THE PUMPING STATION AT BELLE ISLE IN THE CITY OF REVERE AS THE ALFRED H. LONG PUMPING STATION.

Be it enacted, etc., as follows:

SECTION 1. The Belle Isle pumping station in the city of Revere shall be designated and known as the Alfred H. Long pumping station. Suitable markers bearing said designation shall be attached thereto by the metropolitan district commission.

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

Approved July 15, 1986.

Chapter 228. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY CERTAIN LAND IN THE CITY OF SOMERVILLE FOR THE CONSTRUCTION OF A BRIDGE FOR EASTERN ROUTE RAIL OVER THE MYSTIC RIVER.

Be it enacted, etc., as follows:

The division of capital planning and operations is hereby authorized, in the name of and on behalf of the commonwealth, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey by an instrument, approved as to form by the attorney general, to the Massachusetts Bay Transportation Authority certain land currently controlled by the metropolitan district commission located between the eastern route commuter rail and the Amelia Earhart Dam on the Somerville, Charlestown line, in the city of Somerville for transportation purposes, bounded and described as follows:

Beginning at a point at the southwesterly corner of the herein described premises;

thence running by a curve to the left, having a radius of 6558.00 feet, a distance of 383.50 feet to a point;

thence running N04°-30'-00"W, a distance of 76.09 feet to a point;

thence turning and running N0°-01'-19"W, a distance of 247.52 feet to a point;

thence turning and running S10°-02'-21"E, a distance of 320.00 feet to a point;

thence turning and running S84°-45'-19"E, a distance of 87.00 feet to a point;

thence turning and running N40°-33'-59"E, a distance of 500.00 feet to a point;

thence turning and running S22°-13'-21"E, a distance of 157.42 feet to a point;

thence turning and running S40°-33'-59"W, a distance of 364.37 feet to a point;

thence turning and running by a curve to the right, having a radius of 548.69 feet, a distance of 97.79 feet to a point;

thence running S40°-33'-59"W, a distance of 217.89 feet to a point;

thence running by a curve to the left, having a radius of 598.69 feet, a distance of 116.78 feet to the point of beginning.

Containing about one hundred twenty-five thousand six hundred sixty-three square feet of land more or less.

ACTS, 1986. – Chaps. 229, 230.

Consideration to be paid for said transfer shall be one dollar. The Massachusetts Bay Transportation Authority shall be granted a temporary right of access over property under the jurisdiction of the metropolitan district commission and adjacent to the property described above, subject to the terms and conditions prescribed by the deputy commissioner of capital planning and operations, in consultation with the metropolitan district commission.

Approved July 15, 1986.

Chapter 229. AN ACT PROVIDING THAT CHIEF WARREN O. PAGE MAY CONTINUE EMPLOYMENT WITH THE FIRE DEPARTMENT OF THE CITY OF NEWBURYPORT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Warren O. Page, chief of the Newburyport fire department is hereby authorized to continue in such position until and including June thirtieth, nineteen hundred and eighty-eight; provided, however, that he is mentally and physically capable of performing the duties of his office or position; and provided, further, that he shall, annually, at his own expense, be examined by an impartial physician designated by the Newburyport retirement board to determine such capability. No further deduction shall be made from regular compensation of said employee under provisions of chapter thirty-two of the General Laws for service subsequent to June thirtieth, nineteen hundred and eighty-six, and upon retirement said employee shall receive a superannuation retirement allowance equal to that which he would have been entitled to had he retired on said date.

SECTION 2. The provisions of this act shall take effect as of June thirtieth, nineteen hundred and eighty-six.

Approved July 15, 1986.

Chapter 230. AN ACT RELATIVE TO THE REPORTING OF CERTAIN CHILD ABUSE CASES.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the first paragraph of section 51A of chapter 119 of the General Laws, as amended by chapter 209 of the acts of 1985, is hereby further amended by inserting after the word "worker", in line 6, the following words:– or any person paid to care for or work with a child in any public or private facility, or home or program funded by the commonwealth or licensed pursuant to the

ACTS, 1986. – Chaps. 231, 232.

provisions of chapter twenty-eight A, which provides day care or residential services to children.

SECTION 2. Said section 51A of said chapter 119 is hereby further amended by inserting after the fourth paragraph the following paragraph:–

No employer of those persons required to report pursuant to this section shall discharge, or in any manner discriminate or retaliate against, any person who in good faith makes such a report, testifies or is about to testify in any proceeding involving child abuse or neglect. Any such employer who discharges, discriminates or retaliates against such a person shall be liable to such person for treble damages, costs and attorney's fees.

Approved July 15, 1986.

Chapter 231. AN ACT CLARIFYING THE REPORTING PROCEDURES FOR THE TREATMENT OF BURN INJURIES.

Be it enacted, etc., as follows:

Section 12A of chapter 112 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "located", in line 10, the words:– or, in the case of burn injuries, notification shall be made at once to the commissioner of public safety and to the police of the town where the burn injury occurred.

Approved July 15, 1986.

Chapter 232. AN ACT FURTHER REGULATING THE LAW OF THE ROAD.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 2 of chapter 89 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 7, the word "audible" and inserting in place thereof the word:– visible.

SECTION 2. The second paragraph of section 8 of said chapter 89, as so appearing, is hereby amended by striking out, in line 20, the words "a right turn or" and inserting in place thereof the words:– either (1) a right turn or (2).

Approved July 15, 1986.

Chapter 233. AN ACT PROHIBITING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT BONDS TO COMPANIES DOING BUSINESS IN SOUTH AFRICA.

Be it enacted, etc., as follows:

The third paragraph of subsection (2) of section 12 of chapter 40D of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following clause:–

(1) the sponsor of the project does not do business in the Union of South Africa.

Approved July 15, 1986.

Chapter 234. AN ACT PROVIDING THAT THE NAME OF THE VICTIM OF A RAPE MAY BE WITHHELD FROM PUBLIC DISCLOSURE.

Be it enacted, etc., as follows:

Chapter 265 of the General Laws is hereby amended by inserting after section 24B the following section:–

Section 24C. That portion of the records of a court or any police department of the commonwealth or any of its political subdivisions, which contains the name of the victim in an arrest, investigation or complaint for rape or assault with intent to rape under section twenty-two, twenty-two A, twenty-three, twenty-four or twenty-four B, inclusive, of chapter two hundred and sixty-five, shall be withheld from public inspection, except with the consent of a justice of such court where the complaint or indictment is or would be prosecuted.

Said portion of such court record or police record shall not be deemed to be a public record under the provisions of section seven of chapter four.

Approved July 15, 1986.

Chapter 235. AN ACT DESIGNATING THE POWER PLANT BUILDING AT THE PAUL A. DEVER STATE SCHOOL AS THE EDMUND J. SULLIVAN POWER PLANT.

Be it enacted, etc., as follows:

The power plant building, so-called, located on the grounds of the Paul A. Dever state school in the city of Taunton, shall be designated and known as the Edmund J. Sullivan power plant. A suitable marker bearing said designation shall be attached at the entrance thereof by the department of mental health.

Approved July 15, 1986.

Chapter 236. AN ACT DESIGNATING A CERTAIN BUILDING AT THE PAUL A. DEVER STATE SCHOOL AS THE GERALDINE OUELLETTE ACTIVITY CENTER.

Be it enacted, etc., as follows:

The recreation building, so-called, located on the grounds of the Paul A. Dever state school in the city of Taunton shall be designated and known as the Geraldine Ouellette activity center. A suitable marker bearing said designation shall be attached at the entrance thereof by the department of mental health.

Approved July 15, 1986.

Chapter 237. AN ACT PROHIBITING TWO-WAY MIRRORS AND ELECTRONIC CAMERAS IN DRESSING ROOMS OF RETAIL CLOTHING STORES.

Be it enacted, etc., as follows:

Chapter 93 of the General Laws is hereby amended by adding the following section:–

Section 89. No person who owns or operates a retail establishment selling clothing shall maintain in a dressing room a two-way mirror or electronic video camera or a similar device capable of filming or projecting an image of a person inside such dressing room. Whoever violates the provisions of this section shall be punished by a fine of one hundred dollars.

Approved July 15, 1986.

Chapter 238. AN ACT REQUIRING THE COMMISSIONER OF REVENUE TO INCLUDE UNEMPLOYMENT TAXES ON CERTIFICATES OF GOOD STANDING ISSUED FOR SELLERS OF BUSINESSES.

Be it enacted, etc., as follows:

Paragraph (a) of section 44 of chapter 62C of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:– Said certificate shall also indicate that the seller's obligations to the Employment Security Fund pursuant to section fourteen of chapter one hundred and fifty-one A are not included on said certificate.

Approved July 15, 1986.

ACTS, 1986. – Chaps. 239, 240, 241.

Chapter 239. AN ACT AUTHORIZING THE TOWN OF SUNDERLAND TO ACQUIRE CERTAIN LAND IN THE TOWN OF LEVERETT FOR AQUIFER PURPOSES.

Be it enacted, etc., as follows:

For the purpose of undertaking an aquifer protection program by the town of Sunderland, said town is hereby authorized to acquire certain land or to purchase development restrictions on said land, located in the town of Leverett as shown on plan of Long Plain Aquifer dated December, nineteen hundred and eighty-five drawn by G. Rogers which is on file in the office of the board of selectmen of said town of Sunderland.

Nothing in this act shall prevent the town of Leverett from developing a municipal water supply on said lands.

Approved July 15, 1986.

Chapter 240. AN ACT IMPROVING THE PROCEDURE FOR FILING A HOME RULE CHARTER ADOPTION OR REVISION PETITION.

Be it enacted, etc., as follows:

Section 3 of chapter 43B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following two paragraphs:–

The sheets constituting a petition need not be filed at the same time. For the purposes of this section and of section three of said Article LXXXIX, such a petition shall be deemed to be filed whenever the persons responsible for its filing notify the board in writing that the filing is complete. Before receiving such notice, the board may, but shall not be required to, certify signatures on the sheets of the petition already filed.

Objections to the sufficiency and validity of the signatures on any such petition as certified by the board of registrars of voters shall be made in the same manner as provided by section seven of chapter fifty-five B, within two working days after the filing of the aforementioned certification report by the board.

Approved July 15, 1986.

Chapter 241. AN ACT PROVIDING FOR THE CONFIDENTIALITY OF HTLV-III TESTS.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 70E the following section:–

ACTS, 1986. – Chap. 242.

Section 70F. No health care facility, as defined in section seventy E, and no physician or health care provider shall (1) test any person for the presence of the HTLV-III antibody or antigen without first obtaining his written informed consent; (2) disclose the results of such test to any person other than the subject thereof without first obtaining the subject's written informed consent; or (3) identify the subject of such tests to any person without first obtaining the subject's written informed consent.

No employer shall require HTLV-III antibody or antigen tests as a condition for employment.

Whoever violates the provisions of this section shall be deemed to have violated section two of chapter ninety-three A.

For the purpose of this section "written informed consent" shall mean a written consent form for each requested release of the results of an individual's HTLV-III antibody or antigen test, or for the release of medical records containing such information. Such written consent form shall state the purpose for which the information is being requested and shall be distinguished from written consent for the release of any other medical information, and for the purpose of this section "HTLV-III test" shall mean a licensed screening antibody test for the human T-cell lymphotropic virus type III.

Approved July 15, 1986.

Chapter 242. AN ACT RELATIVE TO THE RETIREMENT CONTRIBUTIONS OF JOSEPH LENCKI, A MEMBER OF THE CAMBRIDGE RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule to the contrary, solely for the purpose of determining the rate of withholding required by paragraph (b) of subdivision (1) of section twenty-two of chapter thirty-two of the General Laws, Joseph Lencki, a police officer in the city of Cambridge, shall be deemed to have entered the service of said city on September twenty-sixth, nineteen hundred and seventy-four.

The retirement system of the city of Cambridge is hereby authorized and directed to pay to said Joseph Lencki in one sum the amount equal to the difference between (i) the amounts actually withheld from the compensation of said Joseph Lencki and deposited in the annuity savings fund of said system; and (ii) the amounts which would have been withheld had said Joseph Lencki become a member in service of said system on said date, together with regular interest on said difference, as determined by the Division of Public Employee Retirement Administration.

Approved July 15, 1986.

Chapter 243. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE CERTAIN PARCELS OF PUBLIC LAND IN THE TOWN OF NORTH ANDOVER AND TO TRANSFER THE CARE, CUSTODY AND CONTROL OF SAID PARCELS TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

The division of capital planning and operations is hereby authorized to acquire by eminent domain, purchase or otherwise, on behalf of the commonwealth, two parcels of land in the town of North Andover belonging to the Lawrence municipal airport commission and to transfer the care, custody and control of said parcels to the department of public works for highway purposes. Said parcels of land are more particularly described as follows:

PARCEL NO. 1. Beginning at station 45 + N11, twenty-four (24) feet left, at a point on the westerly sideline of Osgood Street (state auto route 125), in the town of North Andover;

Thence running northerly about one thousand six (1,006) feet by the westerly sideline of Osgood Street to Holt Road;

Thence turning westerly and running about four hundred fifty (450) feet by the southerly sideline of Holt Road to a point;

Thence turning and running easterly and southerly along an arc, radius one hundred sixty (160) feet, about one thousand three hundred ten (1,310) feet by other land of the Lawrence Municipal Airport Commission, to the point of beginning.

Containing in all about one and twenty-seven hundredths (1.27) acres of land, more or less.

PARCEL NO. 2. Beginning at about station 54 + N26, twenty-four (24) feet right, at a point on the easterly sideline of Osgood Street (state auto route 125), in the town of North Andover;

Thence running northerly along an arc, radius one thousand three hundred sixty (1,360) feet, about four hundred fifty-eight (458) feet to a point;

Thence turning easterly and running about two hundred twenty-five (225) feet;

Thence turning southwesterly and running about two hundred forty-six (246) feet, to the point of beginning.

Containing in all about sixty-nine hundredths (.69) acres of land, more or less.

The above-described parcels of land are shown on a plan entitled: "North Andover - 1961 Alteration Layout No. 5078 M.D.P.W. 11-7-85 Revised 3-30-86", which plan shall be on file with the chief engineer of the said department of public works.

Approved July 15, 1986.

**Chapter 244. AN ACT MAKING CERTAIN CHANGES IN THE
CO-OPERATIVE BANK INVESTMENT FUND.**

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 167F of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out paragraph 2 and inserting in place thereof the following paragraph:–

2. Shares of Certain Bank Investment Funds – In the shares of beneficial interest of the Savings Bank Investment Fund and the Co-operative Bank Investment Fund; provided, however, that no such corporation shall invest in any such shares of any class representing a beneficial interest in any distinct investment fund consisting in whole or in part of equity securities (a) if the cost thereof added to the cost of such shares of an equity fund already owned shall exceed fifty per cent of the total of one capital stock and surplus account for a stock corporation or the surplus account for a thrift institution, or (b) if the cost thereof added to the amount already invested in such shares of such equity fund and in stocks shall exceed the total of such capital stock and surplus account for a stock corporation or surplus account for a thrift institution; and provided, further, that a corporation may invest in any such shares of any class representing a beneficial interest in any distinct investment fund which is not an equity fund to an amount in excess of one hundred per cent of the capital stock and surplus account of a stock corporation or to an amount in excess of one hundred per cent of the surplus account of a thrift institution except insofar as the commissioner may by regulation set limits and conditions on the amount which may be invested in such shares.

SECTION 2. The third paragraph of section 7 of chapter 45 of the acts of 1932, as most recently amended by section 80 of chapter 371 of the acts of 1983, is hereby further amended by adding the following sentence:– The assets of the Reserve Fund may be invested in the Co-operative Bank Investment Fund established by chapter four hundred and eighty-two of the acts of nineteen hundred and eighty-four; provided, however, that such investment shall not exceed at any one time twenty per cent of the assets of the Reserve Fund.

SECTION 3. Chapter 482 of the acts of 1984 is hereby amended by striking out section 1 and inserting in place thereof the following section:–

Section 1. The directors of the Co-operative Central Bank, established by chapter forty-five of the acts of nineteen hundred and thirty-two, hereinafter called the incorporators, are hereby constituted a corporation under the name of the Co-operative Bank Investment Fund, hereinafter referred to as the corporation. The successors from

time to time of such directors shall, for the purposes of this act, be incorporators in place of their predecessors. The purpose of the corporation shall be to hold, invest, reinvest, and manage, one or more mutual investment funds, which shall include all property of the corporation, to be derived from voluntary subscription thereto made by co-operative banks now or hereafter during said term established under the laws of the commonwealth and subject to the provisions of chapter one hundred and seventy of the General Laws, hereinafter referred to as co-operative banks.

As used in this act, the term "co-operative bank" or "co-operative banks" shall include the Co-operative Banks Employees Retirement Association, the Massachusetts Co-operative Bank League, the National Consumer Co-operative Bank established pursuant to the National Consumer Co-operative Bank Act, Public Law 95-351, and the Reserve Fund of The Co-operative Central Bank, established by chapter forty-five of the acts of nineteen hundred and thirty-two; provided, however, that the subscription made by said Reserve Fund shall not exceed at any one time twenty per cent of the assets of said fund. The amount of said subscription may be regulated by the commissioner if he deems it necessary.

SECTION 4. The first paragraph of section 2 of said chapter 482 is hereby amended by striking out, in line 3, the words "seven nor more than fifteen" and inserting in place thereof the words:- five nor more than seven.

SECTION 5. Said first paragraph of said section 2 of said chapter 482 is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The office of director and any office other than director shall not be held by the same person.

SECTION 6. Section 4 of said chapter 482 is hereby amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) in public obligations authorized in sections forty-two and forty-three of chapter one hundred and sixty-eight of the General Laws in effect on June thirtieth, nineteen hundred and eighty-three and included in the list of investments pursuant to sections fifteen A of chapter one hundred and sixty-seven of the General Laws.

SECTION 7. Said section 4 of said chapter 482 is hereby further amended by striking out clause (g) and inserting in place thereof the following clause:-

(g) the corporation shall have no power to borrow money, except that the corporation shall have the power to enter into repurchase agreements and to borrow money in such amounts and upon such security as the directors deem appropriate; provided, that such agreements or

ACTS, 1986. – Chaps. 245, 246, 247.

borrowing shall not be for a term in excess of three business days.

Approved July 15, 1986.

EMERGENCY LETTER: August 7, 1986. @ 3:25 PM

Chapter 245. AN ACT RELATIVE TO THE EQUIPMENT REQUIREMENTS ON SCHOOL BUSES.

Be it enacted, etc., as follows:

Section 7B of chapter 90 of the General Laws, as amended by chapter 136 of the acts of 1985, is hereby further amended by striking out clause (12) and inserting in place thereof the following clause:—

(12) Every school bus shall be equipped with at least one interior mirror and at least two flat-surfaced rectangular exterior mirrors approved by the registrar in accordance with regulations issued by the registrar. Further, every school bus shall be equipped with a system of mirrors that give the driver a view of the roadway to each side of the bus and of the area immediately in front of the front bumper in accordance with rules and regulations issued by the registrar. All such mirrors shall meet all applicable Federal motor vehicle safety standards.

Approved July 15, 1986.

Chapter 246. AN ACT RELATIVE TO CERTAIN SCHOOL BUS SAFETY PRACTICES.

Be it enacted, etc., as follows:

Section 7B of chapter 90 of the General Laws, as amended by chapter 136 of the acts of 1985, is hereby further amended by striking out clause (15) and inserting in place thereof the following clause:—

(15) All pupils transported in a school bus shall receive classroom instruction in safe riding practices at least three times during the following periods of each school year: the first week of the school year, the period between the months of September and January and the period between the month of January and the end of the school year. During each school year all such pupils shall participate at least twice in on-bus emergency evacuation drills.

Approved July 15, 1986.

Chapter 247. AN ACT RELATIVE TO CREDIT UNIONS.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (A) of section 24 of chapter 171 of the General Laws is hereby amended by striking out paragraph 3, as appearing in the 1984 Official Edition, and inserting in place thereof the following paragraph:–

3. A credit union having assets of less than one hundred thousand dollars may make loans evidenced by the note of the borrower and secured by a pledge or security interest in satisfactory collateral valued at not more than eighty-five per cent of its market value, in amounts not exceeding five thousand dollars; and a credit union having assets of more than one hundred thousand dollars may make loans evidenced by a pledge or security interest in satisfactory collateral valued at not more than eighty-five per cent of its market value, in amounts not exceeding seven thousand five hundred dollars or one per cent of assets, whichever is greater; provided, however, that a loan based on one per cent of assets shall not exceed twenty-five thousand dollars. Each such loan made under this paragraph shall be payable within sixty months from the date of the note.

SECTION 2. Said subdivision (A) of said section 24 of said chapter 171, as so appearing, is hereby further amended by adding the following paragraph:–

6. A credit union may make a personal loan of the several classes specified in this subdivision and subject to the conditions contained therein evidenced by a note which provides for variation in the rate of interest over the term of the note; provided, that such a loan shall be subject to but not limited to the following conditions and restrictions imposed by the commissioner:

(1) the method by which the rate of interest may be adjusted;
(2) the frequency with which the rate of interest may be adjusted, provided that successive rate adjustments shall be no less than six months apart; (3) the maximum increase in the rate of interest allowed for any such adjustment; (4) provisions for decreases in the rate of interest as may be warranted by market conditions;
(5) requirements for advance notification and explanation of adjustments in the rate of interest, provided that such notification and explanation shall occur no less than thirty days prior to such adjustments; and (6) methods of disclosure to the mortgagor of the terms and conditions of the loan as required under the provisions of chapter one hundred and forty D.

Notwithstanding any provision of law to the contrary, the commissioner may by further conditions and restrictions provide that the rate of amortization may be varied, including utilizing a period of negative amortization, in order to adjust the rate of interest.

SECTION 3. Subsection (a) of subdivision (B) of said section 24 of said chapter 171, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

ACTS, 1986. – Chap. 247.

1. A mortgage loan on unimproved and unproductive real estate, not exceeding eighty per cent of the value of the real estate, payable not more than ten years from the date of the note. The amount which any such credit union may make or acquire in this class shall not exceed two per cent of the aggregate balance of the shares, deposits, loan reserve, investment reserve, undivided earnings, and any other surplus accounts of such credit union.

SECTION 4. The first sentence of paragraph 4 of said subsection (a) of said subdivision (B) of said section 24 of said chapter 171, as so appearing, is hereby amended by inserting after the word "exceed", in line 139, the words:– one hundred and.

SECTION 5. Paragraph 4A of said subsection (a) of said subdivision (B) of said section 24 of said chapter 171, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:– No loan of this class shall be made or acquired for a sum in excess of one hundred and seventy-five thousand dollars.

SECTION 6. Said subsection (a) of said subdivision (B) of said section 24 of said chapter 171, as so appearing, is hereby further amended by striking out paragraph 7 and inserting in place thereof the following paragraph:–

7. A credit union may make or acquire loans secured by a second mortgage on residential real estate for noncommercial or nonbusiness purposes to an amount which, when added to the balance due on the first mortgage, does not exceed eighty per cent of the value of the real estate as determined by the credit committee; provided, however, that such a mortgage loan shall not exceed the amount such a credit union is authorized to make to the member on the first mortgage loan. Such loan shall be repaid within a period of not more than twenty-five years from the date of the note. The aggregate amount of loans made by such credit union pursuant to this paragraph shall not exceed ten per cent of its assets.

SECTION 7. Subsection (b) of said subdivision (B) of said section 24 of said chapter 171 is hereby amended by striking out paragraph 4, as so appearing, and inserting in place thereof the following paragraph:–

4. Each loan shall be on real estate situated within the commonwealth or within a radius of fifty miles of the credit union office without regard to geographical location.

SECTION 8. Paragraph 8 of said subsection (b) of said subdivision (B) of said section 24 of said chapter 171, as amended by chapter 331 of the acts of 1985, is hereby further amended by striking out the second

ACTS, 1986. – Chap. 248.

paragraph and inserting in place thereof the following paragraph:–

Except as may be otherwise specified in subsection (a), a credit union having assets of four million dollars or more, may loan, upon any one parcel of real estate, an amount not exceeding one hundred and seventy-five thousand dollars, and the total liability of any one member as borrower upon loans so secured shall not exceed three hundred thousand dollars.

SECTION 9. Paragraph 13 of said subsection (b) of said subdivision (B) of said section 24 of said chapter 171, as amended by chapter 508 of the acts of 1985, is hereby further amended by adding the following paragraph:–

Subject to the provisions above, a credit union having assets of not more than four million dollars may loan, upon any one such unit of real estate, an amount not exceeding seventy-five thousand dollars, and the total liabilities of any one member as borrower upon loans so secured shall not exceed one hundred and twenty thousand dollars. A credit union having assets of four million dollars or more may loan, upon any one such unit of real estate, an amount not exceeding one hundred and seventy-five thousand dollars, and the total liabilities of any one member as borrower upon loans so secured shall not exceed three hundred thousand dollars.

Approved July 15, 1986.

Chapter 248. AN ACT RELATIVE TO THE PENALTIES FOR FAILING TO STOP FOR A SCHOOL BUS.

Be it enacted, etc., as follows:

Section 14 of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the fifth sentence and inserting in place thereof the following two sentences:– Any person who violates the provisions of the preceding sentence shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars; and for a second offense committed within two years of his prior offense, by a fine of not less than three hundred dollars nor more the four hundred dollars; and for a third or subsequent offense committed within four years of the earlier of his two most recent prior offenses, by a fine of not less than five hundred dollars nor more than one thousand dollars. A second conviction or third or subsequent conviction as set forth in the preceding sentence shall be reported forthwith by the court or magistrate to the registrar who shall revoke immediately the license or right to operate of the person so convicted and no appeal, motion for a new trial or exceptions, shall operate to stay the revocation of the license or right to operate; provided, however, that no license or right to

ACTS, 1986. – Chaps. 249, 250.

operate shall be issued by the registrar to any person convicted of a second such offense until thirty days after the date of revocation following said conviction or to any person convicted of a third or subsequent such offense until one year after the date of revocation following said conviction; and, provided further, that if the prosecution against such person has terminated in his favor the registrar shall forthwith reinstate his license or right to operate.

Approved July 15, 1986.

Chapter 249. AN ACT REQUIRING PHARMACEUTICAL COMPANIES TO INCLUDE PRENATAL CARE INFORMATION WITH SELF-ADMINISTERED PREGNANCY TEST KITS.

Be it enacted, etc., as follows:

Chapter 94 of the General Laws is hereby amended by inserting after section 192 the following section:–

Section 192A. The department of public health shall prescribe regulations requiring any pharmaceutical company which sells or delivers in the commonwealth self-administered pregnancy kits to include in the instructional brochures for each such kit language stressing the importance of early prenatal care and appropriate nutrition, in order to encourage pregnant women to seek medical care promptly after self-diagnosis of pregnancy.

Approved July 15, 1986.

Chapter 250. AN ACT RELATIVE TO THE CHASSIS MODEL YEAR OF SCHOOL BUSES.

Be it enacted, etc., as follows:

SECTION 1. Section 1A of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:–

No school bus shall be originally registered in the name of an applicant for registration under sections two to five, inclusive, unless the chassis model year is nineteen hundred and seventy-seven or any subsequent model year.

SECTION 2. Section 7B of said chapter 90, as amended by chapter 136 of the acts of 1985, is hereby further amended by inserting after the word "utilities", in line 117, the following clause:– ; (17) Every school bus operated on any way shall be chassis model year nineteen hundred and seventy-seven or any subsequent model year.

ACTS, 1986. – Chaps. 251, 252.

SECTION 3. Section two of this act shall take effect on August fifteenth, nineteen hundred and eighty-nine.

Approved July 15, 1986.

Chapter 251. AN ACT RELATIVE TO PARKING AREAS FOR HANDICAPPED PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Clause (23) of section 21 of chapter 40 of the General Laws, as appearing in section 1 of chapter 632 of the acts of 1985, is hereby amended by inserting after the word "state", in lines 7 and 20, the words:– or any Canadian Province,.

SECTION 2. The second paragraph of section 22 of said chapter 40, as appearing in section 2 of said chapter 632, is hereby amended by inserting after the word "state", in line 5, the words:– or any Canadian Province,.

SECTION 3. The fourth sentence of the first paragraph of section 22A of said chapter 40, as appearing in section 3 of said chapter 632, is hereby amended by inserting after the word "state", in line 8, the words:– or any Canadian Province.

SECTION 4. The first sentence of the second paragraph of said section 22A of said chapter 40, as appearing in section 4 of said chapter 632, is hereby amended by inserting after the word "state", in line 9, the words:– or any Canadian Province,.

SECTION 5. The first sentence of section 22D of said chapter 40, as appearing in section 5 of said chapter 632, is hereby further amended by inserting after the word "state", in line 20, the words:– or any Canadian Province,.

SECTION 6. Section 33 of chapter 90 of the General Laws, as amended by section 2 of chapter 778 of the acts of 1985, is hereby further amended by inserting after the penultimate paragraph the following paragraph:–

For the issuance of a special parking identification plate.

Approved July 15, 1986.

Chapter 252. AN ACT PROHIBITING CERTAIN INVESTMENTS BY THE CITY OF NEWTON IN FINANCIAL INSTITUTIONS OR CORPORATIONS DOING BUSINESS IN OR WITH THE REPUBLIC OF SOUTH AFRICA.

Be it enacted, etc., as follows:

After December thirty-first, nineteen hundred and eighty-seven, no public pension funds of the city of Newton shall be invested or remain invested, or be deposited in any bank or financial institution which directly or through its subsidiaries has outstanding loans or existing lines of credit to the Republic of South Africa or its instrumentalities and no such pension funds shall be invested or remain invested in the stocks, securities, or other obligations of any company doing business in or with the Republic of South Africa or its instrumentalities, or whose subsidiary or affiliate does business in or with South Africa or its instrumentalities, until the board of aldermen shall determine that the Republic of South Africa has abolished the apartheid policy.

Approved July 15, 1986.

Chapter 253. AN ACT FURTHER REGULATING THE ENFORCEMENT OF CERTAIN HEALTH LAWS IN THE CITY OF LYNN.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the mayor of the city of Lynn, with the approval of the city council, may appoint the inspector of the health department and such other persons as he deems necessary as officers empowered to enforce the provisions of section sixteen of chapter two hundred and seventy of the General Laws.

Approved July 15, 1986.

Chapter 254. AN ACT FURTHER REGULATING THE POWERS OF THE LYNN PARKING DEPARTMENT.

Be it enacted, etc., as follows:

Notwithstanding any other general or special law to the contrary, if any officer in the city of Lynn empowered to enforce section sixteen of chapter two hundred and seventy of the General Laws takes cognizance of a violation thereof, he may request the offender to state his name and address. Whoever, upon such request, refuses to state his name and address, may be arrested without a warrant, or if he states a false name and address or a name and address which is not his name and address in ordinary use, he shall be punished by a fine of not less than twenty nor more than fifty dollars. Such officer may, as an alternative to instituting criminal proceedings, forthwith give to the offender a written notice to appear before the clerk of the Lynn parking department having jurisdiction at any time during office hours, not later than twenty-one days after the date of such violation. Such notice shall be made in

triplicate, and shall contain the name and address of the offender and, if served with notice in hand at the time of such violation, the number of his license, if any, to operate motor vehicles; the registration number of the vehicle or motor boat involved, if any; the time and place of the violation; the specific offense charged; and the time and place for his required appearance. Such notice shall be signed by the officer, and shall be signed by the offender whenever practicable in acknowledgment that the notice has been received. The officer shall if possible deliver to the offender at the time and place of the violation a copy of said notice. Whenever it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be mailed or delivered by the officer, or by his commanding officer or any person authorized by said commanding officer, to the offender's last known address, or in the case of a violation involving a motor vehicle or motor boat registered under the laws of this commonwealth, within five days of the offense, or in the case of any motor vehicle or motor boat registered under the laws of another state or country, within ten days thereof, exclusive, in either case, of Sundays and holidays, to the address of the registrant of the motor vehicle or motor boat involved, as appearing, in the case of a motor vehicle registered under the laws of this commonwealth, in the records of the registry of motor vehicles or the division of motor boats or, in the case of a motor vehicle or motor boat registered under the laws of another state or country in the records of the official in such state or country having charge of the registration of such motor vehicle or motor boat. Such notice mailed, by the officer, his commanding officer, or the person so authorized to the last address of said registrant as appearing as aforesaid, shall be deemed a sufficient notice, and a certificate of the officer or person so mailing such notice that it has been mailed in accordance with this section shall be deemed prima facie evidence thereof and shall be admissible in any court of the commonwealth as to the facts contained therein. At or before the completion of each tour of duty the officer shall give to his commanding officer those copies of each notice of such a violation he has taken cognizance of during such tour which have not already been delivered or mailed by him as aforesaid. Said commanding officer shall retain and safely preserve one of such copies and shall, at a time not later than the next court day after said delivery or mailing, deliver another of such copies to the clerk of the Lynn parking department before whom the offender has been notified to appear. The clerk shall maintain a separate docket of all such notices to appear.

Any person notified to appear before the said clerk as hereinbefore provided may appear before such clerk and confess the offense charged, either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice, the sum provided herein, such payment to be made only by postal note, money order or check. If it is the first, second or third offense subject to this section committed by such person within the city of Lynn in the calendar year, payment to such clerk of the sum of twenty dollars shall operate as a final

ACTS, 1986. – Chap. 255.

disposition of the case; if it is the fourth or subsequent such offense so committed in such calendar year, payment to such clerk of the sum of one hundred dollars shall operate as a final disposition of the case. Proceedings under this paragraph shall not be deemed criminal; and no person notified to appear before the clerk of the Lynn parking department as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If any person notified to appear before the said clerk fails to appear and pay the fine provided hereunder or, having appeared, desires not to avail himself of the procedure hereinbefore provided for the noncriminal disposition of the case, the clerk shall, as soon as may be, notify the officer concerned, who shall forthwith make a complaint and follow the procedure established for criminal cases, and shall notify, if a motor vehicle is involved, the registrar of motor vehicles, or, if a motor boat is involved, the division of motor boats. If any person fails to appear in accordance with the summons issued upon such complaint the clerk of the district court where such complaint has been issued shall send such person by certified mail, return receipt requested, a notice that the complaint is pending and that if the person fails to appear within twenty-one days from the sending of such notice a warrant for his arrest will be issued. If any person fails to appear within twenty-one days from the sending of such notice, the court shall issue a warrant for his arrest.

The notice to appear, provided herein, shall be printed in such form as the administrative justice for the district court department may prescribe; provided, however, that a notice prepared pursuant to section twenty A or section twenty C of chapter ninety of the General Laws may be so revised or adapted that said notice may also be used for the notice provided for in this section.

Approved July 15, 1986.

**Chapter 255. AN ACT RELATIVE TO APPEALS UNDER THE
WETLAND PROTECTION BY-LAW OF THE TOWN OF
ORLEANS.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the town of Orleans is hereby authorized to establish by by-law that if its conservation commission has failed to hold a hearing within twenty-one days of filing a notice of intent under such by-law, or if said commission, after holding such hearing has failed within twenty-one days therefrom to issue an order, or if said commission, upon a written request by any person to determine whether such by-law is applicable to any work, fails within twenty-one days to make said determination, or where an order is issued by said

commission, the applicant, any person aggrieved by said commission's order or failure to act, or any ten residents of the town of Orleans may within twenty-one days of said commission's order or failure to act, appeal therefrom to the second Barnstable division of the trial court by filing a complaint with said court and by sending a copy thereof, certified mail, return receipt requested, to the town clerk and the conservation commission of the town of Orleans and if the appellant is other than the petitioner, to the petitioner, all within twenty-one days of said order or failure to act. The court shall hear all evidence pertinent to the authority and findings of said commission and determine the facts, and, upon the facts so determined, annul such decision if found to exceed the authority of said commission or make such other decree as justice and equity may require, and said court shall have equity powers sufficient to enable it to enforce the provisions of this act.

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

Approved July 16, 1986.

Chapter 256. AN ACT RELATIVE TO DETERMINING THE ELIGIBILITY OF REEMPLOYMENT ASSISTANCE BENEFITS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately determine the eligibility of reemployment assistance benefits, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 71A of chapter 151A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following definition:—

"Wages", as defined in section one and remuneration paid to an employee for employment by an employer during the previous four quarterly periods; provided, however, that for the purpose of determining eligibility for reemployment assistance benefits, remuneration shall include unemployment insurance benefits paid for weeks of unemployment occurring during said previous four quarterly periods; and provided further, that all or part of such benefits are attributable to service in the employ of the plant closing or potential plant closing employer.

SECTION 2. This act shall take effect as of January first, nineteen hundred and eighty-five.

Approved July 16, 1986.

Chapter 257. AN ACT AUTHORIZING FELIX VICTOR BEZEREDY TO TAKE A CIVIL SERVICE EXAMINATION FOR POLICE OFFICER AND FIREFIGHTER IN THE TOWN OF METHUEN NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize Felix Victor Bezerey to take a civil service examination for police officer and firefighter, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary or any rule regulating the maximum age of applicants for appointment as a police officer and firefighter, Felix Victor Bezerey shall be eligible to take the next open, competitive examination for the position of police officer and firefighter in the town of Methuen, and, provided he meets all other requirements, shall be eligible for certification and appointment.

Approved July 16, 1986.

Chapter 258. AN ACT AUTHORIZING AN ADDITIONAL TIME PERIOD FOR THE CITY OF NEWTON TO ACT ON TAX ABATEMENTS FOR FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-SEVEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixty-three of chapter fifty-nine of the General Laws or any other general or special law to the contrary, if the board of assessors of the city of Newton fail to take action on an application for abatement for taxes levied for fiscal year nineteen hundred and eighty-seven for a period of six months following the filing thereof, such board shall, within ten days after such period, notify the applicant of such inaction in writing.

SECTION 2. Notwithstanding the provisions of section sixty-four of chapter fifty-nine of the General Laws or any other general or special law to the contrary, for taxes levied for fiscal year nineteen hundred and eighty-seven, whenever the board of assessors for the city of Newton, before which an application in writing for the abatement of a tax is or shall be pending, fails to act upon said application, except with the written consent of the applicant, prior to the expiration of six months from the date of filing of such application, it shall then be deemed to be denied and said assessors shall have no further authority; to act thereon;

ACTS, 1986. – Chaps. 259, 260.

provided, however, that during the period allowed for the taking of an appeal said assessors may by agreement with the applicant abate the tax in whole or in part in final settlement of said application, and shall also have the authority; granted to them by section seven of chapter fifty-eight A of the General Laws to abate in whole or in part, any tax as to which an appeal has been seasonably taken.

SECTION 3. This act shall take effect upon its passage.

Approved July 16, 1986.

**Chapter 259. AN ACT RELATIVE TO THE ANNUAL TOWN MEETING
IN THE TOWN OF OTIS.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or town by-law to the contrary, the selectmen of the town of Otis are hereby authorized to call a new annual town election for the year nineteen hundred and eighty-six. Said election shall be held as soon as practicable in accordance with the provisions of chapter fifty-four of the General Laws and any town by-law concerning the posting of warrants for annual town elections. The names of candidates on the ballot at said election shall be identical to those at the May twenty-seventh, nineteen hundred and eighty-six annual town election. Only voters eligible to vote in said May twenty-seventh election may vote in the new election. All absent voting ballots received by the town clerk for the May twenty-seventh election shall be counted in the new election, as shall any additional absent voting ballot received before the polls close at the new election.

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

Approved July 16, 1986.

**Chapter 260. AN ACT VALIDATING THE ACTS AND PROCEDURES
OF THE SPECIAL TOWN MEETING HELD IN THE
TOWN OF DUXBURY ON JUNE TWENTY-THIRD,
NINETEEN HUNDRED AND EIGHTY-SIX.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all of the acts and proceedings of the special town meeting held in the town of Duxbury on June twenty-third, nineteen hundred and eighty-six are hereby ratified, validated and confirmed.

ACTS, 1986. – Chaps. 261, 262.

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

Approved July 16, 1986.

**Chapter 261. AN ACT VALIDATING A CERTAIN SPECIAL ELECTION
IN THE TOWN OF DUXBURY.**

Be it enacted, etc., as follows:

SECTION 1. The special election held in the town of Duxbury on May tenth, nineteen hundred and eighty-six, is hereby ratified, validated and confirmed, notwithstanding the failure to post copies of the warrant in accordance with section ten of chapter thirty-nine of the General Laws and the by-laws of said town.

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

Approved July 16, 1986.

**Chapter 262. AN ACT PROTECTING WILDLIFE UNDER THE
WETLANDS PROTECTION ACT.**

Be it enacted, etc., as follows:

SECTION 1. Section 40 of chapter 131 of the General Laws, as amended by section 44 of chapter 231 of the acts of 1985, is hereby further amended by striking out the twelfth and thirteenth paragraphs and inserting in place thereof the following two paragraphs:–

If after said hearing the conservation commission, selectmen or mayor, as the case may be, determine that the area on which the proposed work is to be done is significant to public or private water supply, to the groundwater supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish, to the protection of wildlife habitat or to the protection of fisheries, such conservation commission, board of selectmen or mayor shall by written order within twenty-one days of such hearing impose such conditions as will contribute to the protection of the interests described herein, and all work shall be done in accordance therewith. If the conservation commission, selectmen or mayor, as the case may be, make a determination that the proposed activity does not require the imposition of such conditions, the applicant shall be notified of such determination within twenty-one days after said hearing. Such order or notification shall be signed by the mayor or a majority of the conservation commission or board of selectmen, as the case may be, and a copy thereof shall be sent forthwith to the applicant and to the department.

If a conservation commission has failed to hold a hearing within the twenty-one day period as required, or if a commission, after holding such a hearing has failed within twenty-one days therefrom to issue an order, or if a commission, upon a written request by any person to determine whether this section is applicable to any work, fails within twenty-one days to make said determination, or where an order does issue from said commission, the applicant, any person aggrieved by said commission's order or failure to act, or any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which said land is located, may, by certified mail and within ten days from said commission's order or failure to act, request the department of environmental quality engineering to determine whether the area on which the proposed work is to be done is significant to public or private water supply, to the groundwater supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish, to the protection of wildlife habitat or to the protection of fisheries. The commissioner of environmental quality engineering or his designee also may request such a determination within said ten days. The party making any such request shall at the same time send a copy thereof by certified mail to the conservation commission, board of selectmen or mayor which conducted the hearing hereunder. If such party is other than the applicant, a copy of such request shall also be sent at the same time by certified mail to the applicant. Upon receipt of such request the department shall make the determination requested and shall by written order issued within seventy days of receipt of such request and signed by the commissioner or his designee, impose such conditions as will contribute to the protection of the interests described herein; provided, however, that said department shall notify the applicant within thirty days of the receipt of such request if his application or request is not in proper form or is lacking information or documentation necessary to make the determination. Such order shall supersede the prior order of the conservation commission, board of selectmen or mayor, and all work shall be done in accordance therewith, but in no event shall any work commence until ten days have elapsed following the issuance of said order. At any time prior to a final order of determination by the department, any party requesting a determination may in writing withdraw the request, and such withdrawal shall be effective upon receipt by the department. Notwithstanding the withdrawal, the commissioner or his designee may continue the determination if he notifies all parties within ten days of receipt of the withdrawal. A copy of such order shall be sent to the applicant, to the conservation commission, board of selectmen or mayor which conducted the hearing hereunder. As used in this section the words "wildlife habitat" shall mean those areas subject to this section which, due to their plant community composition and structure, hydrologic regime or other characteristics, provide important food, shelter, migratory or overwintering areas, or breeding areas for wildlife.

SECTION 2. The department of environmental quality engineering shall, prior to July first, nineteen hundred and eighty-seven, and in accordance with the procedures set forth in chapter thirty A of the General Laws adopt any regulations needed to implement the provisions of this act. Said regulations shall be promulgated with the advice and assistance of a technical advisory committee to consist of eleven persons to be appointed by the commissioner of the department of environmental quality engineering two of whom shall be faculty members of colleges or universities, one with expertise in the field of wildlife biology and one with expertise in the field of wetlands science, one of whom shall be a member of the staff of the department of fisheries, wildlife and environmental law enforcement with expertise in the field of wildlife biology, one of whom shall be a member of the staff of the office of coastal zone management with expertise in the field of coastal biology, one of whom shall be a member of the staff of the department of public works, one of whom shall be a member of the Massachusetts Homebuilders Association, one of whom shall be a member of the Massachusetts Association of Conservation Commissions, one of whom shall be a member of the Massachusetts Audubon Society, one of whom shall be a member of the National Association of Industrial Office Parks, Boston Chapter and one of whom shall be a member with expertise as a general contractor. The commissioner may appoint such nonvoting associate members as he deems appropriate. Said commissioner of the department of environmental quality engineering shall be chairman.

The department of environmental quality engineering shall, sixty days prior to filing such regulations under the provisions of section five of chapter thirty A of the General Laws, file such regulations with the clerk of the house of representatives who shall forward such regulations to the joint committee on natural resources and agriculture for its review within sixty days prior to the effective date of said regulations.

SECTION 3. Section one of this act shall take effect on November first, nineteen hundred and eighty-seven and shall apply to all notices of intent filed on or after said date. Section two of this act shall become effective as of the date of enactment. The provisions of section one and section two of this act shall not apply to any project of the department of public works, which prior to the effective date of this act was (i) exempt from preparation of an environmental notification form in accordance with the provisions of section sixty-two E of chapter thirty of the General Laws and for which a notice of intent pursuant to section forty of chapter one hundred and thirty-one of the General Laws is filed no later than November first, nineteen hundred and eighty-seven or (ii) determined by the secretary of environmental affairs after submission of an environmental notification form not to require an environmental impact report pursuant to section sixty-two A of said chapter thirty or (iii) the subject of a final environmental impact report which was determined by said secretary to comply with the provisions of sections

ACTS, 1986. – Chaps. 263, 264, 265.

sixty-two to sixty-two H, inclusive, of said chapter thirty provided that said secretary has not, prior to the date of issuance of the final order of conditions, further required preparation of a supplemental environmental impact report the scope of which includes environmental impacts of the project on wetlands.

Approved July 16, 1986.

Chapter 263. AN ACT EXEMPTING THE POSITIONS OF DIRECTOR OF STREET OPERATIONS, DIRECTOR OF SEWER OPERATIONS, DIRECTOR OF WATER OPERATIONS AND DIRECTOR OF YARDS, ALL OF THE DEPARTMENT OF PUBLIC WORKS IN THE CITY OF WORCESTER FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the positions of director of street operations, director of sewer operations, director of water operations, and the director of yards, all of the department of public works in the city of Worcester shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person employed with permanent status in said positions on the effective date of this act.

Approved July 16, 1986.

Chapter 264. AN ACT FURTHER REGULATING EMPLOYMENT AGENCY FEES.

Be it enacted, etc., as follows:

Section 46L of chapter 140 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 84, the word "eight" and inserting in place thereof the word:— forty.

Approved July 16, 1986.

Chapter 265. AN ACT REQUIRING AUTOMATIC SPRINKLERS IN BOARDING HOUSES.

Be it enacted, etc., as follows:

ACTS, 1986. – Chaps. 266, 267.

Chapter 148 of the General Laws is hereby amended by inserting after section 26G the following section:–

Section 26H. In any city or town which accepts the provisions of this section, every lodging house or boarding house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code. No such sprinkler system shall be required unless sufficient water and water pressure exists. In such buildings or in certain areas of such buildings, where the discharge of water would be an actual danger in the event of a fire, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. The head of the fire department shall enforce the provisions of this section.

For the purposes of this section "lodging house" or "boarding house" shall mean a house where lodgings are let to six or more persons not within the second degree of kindred to the person conducting it, but shall not include fraternity houses or dormitories, rest homes or group residences licensed or regulated by agencies of the commonwealth.

Approved July 16, 1986.

Chapter 266. AN ACT RELATIVE TO INCOME ELIGIBILITY FOR CERTAIN PUBLIC HOUSING.

Be it enacted, etc., as follows:

Clause (c) of the second paragraph of section 32 of chapter 121B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:– For the purpose of this section, a minor shall mean a person less than eighteen years of age or a full-time student between the ages of eighteen and twenty-one years of age.

Approved July 16, 1986.

Chapter 267. AN ACT FURTHER REGULATING THE CONSTRUCTION OF PUBLIC BUILDINGS SUBJECT TO THE ARCHITECTURAL BARRIERS BOARD.

Be it enacted, etc., as follows:

Section 13A of chapter 22 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 74, the word "impracticable" and inserting in place thereof the following words:– not feasible technologically, or would result in excessive and

ACTS, 1986. – Chaps. 268, 269, 270.

unreasonable costs without any substantial benefit to physically handicapped persons.

Approved July 16, 1986.

Chapter 268. AN ACT AUTHORIZING THE SALEM FIREMEN'S RELIEF ASSOCIATION TO PAY CERTAIN BENEFITS TO ITS MEMBERS UPON THEIR RETIREMENT.

Notwithstanding any general or special law to the contrary, the Salem Firemen's Relief Association, a corporation duly established under the laws of the commonwealth, is hereby authorized to make, to any member in good standing at the time of said members regular or disability retirement, at the members option, a one time lump sum payment of money, equal to the death benefit in effect at that time.

Any member who accepts the option to receive such payment, in lieu of the death benefit, shall cease to be a member of the association, as of the date of such payment.

Said member shall make application for such payment within sixty days of said members official retirement date.

Presently retired members shall have the option to make such application within sixty days of the effective date of this act.

Approved July 16, 1986.

Chapter 269. AN ACT RELATIVE TO THE PAYMENT OF DEATH AND DISABILITY BENEFITS BY THE TAUNTON POLICE MUTUAL BENEFIT ASSOCIATION, INC.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the Taunton Police Mutual Benefit Association, Inc., a corporation duly established under the provisions of chapter one hundred and seventy-six of the General Laws is hereby authorized to pay to the designated beneficiary of any regular permanent member or retired member, death benefits not exceeding fifteen thousand dollars, and to any regular permanent member or retired member, disability benefits not exceeding five hundred dollars per week.

Approved July 16, 1986.

Chapter 270. AN ACT RELATIVE TO THE PAYMENT BY THE FALL RIVER POLICE RELIEF ASSOCIATION OF SUMS OF MONEY TO RETIRED MEMBERS OF THE ASSOCIATION AND AUTHORIZING THE PAYMENT OF CERTAIN DEATH BENEFITS.

ACTS, 1986. – Chap. 271.

Be it enacted, etc., as follows:

Chapter 194 of the acts of 1959 is hereby amended by striking out the first sentence, as most recently amended by chapter 359 of the acts of 1984, and inserting in place thereof the following sentence:– The Fall River Police Relief Association, a corporation duly established under the laws of the commonwealth, is hereby authorized, upon the retirement of any member in good standing from the police department of the city of Fall River to pay such member such sum, not exceeding four thousand dollars, as may be determined by vote of the board of directors of said corporation.

Approved July 16, 1986.

Chapter 271. AN ACT AUTHORIZING THE TOWN OF HOLLISTON TO MAKE LOANS OR GRANTS TO ITS RESIDENTS OF LOW OR MODERATE INCOME FOR THE PURPOSE OF REPAIRING SEPTIC WASTE DISPOSAL.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Holliston is hereby authorized to make loans and grants in accordance with the provisions of this act to residents of said town for the purpose of enabling such residents to repair or replace malfunctioning septic systems which are threatening the public health. Whenever the board of health of the town of Holliston determines that a malfunctioning septic waste disposal system is a threat to the public health in said town, said board shall prepare estimates of the cost of repairing said system categorized by the cost of the repairs or of the construction of a new septic system for the respective buildings in the area. The cost of repairs or construction shall thereupon be apportioned among all of the owners of said property, after said board of health has contracted for said repairs or construction, divided equally among the owners of such property as elect to have the town repair or construct such systems, as hereinafter provided.

The board of selectmen may thereupon make available to the affected property owners their apportioned share, to be used for the purpose of paying the same to the agency or entity repairing or replacing such malfunctioning septic systems. Such apportioned costs shall, in the aggregate, equal the entire cost of said repairs or reconstruction. The selectmen shall establish reasonable maximum income categories for the purpose of determining, on the basis of low or moderate income assets, whether the amounts so paid shall be deemed to be loans or grants, and in the case of loans, reasonable scaled interest rates to be charged therefore. The principle amount of any loan shall include only the share of the costs of said repair or construction. Loans made under the

ACTS, 1986. – Chaps. 272, 273.

authority of this act shall be evidenced by a written agreement which shall be recorded in the registry of deeds in Middlesex county, and which shall constitute a lien on the affected real estate in the same manner as a lien for betterments under chapter eighty of the General Laws.

SECTION 2. The treasurer of the town of Holliston is hereby authorized to sell bonds, after having been approved according to the procedures required under the provisions of paragraph (a) of section twenty-one C of chapter fifty-nine of the General Laws, not to exceed ten years in date of maturity, upon vote of the board of selectmen of the town of Holliston, to provide funds for the septic waste disposal system repair or construction provided for in section one of this act.

The board of selectmen of the town of Holliston is hereby authorized to expend any amounts appropriated or proceeds derived from the sale of bonds or notes, except premiums and accrued interest, to provide for loans and grants for said repairs or construction as authorized in said section one.

Approved July 16, 1986.

Chapter 272. AN ACT DESIGNATING THE WEST MAIN STREET BRIDGE IN THE TOWN OF SOUTHBRIDGE AS THE JAN KRAWCZYK MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge over the Quinebaug River on West Main street in the town of Southbridge shall be designated and known as the Jan Krawczyk Memorial Bridge, in memory of Jan Krawczyk who was the first person from the town of Southbridge to be killed in Vietnam. Suitable markers bearing said designation shall be attached thereto by the department of public works in compliance with standards of said department.

Approved July 16, 1986.

Chapter 273. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF LEIF ERICSON DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by striking out section 15YY, inserted by chapter 356 of the acts of 1985, and inserting in place thereof the following section:–

Section 15YY. The governor shall annually issue a proclamation setting apart October ninth as Leif Ericson Day and recommending a period of special attention to the Norse explorer who ventured across

ACTS, 1986. – Chaps. 274, 275.

uncharted waters in the year one thousand and three to the continent of North America, and whose courageous exploration recorded in the Icelandic sagas, led others to the shores of our country, and recommending that said day be observed in an appropriate manner by the people.

Approved July 16, 1986.

EMERGENCY LETTER: August 5, 1986 @ 4:08 PM

Chapter 274. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ANNUAL ELECTION IN THE TOWN OF AMHERST.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of Amherst at its nineteen hundred and eighty-six annual election held on April eighth, nineteen hundred and eighty-six, and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the warrant for such election had been published and posted as required by law.

Approved July 16, 1986.

Chapter 275. AN ACT ESTABLISHING A SELECTMEN-TOWN MANAGER FORM OF GOVERNMENT FOR THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

SECTION 1. Upon the effective date of this act, the town of Tewksbury shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing general laws and special acts or that body of law which constituted the town charter under Section 9 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern.

SECTION 2. The selectmen shall appoint the executive secretary, town counsel and the members of all multimember boards, committees and commissions except those appointed by the moderator.

SECTION 3. The school committee shall continue to be elected in conformity with the votes of the town meeting. All powers, rights and duties, except as herein provided, now or hereafter conferred or imposed by law upon the school committee, shall be exercised and performed by the school committee. Nothing in this act shall be construed to affect the powers and duties of the school committee as provided by law, except as specifically provided herein.

finance committee shall, during the term for which he was elected or appointed, be ineligible either by election or appointment to hold any other town office. Any person appointed by the town manager to any town office under the provisions of this act or of any general or special law shall be eligible during the term of said office to appointment to any other town office, except that the town accountant shall not be eligible to hold the position of town treasurer or the position of town collector. The town manager, subject to any applicable provision of the General Laws relating thereto, may assume the duties of any office which he is authorized to fill by appointment.

SECTION 5. After adoption of this act, the selectmen shall forthwith advertise for applicants to serve on a committee to be known as the "town manager screening committee". Relatives of, employees of or business associates of elected officials shall not serve as members of the "town manager screening committee".

This committee shall be made up of five citizens of Tewksbury. Duties of this committee shall be to screen all applicants and to submit three applicants for consideration by the selectmen, of this group the selectmen shall appoint the town manager. Members of this committee shall be prohibited from holding elected or appointed positions in the town of Tewksbury. Employees of the town of Tewksbury shall be excluded from consideration as members of this committee.

The committee shall be appointed by the selectmen, for a one year term with no person to serve more than one consecutive term. Each selectman will appoint one member and in the event of a vacancy the selectman whose nominee vacates shall be filled by that selectman for the remainder of the unexpired term.

This committee shall convene in the event of a vacancy in the office of manager but shall not be involved in the process in the event of reappointment.

SECTION 5A. The selectmen elected as provided herein shall appoint, by a four-fifths vote, as soon as practicable, a town manager who shall be a person especially fitted by education, training and experience to perform the duties of the office. The town manager shall be appointed without regard to his political beliefs. He need not be a resident of the town or of the commonwealth when appointed, but shall become a resident of the town or live within a ten mile radius of the town during the first year of his appointment. He shall possess at least a bachelor degree in public or business administration and five years as a city or town manager or head executive officer of a municipality or a masters degree in lieu of two years experience. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed or approved by the selectmen. The selectmen shall employ a town manager for

renewable three year terms. During the first six months of his appointment, he shall be on a probationary period and may during said period be removed by the affirmative vote of at least four members of the board of selectmen at its convenience and without cause or hearing. Any person holding public office in Tewksbury at the time of the enactment of this petition or has held public office in Tewksbury for two of the previous years shall not be allowed to hold this position.

SECTION 6. Any vacancy in the office of town manager shall be filled as soon as possible by the selectmen. Pending the appointment of a town manager or the filling of any vacancy, the selectmen shall, within seven days, appoint a suitable person to perform the duties of the office.

SECTION 7. The town manager may designate, by letter filed with the town clerk, a qualified officer of the town to perform his duties during his temporary absence or disability. In the event of failure of the town manager to make such designation, the selectmen may, by resolution, designate an officer of the town to perform the duties of the town manager until he shall return or his disability shall cease.

SECTION 8. The selectmen, by a four-fifths vote, may remove the town manager. At least thirty days before such proposed removal shall become effective, the selectmen shall file a preliminary written resolution with the town clerk setting forth in detail the specific reasons for his proposed removal, a copy of which resolution shall be delivered to the town manager. The town manager may, within ten days of service of such resolution, reply in writing to the resolution and may request a public hearing. Service shall be deemed to have been accomplished by leaving a copy of such resolution at the town manager's last known abode. If the town manager so requests, the board of selectmen shall hold a public hearing not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, and after full consideration the selectmen by a four-fifths vote of the full membership of the board, may adopt a final resolution of removal. In the preliminary resolution, the selectmen may suspend the town manager from duty, but shall in any case cause to be paid to him forthwith any unpaid balance of his salary during the period of consideration of the preliminary resolution following the filing of the preliminary resolution. Upon the adoption of a final resolution of removal, the selectmen shall pay the town manager severance pay in the amount equal to one month's pay for each full year of service to the town, but in no event more than an amount equal to three month's pay.

SECTION 9. The town manager shall receive compensation for his services which shall be equal to the amount of salary, and other benefits, received by the superintendent of schools for the town of Tewksbury, but

said salary and benefits shall not exceed the amount therefor by the town.

SECTION 10. In addition to specific powers and duties provided in this act, the town manager shall have the general powers and duties enumerated in this section:–

(a) The town manager shall supervise and direct the administration of all departments, commissions, boards and offices except the board of selectmen, the school committee, election officers and the registrars of voters.

(b) The town manager, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as he deems necessary, and may transfer the powers and duties of one department, commission, board or office to another.

(c) Except as otherwise provided by this act, the town manager shall appoint upon merit and fitness alone, and subject to the provisions of chapter thirty-one of the General Laws where applicable, may remove all officers and employees of the town, except employees of the school department; town officers and employees not subject to the provisions of said chapter thirty-one shall not be removed by him except on ten days notice in writing, setting forth the cause of such removal.

(d) Notwithstanding the provisions of section one hundred and eight of chapter forty-one of the General Laws, but subject to all applicable provisions of chapter thirty-one of the General Laws, the town manager shall fix the compensation of all town officers and employees subject to removal by him.

(e) The town manager shall attend all regular meetings of the board of selectmen except meetings at which his removal is being considered.

(f) The town manager shall keep full and complete records of his office, and shall render as often as may be required by the selectmen, a full report of all operations during the period reported on.

(g) The town manager shall keep the selectmen fully advised as to the needs of the town and shall recommend to the selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient.

(h) With the exception of property under the jurisdiction of the school committee, the town manager shall have the jurisdiction over the rental and use of all town property and shall be responsible for the maintenance and repair of all town buildings. He shall be responsible for the preparation of plans and the supervision of work on existing buildings or the construction of new buildings.

(i) The town manager shall be responsible for the purchase of all supplies and materials and equipment, except books and educational materials for schools and books and other media for libraries, and shall approve the award of all contracts for all departments of the town. He

shall make purchases for departments not under his supervision only upon requisition duly signed by the head of such department.

(j) The town manager shall administer either directly or through a person or persons appointed by him in accordance with this act all provisions of general and special laws applicable to said town, all by-laws and all regulations established by the selectmen.

(k) The town manager shall have authority to prosecute, defend and compromise all litigation to which the town is a party, and shall be the executive officer of the town as referred to in chapter two hundred and fifty-eight of the General Laws pertaining to the processing of claims against the town.

(l) The town manager shall be the selectmen's agent for collective bargaining and may employ special counsel to assist him in the performance of these duties.

(m) The town manager shall perform such other duties, consistent with his office, as may be required of him by the by-laws of the town or by vote of the selectmen or town meeting.

(n) The town manager shall secure on or before December first of each year from all officers, boards and committees charged with equipment a list of all such equipment upon forms approved by the finance committee. Such lists shall be filed with the town accountant who shall transmit them to the clerk of the finance committee.

(o) The town manager shall attend all town meetings and shall be permitted to speak when recognized by the moderator.

SECTION 11. The town manager may without notice cause the affairs of any division or department under his supervision or the job related conduct of any officer or employee thereof to be examined. The town manager shall have access to all town books and papers for information necessary for the proper performance of his duties.

SECTION 12. The board of public works is hereby abolished. The town manager shall succeed to all powers heretofore possessed or exercised by said board.

SECTION 13. The town manager shall appoint the town accountant, chief assessor, town treasurer-tax collector and all other town officials whose appointment or election is not specifically provided for herein. The town manager shall appoint, and may remove subject to the civil service laws where applicable, all department heads, all officers and all subordinates and employees for whom no other method of appointment is provided in this act, except persons serving under other elected agencies and appointments made by representatives of the commonwealth.

Appointments to permanent positions made by the town manager shall become effective on the fifteenth day following the day notice of appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period, by a majority vote of the full board, vote to reject any such appointment.

SECTION 14. The town treasurer-tax collector shall receive as compensation a minimum of fifty per cent of the salary of the town manager. The town accountant shall receive as compensation a minimum of thirty-three per cent of the salary of the town manager. The chief assessor shall receive as compensation a minimum of twenty-five per cent of the salary of the town manager, and the remaining two members of the board of assessors shall receive as compensation a minimum of ten per cent of the salary of the town manager, or whatever such sum the town shall raise and appropriate as compensation at its annual town meeting.

SECTION 15. After the adoption of this act, the registered voters of the town of Tewksbury shall, in accordance with any applicable laws, by-laws and votes of the town, continue to elect the following:-

- (a) Moderator
- (b) Board of Selectmen
- (c) School Committee
- (d) Planning Board
- (e) Board of Health
- (f) Library Trustees
- (g) Representative to Shawsheen Regional Vocational School District Committee
- (h) Housing Authority
- (i) Town Clerk
- (j) Trust Fund Commissioners

The acceptance of this act shall not affect the term of office of any such elected member of such board, committee or authority. Every other elective office, board, committee, or commission of the town shall be terminated or shall become appointive as hereinafter provided, any other provision of law to the contrary notwithstanding. The term of office of any person elected to any office, board, committee or commission of the town, existing at the time of such acceptance and terminated hereunder, shall continue until the appointment of the town manager, and thereafter the said offices, boards, committees and commissions shall be abolished and all powers, duties and obligations conferred or imposed thereon by law, except as provided by this act, shall be conferred and imposed upon the town manager to the extent hereinafter provided. The term of office of any person elected to any office, board, committee or commission existing as an elected officer at the time of the acceptance of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of his successor.

The board of assessors shall consist of three members, to be appointed by the manager; one member to be known as chief assessor so designated by the manager. The powers, duties and responsibilities of elected

officials shall be as now or hereafter provided by applicable provisions of general laws, special acts, by-laws and votes of the town; except as otherwise expressly provided herein.

Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to the town manager for consultation, conference and discussion on matters relating to their respective offices.

SECTION 15A. (a) Application – Any person who holds an elected office with more than six months remaining of the term of office, may be recalled from the office by the voters in the manner provided in this section.

(b) Recall Petitions – One hundred and forty or more voters may file with the town clerk an affidavit containing the name of the office whose recall is sought and a statement of the grounds upon which the petition is based. The signatures on such petitions shall contain the names of at least twenty voters in each of the precincts.

If said petition is found to be valid the town clerk shall thereupon deliver to the ten persons first named on such petitions, petition blanks demanding such recall, printed forms of which he shall keep available. The blanks may be completed by printing or typewriting; they shall be addressed to the board of selectmen; they shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit; they shall demand the election of a successor to the office; they shall be dated and signed by the town clerk. The recall petitions shall be returned to the office of the town clerk within twenty days following the date they are issued, signed by at least fifty per cent of the total number of persons voting at the previous annual town election.

The town clerk shall, within twenty-four hours following such filing with him, submit the petitions to the board of registrars of voters which shall within five days thereafter, certify thereon the number of signatures which are the names of voters.

(c) Recall Elections – If the petitions shall be certified by the registrars of voters to be sufficient, the town clerk shall forthwith submit the same with his certificate to the board of selectmen. Upon its receipt of the certified petitions the board of selectmen shall forthwith give notice, in writing, of said petition to the officer whose recall is sought. If said officer does not resign his office within five days following delivery of said notice, the board of selectmen shall order a special election to be held not less than thirty-five nor more than sixty days after the date of the certification of the town clerk that the petition is sufficient. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section, but only the ballots for candidates need be counted.

(d) Nomination of Candidates – An officer whose recall is sought may be a candidate to succeed himself in the event the vote on the question

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of recall is in the affirmative. The nomination of all candidates, the publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with this act and the General Laws regulating elections.

(e) Propositions on the Ballot – Ballots used at the recall election shall state the proposition in the order indicated:

For the recall of
(name of officer)

Against the recall of
(name of officer)

Adjacent to each proposition shall be a place to vote for either of said propositions. After the said proposition shall appear the word "candidates" and the names of candidates arranged as prescribed by law. If a majority of the votes cast on the proposition is against the recall the votes for candidates need not be counted. If a majority of the votes cast is in favor of the recall the votes for candidates shall be counted and the candidate receiving the highest number of votes shall be declared elected.

(f) Officeholder – The incumbent shall continue to hold his office and to perform his duties until the recall election. If he is then not recalled he shall continue in his office for the remainder of his unexpired term, subject to recall as provided in paragraph (g).

If the officer is recalled he shall be deemed removed upon the certification of the election results. The candidate who receives the highest number of votes shall serve for the balance of the unexpired term.

(g) Request of Recall Petition – No recall petition shall be filed against an officer within six months after he takes office, or in the case of an officer subjected to a recall election and not recalled thereby, until at least six months after the election at which his recall was submitted to the voters.

SECTION 16. At least ninety days prior to the annual town meeting, the town manager shall submit to the selectmen a careful, detailed estimate in writing of the probable expenditures of the town government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town, and showing specifically the amount necessary to be provided for each fund and department, together with a statement of the expenditures for the current year. He shall also submit a statement showing all revenues received by the town in the preceding fiscal year together with an estimate of the receipts of the current year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year. He shall report the probable amount required to be levied and raised by taxation to defray all expense and liabilities of the town together with an estimate of the tax rate

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necessary to raise said amount. For the purpose of enabling the town manager to make up the annual estimates of expenditures, all boards, officers, and committees of the town shall, at least one hundred and twenty days prior to the annual town meeting, furnish all information in their possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.

SECTION 17. The selectmen shall consider the tentative budget submitted by the town manager and make such recommendations relative thereto as they deem expedient and proper in the interests of the town. On or before the seventy-fifth day prior to the annual town meeting, the selectmen shall transmit a copy of the budget, together with their recommendations relative thereto, to each member of the finance committee.

SECTION 18. The town manager shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of section fifty-six of chapter forty-one of the General Laws shall be submitted to the town manager. The approval of any such warrant by the town manager shall be sufficient authority to authorize payment by the town treasurer, but the selectmen shall approve all warrants in the event of a vacancy in the office of town manager.

SECTION 19. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or any other authority, which are in force in the town of Tewksbury on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue in full force and effect until otherwise provided by other laws, by-laws, votes, rules and regulations, respectively. All other laws, by-laws, votes, rules and regulations so far as they refer to the town of Tewksbury are hereby suspended but such suspension shall not revive any pre-existing enactment.

SECTION 20. No contract existing and no action at law or suit in equity, or other proceeding pending at the time this act is accepted, or at the time of revocation of such acceptance, shall be affected by such acceptance or revocation, except that upon revocation any contract made by the town with the town manager then in office shall be terminated immediately upon such vote subject only to termination payment rights under section eight.

SECTION 21. Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform his duties until provisions shall have been made in accordance with this act for the performance of the said duties by another person or agency. No person in the permanent full-time service or employment of

ACTS, 1986. – Chaps. 276, 277.

the town shall forfeit his pay grade or time in service. Each such person shall be retained in a capacity as similar to his former capacity as is practical.

SECTION 22. This act shall be submitted for acceptance to the voters of the town of Tewksbury at a special or annual town election in the form of the following question, which shall be placed upon an official ballot to be used at said election:– "Shall an act passed by the General Court in the year nineteen hundred and eighty-six, entitled 'An Act establishing a selectmen–town manager form of government in the town of Tewksbury' be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect, but not otherwise.

Approved July 16, 1986.

Chapter 276. AN ACT AUTHORIZING THE TOWN OF FOXBOROUGH TO PAY A CERTAIN UNPAID BILL TO HIGHLAND PLUMBING, INC.

Be it enacted, etc., as follows:

The town of Foxborough is hereby authorized to appropriate money, and, after such appropriation, the treasurer of said town is authorized to pay to Highland Plumbing, Inc. the sum of fourteen thousand two hundred one dollars and thirty-eight cents, together with interest for labor and materials previously provided for the repair of leaking condensate pipes at the William Lewis elementary school, notwithstanding the failure of said town to comply with the provisions of section thirty-nine M of chapter thirty of the General Laws.

Approved July 16, 1986.

Chapter 277. AN ACT FURTHER REGULATING THE CONDUCT OF DOG RACING.

Be it enacted, etc., as follows:

SECTION 1. Section 48 of chapter 6 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:–

The commission may appoint and remove a secretary, a financial officer and other assistants who shall not be exempt from the provisions of chapter thirty-one. The commission shall employ an auditor, who

shall be a certified public accountant, who shall devote full time during normal business hours to the duties of the position, and who shall be exempt from the provisions of said chapter thirty-one and of section nine A of chapter thirty. The auditor shall serve at the pleasure of the commission, which shall determine his salary in accordance with the provisions of said chapter thirty. The commission may also appoint the following positions which shall be exempt from the provisions of said chapter thirty-one and of section nine A of said chapter thirty: one director of racing operations who shall devote full time to the supervision of commission officials and employees at the tracks, one semi-senior accountant, eight junior accountants, one senior chemist, four assistant chemists, two junior chemists, one head clerk, the principal clerks, the senior clerks, the junior clerks, one chief of laboratory, two laboratory technicians, one veterinarian, state racing commission, one supervisor of licenses and registration, state racing commission, one supervisor of racing inspectors, eight assistant supervisors of racing inspectors and a head administrative assistant.

SECTION 2. Section 2 of chapter 128 of the General Laws, as most recently amended by section 8 of chapter 580 of the acts of 1985, is hereby further amended by adding the following paragraph:–

(i) To promote, develop and encourage through the Massachusetts greyhound breeding program, breeding of racing greyhounds in the commonwealth by offering: a cash prize to the breeder of a Massachusetts bred greyhound, equal to not more than twenty-five per cent of the purse monies won by said greyhound in any pari-mutuel greyhound race if said greyhound finishes first, second or third; a cash prize of not more than fifteen per cent of the purse won by said greyhound to the owner of the stud; provided, however, that (i) the stud stood in the commonwealth at the time of service to the bitch and the owner of the stud was a Massachusetts resident, (ii) the greyhound finishes first, second or third and (iii) the stud is registered with the department as a stud standing in Massachusetts at the time of mating; and a cash prize equal to not more than five per cent of the purse monies won by said greyhound in any unrestricted pari-mutuel greyhound race to the owner of a Massachusetts bred greyhound if said greyhound finishes first, second or third.

The department is further authorized to pay cash purses for stakes races to be limited to Massachusetts bred greyhounds from the Massachusetts greyhound breeding program at licensed pari-mutuel race meetings authorized by the state racing commission. Such races may be betting or nonbetting races and may or may not be races scheduled by the licensee conducting the racing meeting. Purse monies and prize monies paid by the department under this section may be in such amounts as the department shall determine and may be the sole cash purse for such races or may be in supplement to the cash purses established by the licensee.

No person shall be eligible for the prizes provided herein unless all of

the following standards are met:

(1) the stud is standing in Massachusetts at the time of mating and is owned or leased by a Massachusetts resident; and

(2) the greyhound is whelped in Massachusetts from a bitch owned by a Massachusetts resident; and

(3) the greyhound is physically present within Massachusetts for the first six months of the first year following the date such greyhound was whelped; and

(4) the greyhound is certified as a Massachusetts bred greyhound by the department.

The department shall, with the approval of the state racing commission, and after public hearing, adopt rules and regulations for the expenditure of sums appropriated to carry out the provisions of this paragraph and for the registration of Massachusetts bred greyhounds. Said rules and regulations shall contain provisions for the eligibility of greyhounds for participation in such program where such greyhounds were whelped in Massachusetts prior to November first, nineteen hundred and eighty-six, which greyhounds may be deemed to be Massachusetts bred for purposes of this paragraph. Said rules and regulations shall be subject to section nine B of chapter one hundred and twenty-eight A, in the same manner as if they had been adopted by the commission.

SECTION 3. Section 9 of chapter 128A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:–

The commission shall prescribe rules and regulations under which dog race track licensees shall be required to provide access to schooling races and participation in pari-mutuel dog races conducted by said licensees for Massachusetts bred greyhounds.

SECTION 4. Chapter 494 of the acts of 1978 is hereby amended by inserting after section 12 the following section:–

Section 12A. During the calendar years nineteen hundred and eighty-six through nineteen hundred and ninety, each dog race track licensee under section three of chapter one hundred and twenty-eight A of the General Laws, other than a licensee holding a racing meeting in connection with a state or county fair, shall pay daily: (a) a sum equal to one-half of one per cent of the total amount wagered by patrons wagering on the speed or ability of dogs into a trust fund to be known as the Greyhound Capital Improvements Trust Fund under the direction and supervision of the state racing commissioners, as they are individuals, as trustees of said trust; and (b) a sum equal to one-half of one per cent of the total amount wagered by patrons so wagering into a trust fund to be known as the Greyhound Promotional Trust Fund under the direction and supervision of the state racing commissioners, as they are individuals, as trustees of said trust. Said trustees shall deposit all monies in said trust funds in one or more banks, at interest, within the commonwealth.

Said trustees may expend without appropriation all or any part of the Greyhound Capital Improvements Trust Fund to a dog track licensee for use as all or part of a capital expenditure for alterations, additions, replacements, changes, improvements or major repairs to or upon the property owned or leased by such licensee and used by it for the conduct of racing; and said trustees may expend without appropriation all or any part of the Greyhound Promotional Trust Fund to such licensee for use in promotional marketing, to reduce the costs of admission, programs, parking and concessions, and to offer other entertainment and give-aways; provided, however, that no licensee shall receive an amount in excess of the amount attributable to said licensee in such trust funds.

Said trustees may prescribe terms and conditions for such grants; provided, however, that, prior to approving any expenditures from said trust funds, the trustees shall require the licensee to submit to them detailed business plans describing the specific promotions and capital improvements contemplated by the licensee and shall formally vote to permit such expenditures; provided, further, that under no circumstances shall the trustees permit the expenditure of trust funds for purposes not directly related to the improvement of dog racing or for the raising of handles and attendance; and provided, further, that such terms and conditions for capital improvement projects shall include schedules of periodic payments to be prepared by the trustees in accordance with schedules contained in construction contracts for such capital improvement projects. Such licensee shall comply with all applicable provisions of chapter one hundred and forty-nine of the General Laws unless such compliance is waived by the commission in writing for cause.

No such expenditure for such capital improvements or for such promotions shall be approved by the trustees if such improvements or promotions are to be accomplished pursuant to a contract with a person, corporation, partnership, trust or any combination of the same or any other entity owned wholly or in part by a person, corporation, partnership, trust or any combination of the same or any other entity which owns or operates or holds any interest in any racetrack in the commonwealth.

The trustees shall hire the services of such architectural and engineering consultants as they deem appropriate to advise them generally and to evaluate proposed capital improvement projects submitted to them for their approval.

Nothing herein contained shall preclude a dog race track from making capital improvements or undertaking promotional operations not funded in whole or in part from such funds; provided, however, that all sums approved by said trustees hereunder shall be expended in their entirety for capital improvements or for promotions; and provided, further, that any revision by said licensee in the making of capital improvements or in promotional plans as hereinbefore provided, shall require separate written approval by the trustees therefor. All financial statements required under section six of chapter one hundred and twenty-eight A of the General Laws shall be accompanied by a statement signed under the pains and penalties of perjury by the chief financial officer of the licensee, setting forth the capital improvements made and the promo-

tions completed with funds obtained under this section and further certifying that such expenditures are treated as capital expenditures and promotional expenditures in the accompanying financial statement.

The trustees shall require from a dog race track licensee such vouchers, cancelled checks or other documents as said trustees deem necessary to verify that the expenditures from said funds were carried out in accordance with the provisions of this section.

Funds paid by licensees and deposited by the commission in the Greyhound Capital Improvements Trust Fund and in the Greyhound Promotional Trust Fund shall remain in said funds until expended under this section; provided, however, that any amount in said accounts as of December thirty-first, nineteen hundred and ninety which has not been so expended or as to which no binding commitment has been made by said trustees shall thereupon be deposited in the General Fund.

SECTION 5. Section 13 of said chapter 494, as amended by section 4 of chapter 558 of the acts of 1981, is hereby further amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:–

Notwithstanding the provisions of Clause (5) of the first paragraph of section two and of clauses (a) to (q), inclusive, of the third paragraph of section three of chapter one hundred and twenty-eight A of the General Laws, during the calendar years nineteen hundred and eighty-six through nineteen hundred and ninety, for clauses (c) and (f), and during the calendar years nineteen hundred and eighty-five through nineteen hundred and ninety, for clauses (a), (b), (d), (e), (g) and (h), licenses to conduct racing meetings shall only be issued under the following conditions:.

SECTION 6. Said section 13 of said chapter 494 is hereby further amended by striking out clause (c), as appearing in said section 4 of said chapter 558, and inserting in place thereof the following clause:–

(c) no license shall be issued for more than an aggregate of one thousand one hundred and ninety racing days in one year at all dog racing meetings combined, excluding dog racing meetings conducted at a racetrack owned and operated by a state or county fair in Essex county; provided, however, that two hundred and ten such days may be awarded only for racing in Hampden county during the period between the fifteenth of April and the twenty-first day of October, and five hundred and twenty of the remaining such days may be awarded only in Bristol county; provided, further, that the remaining four hundred and sixty days may be awarded only in Suffolk county; and provided, further, that up to sixty additional days may, in the discretion of the commission, be awarded only in Suffolk county, in proportion to the number of racing days under two hundred and fifty not applied for or used for running horse

racing in Suffolk county in the same calendar year.

SECTION 7. Clause (d) of said section 13 of said chapter 494, as amended by section 4 of chapter 580 of the acts of 1985, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:– Licenses shall permit racing meetings only between the hours of ten o'clock antemeridian and twelve o'clock midnight; provided, however, that, in awarding racing days in Suffolk county, the state racing commission shall not award dog racing days for performances to be conducted between ten o'clock antemeridian and seven o'clock postmeridian if running horse racing performances are to be conducted prior to seven o'clock postmeridian on the same days.

SECTION 8. Said chapter 494 is hereby further amended by striking out section 15, as amended by section 6 of said chapter 580, and inserting in place thereof the following section:–

Section 15. During calendar years nineteen hundred and eighty-seven through nineteen hundred and ninety, the state racing commission shall include in its annual report filed with the general court pursuant to section forty-eight of chapter six of the General Laws, the following information with respect to the previous calendar year: statements of monies deposited in the Running Horse Capital Improvements Trust Fund and the Running Horse Promotional Trust Fund, both established pursuant to section eleven of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight, the Harness Horse Capital Improvements Trust Fund and the Harness Horse Promotional Trust Fund, both established pursuant to section twelve of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight, the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund, both established pursuant to section twelve A of this act, together with a detailed account of monies disbursed from said funds, and the specific capital improvements and promotions for which the disbursements were intended, and a report on which such improvements and promotions have been accomplished; a statement of racing dates awarded to licensees, including those awarded in connection with a state or county fair; and a statement of the total amounts wagered at each racetrack, together with the monies paid to the commonwealth and the commission, purses paid to horse and dog owners and monies retained by each licensee, together with a statement of the net profit of each licensee taken from the financial statements filed under section six of chapter one hundred and twenty-eight A of the General Laws. Copies of said report shall be transmitted to the governor, the president of the senate, the speaker of the house and the chairmen of the house and senate committees on ways and means, the joint committee on government regulations and the joint committee on taxation.

SECTION 9. Notwithstanding the provisions of section

fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight, during the calendar years nineteen hundred and eighty-six to nineteen hundred and ninety, inclusive, each licensee conducting a dog racing meeting shall return to the winning patrons wagering on the speed or ability of any one or more dogs in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and method under which such pari-mutuel or certificate system has been operated, less the so-called breaks, as defined in section five of chapter one hundred and twenty-eight A of the General Laws, and less an amount not to exceed nineteen per cent of the total amount so deposited by patrons so wagering.

Each person licensed to conduct a dog racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall pay to the state racing commission on the day following each day of such dog racing meeting, a sum equal to seven per cent of the total amount deposited on the preceding day by the patrons so wagering at such meeting, said percentage to be paid from the nineteen per cent withheld, as provided in this section, from the total amount wagered. A sum equal to one-tenth of one per cent of the total amount deposited by the patrons wagering on the speed or ability of dogs at pari-mutuel dog tracks, not to exceed three hundred thousand dollars per annum, less the so-called breaks, and taken from the seven per cent paid daily to the commission under this paragraph, shall, subject to appropriation, be allocated to the Massachusetts Greyhound Breeding Program established under the provisions of section two.

Each licensee conducting a dog racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall allocate a sum equal to four per cent of the total amount deposited daily by the patrons wagering at such meeting. Said percentage shall be used for the payment of purses to the dog owners in accordance with the rules and established customs of conducting dog racing meetings and shall be paid from the nineteen per cent withheld as provided in this section from the total amount wagered. On and after the effective date of this act, the payment of all purses shall be computed in accordance with the provisions of this section.

Each such licensee may retain as its commission on the total of all sums so deposited, a sum not exceeding the balance of the nineteen per cent withheld as provided in this section from the total amount wagered after deducting therefrom the amount hereinbefore required to be paid to said commission, after deducting therefrom the amount required to be paid for purses at dog racing meetings, and after deducting therefrom the amounts required to be paid into the Greyhound Capital Improvements Trust Fund and into the Greyhound Promotional Trust Fund.

Notwithstanding any of the foregoing provisions of this section, once a licensee conducting a dog racing meeting has reached the level of the total amount wagered during calendar year nineteen hundred and eighty-five, such licensee shall retain daily as its commission a sum not

exceeding the balance of the nineteen per cent withheld as provided in this section from the total amount wagered daily in the current year after deducting therefrom six and one-half per cent to be paid to the commission, after deducting therefrom the amount hereinbefore required to be paid as purses and after deducting therefrom the amounts required to be paid into the Greyhound Capital Improvements Trust Fund and into the Greyhound Promotional Trust Fund.

SECTION 10. Notwithstanding the provisions of clauses (a) to (q), inclusive, of the third paragraph of section three of chapter one hundred and twenty-eight A of the General Laws, any person licensed to conduct a dog racing meeting, not including dog racing meetings held in connection with a state or county fair, may, within seven days of the effective date of this act, make application to the state racing commission for additional racing dates for the remainder of nineteen hundred and eighty-six. The commission shall award no more than the additional dates authorized by this act for calendar year nineteen hundred and eighty-six to said licensee and issue a license therefor upon application so filed for such racing meet to be held or conducted in calendar year nineteen hundred and eighty-six. Said commission's procedures for hearings upon all such applications shall be the same as the procedures on supplementary applications for racing meetings filed under said chapter one hundred and twenty-eight A; provided, however, that nothing in this paragraph shall authorize the commission to change the hours or dates of any racing meet granted to any licensee prior to the effective date of this act.

For racing dates authorized for the calendar year nineteen hundred and eighty-seven, a dog track licensee who held or conducted racing meetings during calendar year nineteen hundred and eighty-six may submit, resubmit, or amend its application for a license to hold or conduct racing meetings for calendar year nineteen hundred and eighty-seven within fifteen days after the effective date of this act, notwithstanding the provisions of said chapter one hundred and twenty-eight A. The commission may award such racing meetings and issue a license therefor upon application so filed for all dog racing meetings to be held in calendar year nineteen hundred and eighty-seven; provided, however, that said commission's procedures shall be the same as for original applications for racing meetings filed under the provisions of said chapter one hundred and twenty-eight A.

SECTION 11. The secretary of consumer affairs and business regulation is hereby authorized to make an investigation and study relative to the adoption and humane disposition of greyhounds bred for racing who never qualify for pari-mutuel races or who have reached the end of their racing career. Said secretary shall report the results of his investigation and study and his recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives, who

shall forward the same to the joint committee on government regulations on or before November thirtieth, nineteen hundred and eighty-six.

Approved July 16, 1986.

Chapter 278. AN ACT FURTHER REGULATING REMOVAL OF CERTAIN CASES TO THE SUPERIOR COURT DEPARTMENT AND TRANSFER OF CERTAIN CASES FROM THE SUPERIOR COURT DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Section 102C of chapter 231 of the General Laws, as amended by section 1 of chapter 533 of the acts of 1985, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

The superior court may of its own motion or on the motion of a plaintiff or defendant, after determination by said court that if the plaintiff prevails, there is no reasonable likelihood that recovery will exceed twenty-five thousand dollars, transfer for trial any civil action pending in said court to the court from which such action was previously removed, if any, or if such action was originally entered in the superior court, to any district court, including the municipal court of the city of Boston, in which it could have been brought under the provisions of section two of chapter two hundred and twenty-three.

SECTION 2. Said chapter 231 is hereby further amended by striking out section 104, as amended by section 2 of said chapter 533, and inserting in place thereof the following section:–

Section 104. Any other party, a plaintiff against whom a claim, counterclaim, or cross-claim is brought, and a defendant who asserts a compulsory counterclaim, may, provided that the amount of the claim against such other party, the amount of the claim, counterclaim or cross-claim brought against such plaintiff, or the amount of the compulsory counterclaim asserted by such defendant, as the case may be, exceeds twenty-five thousand dollars, file in the district court in which the action is pending a claim of trial by the superior court together with the fee for the entry of the claim of each plaintiff in the superior court, and, except as provided in section one hundred and seven, a bond in the penal sum of one hundred dollars, with such surety or sureties as may be approved by the party or parties not asserting such claim of trial by the superior court or by the clerk or an assistant clerk of said district court, payable to the other party or parties, conditioned to satisfy any judgment for costs which may be entered against him in the superior court in said cause within thirty days after the entry thereof. Such claim of trial by the superior court must be filed no later than twenty-five days after service of the pleading which asserts

the claim, counterclaim, or cross-claim on which the right to remove is based, provided, however, that in the case of a compulsory counterclaim, the party asserting such counterclaim must file such claim of trial by the superior court no later than five days after the expiration of the time allowed to assert such counterclaim. The clerk shall forthwith transmit the papers and entry fee to the clerk of the superior court and the same shall proceed as though then originally entered there.

Removal of a case under this section shall remove any default and vacate any judgment entered thereon for failure to plead or otherwise defend in the district court, excepting cases in which the ad damnum does not exceed twenty-five thousand dollars. Cases in which no claims, counterclaims and cross-claims exceed twenty-five thousand dollars and those in which rights of parties to remove for trial in the superior court as hereinabove provided are not properly exercised shall be tried in the district court. A party who would have been entitled to remove the case for trial in the superior court as hereinabove provided but for the fact that the amount of the claim, counterclaim, or cross-claim, as the case may be, does not exceed twenty-five thousand dollars shall, if he desires trial by the superior court, file an entry fee of fifty dollars and bond within ten days after notice of the decision or finding. Such filing shall have the same effect as a request for retransfer under section one hundred and two C, and the decision shall be transmitted to and the case tried in the superior court subject to the provisions of said section one hundred and two C applicable to retransferred cases.

Approved July 16, 1986.

**Chapter 279. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL
YEAR ENDING JUNE THE THIRTIETH, NINETEEN
HUNDRED AND EIGHTY-SIX TO PROVIDE FOR
SUPPLEMENTING CERTAIN EXISTING
APPROPRIATIONS AND FOR CERTAIN OTHER
ACTIVITIES AND PROJECTS.**

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for certain other activities and projects, the sums set forth in section two for the several purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter one hundred and forty of the acts of nineteen hundred and eighty-five, for the fiscal year ending June thirtieth, nineteen hundred and eighty-six or for such period as may be specified, the sums so appropriated to be in addition to any amounts available for the purpose.

SECTION 2.

LEGISLATURE.

ACTS, 1986. – Chap. 279.

Item

- 0185-7850 For a study by the house and senate committees on ways and means relative to the assessments and reimbursements of the Massachusetts Bay Transportation Authority, provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven \$175,000
- 0185-7851 For the expenses of the special commission to make an investigation and study of the proposed division of the department of mental health into a department of mental health and a department of mental retardation, provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven \$300,000

JUDICIARY.

Supreme Judicial Court.

- 0320-0003 For salaries and expenses of the supreme judicial court; provided, that not less than one hundred twenty-one thousand dollars shall be obligated for a gender bias study, provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven \$121,000
- 0321-1500 For the committee for public counsel services as authorized by chapter two hundred and eleven D of the General Laws; provided further, that salaries paid to attorneys employed by the committee for public counsel services shall be comparable to those paid to attorneys employed by the several district attorneys offices and provided further that, except as provided herein no increase in the rate of compensation for counsel to indigents shall be authorized until funds for such increase are appropriated by the general court, including not more than fifty-three permanent positions and one hundred and forty temporary positions \$1,761,783

Trial Court.

- 0330-2040 For phase one of the computerization of the social law library located in Suffolk county

ACTS, 1986. – Chap. 279.

Item

provided, that this appropriation shall expire
June thirtieth, nineteen hundred and
eighty-seven

\$400,000

Administration of District Courts.
For Salaries and Expenses.

0332-7500

Second district court of eastern Worcester
(Clinton), including not more than thirteen
permanent positions; provided that the
comptroller shall write off the amount of one
thousand four hundred and forty-five dollars
and thirty cents stolen from the Clinton
district court on March eighteenth, nineteen
hundred and eighty.

Probate and Family Court Department.
For Salaries and Expenses.

0333-0200

Berkshire, including not more than eleven
permanent positions and one temporary
position

\$12,000

0333-0300

Bristol, including not more than forty-four
permanent positions

\$40,000

0333-0500

Essex, including not more than fifty-two
permanent positions and one temporary
position

\$5,000

0333-0900

Middlesex, including not more than one
hundred and seven permanent positions

\$50,000

0333-1100

Norfolk, including not more than sixty-six
permanent positions and seven temporary
positions

\$119,000

0333-1200

Plymouth, including not more than forty-six
permanent positions and two temporary
positions

\$79,000

0333-1400

Worcester, including not more than fifty-four
permanent positions and provided further
that thirty-five thousand dollars be used for
the Court Appointed Special Advocates
(CASA) Programs

\$80,000

Housing Court.
For Salaries and Expenses.

ACTS, 1986. – Chap. 279.

Item

0336-0100 Boston housing court; provided that, notwithstanding the provisions of chapter two hundred and eleven B of the General Laws to the contrary, the administrative justice of the housing court department holding such office prior to the effective date of this act shall receive a salary equivalent to a justice of the trial court, including not more than twenty-eight permanent positions

\$15,000

DISTRICT ATTORNEYS.

0340-0200 Northern, including not more than eighty-three permanent positions and seventy-three temporary positions, provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$92,984

0340-0400 Middle; provided, that the appropriation of sixty-eight thousand dollars shall expire on June thirtieth, nineteen hundred and eighty-seven, including not more than fifty-four permanent positions and thirty-eight temporary positions

\$68,000

Secretary of the Commonwealth.

0519-0010 For the expenses of chapter one hundred and sixty-five of the acts of nineteen hundred and eighty-five, the secretary of the commonwealth shall reimburse cities and towns for actual incremental costs incurred during the municipal street listing, provided no reimbursements shall exceed the actual incremental costs as determined by the state auditor; provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$890,000

TREASURER AND RECEIVER-GENERAL.

Pensions for Retired Justices.

0612-3000 For pensions of retired judges or their widows

\$150,000

Item

DEPARTMENT OF THE ATTORNEY GENERAL.

- 0810-0000 For the office of the attorney general, provided, that not less than five hundred thousand dollars be allocated for asbestos litigation costs, including not more than fifty-three permanent positions, prior appropriation continued
\$250,000
- 0840-0106 For the expenses of a pilot elderly victim assistance program in the city of Springfield; provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven
\$50,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

- 1102-3291 For the payment of a certain court judgment entered in Worcester superior court, civil action number 20144
\$281,902
- 1102-3292 For the payment of a certain court judgment entered in Suffolk superior court, civil action number 38938
\$1,575,000

Department of Personnel Administration.

- 1107-1000 For the administration of the department; provided, that notwithstanding any special or general law or rule or regulation to the contrary, the department of personnel administration is hereby authorized and directed to establish a fee of not less than ten dollars for each civil service examination given on or after September thirtieth, nineteen hundred and eighty-four; provided, that not less than one hundred and eighty thousand dollars be expended for the purposes of the Massachusetts Employee Assistance Program, and that no funds are obligated for purposes of executive search programs except any executive search program which may be conducted pursuant to Executive Order No. 227 adopted on February 25, 1983, as amended, and provided further, that the

ACTS, 1986. – Chap. 279.

Item

department of personnel administration administer a program of state employee unemployment management, including, but not limited to, agency training and assistance; and provided further that not less than sixty-nine thousand dollars be used to enhance the quality of the guide charts utilized in the job evaluation process; including not more than one hundred and ninety-six permanent positions and thirty-seven temporary positions

\$243,000

1107-2400 For the office of handicapped affairs, provided, that, the office of handicapped affairs is authorized to expend the sum of twenty-five thousand dollars for the purpose of conducting an investigation and study relative to services rendered to minority handicapped citizens; provided further, that not less than thirty-five thousand dollars be expended for the purposes of the governor's commission on accessible transportation, including not more than seven permanent positions and six temporary positions and provided further, that funds may be expended from this item for fiscal year nineteen hundred and eighty-five costs required by chapter three hundred and seven of the acts of nineteen hundred and eighty-five

\$15,000

1599-2025 For a reserve to meet emergencies; provided, that the commissioner of administration is hereby authorized to transfer from the sum appropriated herein to other appropriation items where the amounts otherwise available are insufficient, such amounts as are necessary to protect the public interest; provided, that no transfer shall be made as authorized herein until the existence of the said emergency shall have been certified by the agency and the secretary having jurisdiction over the requesting agency; and the commissioner of administration; provided further, that the commissioner of administration is authorized to allocate the amount of said transfers to the several state or other funds to which such items of appropriation are charged; and provided further, that no such transfers or expenditures

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Item

shall be made without the prior approval of the house and senate committees on ways and means

\$500,000

1599–2038 For the payment of deficiencies in certain appropriations for previous fiscal years based upon schedules provided to the house and senate committees on ways and means; provided, that the comptroller is hereby authorized to allocate the amounts of such payments to the several state or other funds to which said payments would have been chargeable if appropriations had been available thereof; provided further however, that where the item to which the deficiency is charged did not contain a balance sufficient to meet the required payment at the end of the fiscal year during which the expenditure was incurred no payment shall be made without the prior approval of the house and senate committees on ways and means; provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven

\$265,000

1599–3315 For the transportation of prisoners to and from the several departments of the trial court by the sheriffs of the various counties, including the cost of personal services and the purchase of vehicles and other equipment for said purposes; provided that, the commissioner of administration is hereby authorized to advance to the county treasurer of each county the sums set forth below for each respective county: Barnstable, one hundred ninety-seven thousand seven hundred and eighty-six dollars; Berkshire, one hundred thirty-eight thousand seven hundred and forty-two dollars; Bristol, two hundred thirty-nine thousand seven hundred and thirty-two dollars; Dukes, sixty-four thousand seven hundred and seventy-six dollars; Essex, three hundred sixteen thousand seven hundred and twelve dollars; Franklin, one hundred twenty-four thousand and thirty-eight dollars; Hampden, three hundred forty-three thousand and seventy-one dollars; Hampshire, one hundred fifty-five thousand and thirty-seven dollars; Middlesex, five hundred

Item

fifty-four thousand five hundred and fifty dollars; Norfolk, three hundred thirty-six thousand seven hundred and sixty-eight dollars; Plymouth, three hundred sixty-five thousand two hundred and twenty-two dollars; Suffolk, three hundred three thousand one hundred and sixty-nine dollars; Worcester, three hundred twenty-two thousand eight hundred and fifty-six dollars; provided that the commissioner of administration, upon agreement of the respective sheriffs, may adjust such amounts in such fashion as is necessary to meet the actual cost of said transportation; and, provided, further, that each such treasurer shall deposit said amounts into a fund to be expended solely for the purpose of this item; and, provided that any interest earned by said fund shall be deposited to said fund and made available for expenditure for the purpose of this item in addition to the amounts appropriated herein and that any unexpended balance of such fund including interest as of June thirtieth, nineteen hundred and eighty-six, shall be returned to the commonwealth

\$109,074

Local Aid Fund

100.0%

1599-3325 For a reserve to meet the fiscal year nineteen hundred and eighty-six cost of certain salary adjustments, including increases caused by amendments to the general or management salary schedules provided for by chapter thirty of the General Laws; provided that the secretary of administration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and eighty-seven such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal year nineteen hundred and eighty-six; provided further, that said secretary is authorized to allocate the cost of such adjustments and benefits to the several state or other funds to which such items of appropriation are charged; and provided further, that no transfers shall be made from this item without prior approval

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Item

of the house and senate committees on ways and means, appropriation to expire June thirtieth, nineteen hundred and eighty-seven

\$6,054,566

1599–3403 For a reserve to fund the development and implementation of certain management information systems and equipment related to automation and undergraduate instruction; provided that the commissioner of administration, upon the recommendation of the director of the office of management information systems, is authorized to transfer funds from this item to other items of appropriation or to expend funds directly from this reserve; provided further, that no such transfers or expenditures shall be made without the prior approval of the house and senate committees on ways and means; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven, prior appropriation continued

\$1,617,100

1599–3526 For the purpose of preservation and restoration of art objects in the state house, provided that not less than fourteen thousand dollars be obligated for the preservation of the state house flags, provided further, that not less than seven thousand dollars be obligated for an alarm system to protect items of historical significance to the commonwealth, provided further, that not more than twenty thousand dollars be spent on administration; provided further, that this project shall be administered by the state house arts commission and that notwithstanding the provisions of section nineteen of chapter six of the General Laws, the chairman of the commission may serve for the duration of the project as executive director of this project and may be compensated therefore from funds appropriated in this item; provided further that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven, and provided further, that the state house arts commission shall report

Item

biannually to the house on all expenditures from this reserve and senate committees on ways and means

\$200,000

1599–3527 For a reserve to meet the cost of certain salary adjustments and other employee economic benefits authorized by the memorandum of agreement dated November seventh, nineteen hundred and eighty-four, between the commonwealth and the Alliance/AFSCME, SEIU, AFL–CIO, for certain class reallocations; and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by said memorandum of agreement, provided that the personnel administrator, with the approval of the commissioner of administration, shall determine such salary adjustments and other economic benefits for "confidential" employees in accordance with the provisions of the memorandum of agreement then in effect which would otherwise cover said positions; provided further, that said commissioner of administration is hereby authorized to transfer from the sum appropriated herein to other items of appropriation for the fiscal year nineteen hundred and eighty-seven, such amounts as are necessary to meet the costs of said adjustments and benefits for fiscal year nineteen hundred and eighty-seven where the amounts otherwise available are insufficient for the purpose; provided further, that said commissioner of administration is authorized to allocate the cost of such salary adjustments and benefits to the several state or other funds to which such items of appropriation are charged; provided further, that copies of said memorandum of agreement, together with an analysis of all cost items contained in said agreement and all changes to be made in the schedules of permanent and temporary positions required by said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet the cost of said adjustments and benefits; and provided further, that no transfers shall be made from this item without prior approval of the house

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| | and senate committees on ways and means, appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$1,150,000 |
| 1599-3598 | To discharge the commonwealth's obligation to the Massachusetts Bay Transportation Authority relative to the purchase of a certain parcel of land by the San Marco Housing Corporation pursuant to the provisions of chapter eight hundred and seven of the acts of nineteen hundred and eighty-one | \$350,000 |
| 1599-3600 | For the purpose of discharging a moral obligation pursuant to Senate resolve number 1926 filed in nineteen hundred and eighty-four, provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven | \$1,325 |

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.**

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| 2100-0995 | For the payment of a certain court judgment entered in Middlesex superior court, civil action number 81-4503 | \$50,000 |
| 2100-0996 | For the payment of a certain court judgment entered in Suffolk superior court, civil action number 71033 | \$40,000 |
| 2120-1508 | For the purposes of reconstruction and repairs at the Fort Pheonix State Reservation in the town of Fairhaven, appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$200,000 |
| 2150-0538 | For the repairs and reconstruction of the Lake Whittemore Dam in the town of Spencer, appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$50,000 |
| 2150-0561 | For the purchase of two beach cleaners for the purpose of maintaining the public beaches on Plum Island, appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$98,000 |

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- 2150-0574 For a study of cleaning and dredging of Long Pond in the town of Tewksbury \$20,000
- 2150-6843 For the cleaning, dredging, and flood control improvements of the Great Brook project on the Congamond Lakes in Southwick \$320,000

DEPARTMENT OF THE METROPOLITAN DISTRICT COMMISSION.

Administration.

- 2420-1301 To reimburse the city of Peabody for certain overpayments made by said city for water services received from the metropolitan district commission \$285,429
- Local Aid Fund 100.0%

Division of Watershed Management.

- 2420-1400 For the operation of maintenance of the watershed management division, including not more than one hundred and sixty-six permanent positions and not more than fourteen temporary positions; provided that no water shall be diverted from the Connecticut and Sudbury rivers by the metropolitan district commission or the Water Resources Authority; and provided further, that certain prior year obligations not exceeding forty-three thousand four hundred and thirty-one dollars incurred in appropriation accounts 2420-8804, 2429-7140 and 2429-8802 shall be allowed and paid from this item.
- 2440-0040 For the repairs and renovations of the Simoni Ice Skating Rink in the city of Cambridge, appropriation to expire June thirtieth, nineteen hundred and eighty-seven \$300,000

Metropolitan Parks District.

- 2440-0989 For the payment of a certain court judgment entered in Suffolk superior court, civil action number 47656 \$1,500
- 2440-0990 For the payment of certain attorney's fees incurred in prior fiscal years in connection

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| | with Suffolk superior court civil action number 43074 | \$5,699 |
| 2440-0991 | For the payment of a certain court judgment entered in Suffolk superior court, civil action number 42393 | \$75,000 |
| 2440-0998 | For the payment of a certain court judgment entered in Suffolk superior court, civil action number 63079 | \$35,361 |
| 2441-0001 | For a management study of the Stone and Franklin Park Zoos, appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$300,000 |
| 2444-9014 | For expenses involved in the refurbishing of the Flynn rink in the city of Medford, appropriation to expire June thirtieth, nineteen hundred and eighty-seven | \$200,000 |

EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

Office of the Secretary.

- 3000-0101 For payments to the city of Worcester for a program to be administered by the executive office of communities and development to combat the outbreak or otherwise contain the disease known as Hepatitis B, including but not limited to inoculation and education; provided, however, that the commonwealth's participation in any such program shall not exceed seventy per cent of the total amount granted to the city; provided further, that thirty thousand dollars of the amount appropriated herein shall be contracted for the town of Leicester for a program to be administered by the Worcester department of public health to combat the outbreak or otherwise contain the disease known as Hepatitis B, including but not limited to inoculation and education; provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven; provided further, that the city of Worcester shall provide an accounting to the executive office of communities and development of the fiscal year nineteen hundred and

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eighty-six expenditures totaling three hundred thousand dollars; and provided further, that at the end of fiscal year nineteen hundred and eighty-seven, the city of Worcester shall provide a full accounting to the executive office of communities and development on all expenditures along with a full analysis of this program

\$630,000

Division of Community Development.

3722-9108 For providing funds to cities and towns for planning activities related to urban revitalization and development projects authorized pursuant to section fifty-four of chapter one hundred and twenty-one B of the General Laws; provided, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven

\$250,000

3722-9109 For a program to provide assistance to communities to respond to the impacts and opportunities of growth and development including but not limited to developing capital budgets, infrastructure, and growth management and development plans; provided, however, that notwithstanding any general or special law to the contrary, not more than eighty thousand dollars may be expended by the division of municipal development to provide or purchase technical assistance or other services for communities, and provided further, that not more than one hundred and fifty thousand dollars shall be contracted with the Northern Berkshire Industrial Park Corporation to provide administrative support for said corporation, provided, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven

\$150,000

MASSACHUSETTS COMMISSION FOR THE BLIND.

4110-1020 For support of a medical assistance program for the blind, including such expenses incurred in previous fiscal years; provided that the commission for the blind shall reimburse the department of public welfare for any medical assistance claims paid by said department on the commission's behalf and administrative expenses incurred in, order to process such

claims as may be determined to be appropriate under an interagency agreement between said commission and the department of public welfare subject to the approval of the secretary of the executive office of human services; and provided, further, that said commission may continue previously existing arrangements for the payment of such claims until such interagency agreement has become fully operative provided further, that no spending from this item shall occur until an interagency agreement has been executed with the department of public welfare for the purpose of implementing savings in fiscal year nineteen hundred and eighty-seven including but not limited to third party liability, bulk purchasing, provider review, utilization review, and other cost saving initiatives; provided further that the department of public welfare and the commission for the blind shall file a report quarterly with the house and senate committees on ways and means detailing the status of said savings initiatives, including not more than three permanent positions and one temporary position

\$2,500,000

DEPARTMENT OF YOUTH SERVICES.

200–0998 For the payment of a certain court judgment entered in Suffolk superior court, civil action number 45900

\$50,000

4200–0999 For the payment of a certain court judgment entered in Hampshire superior court, civil action number 81–387

\$50,000

4202–0021 For the purchase of service for certain residential care programs, including certain secure programs, in accordance with the provisions of chapter twenty-eight A of the General Laws, and for certain nonresidential care programs from a list of vendors approved by and on file with the central office of the department; provided, that notwithstanding the provisions of section twenty-three of chapter twenty-nine of the General Laws, no monies shall be advanced to the department from this account without prior approval of the comptroller; provided further, that not less than one hundred and twenty-five thousand dollars shall be spent

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to establish a ten bed group home for
Hispanic youth

\$296,492

DEPARTMENT OF CORRECTION.

4349-0008 For the capacity expansion of the department of correction; provided, that not less than one million two hundred and fifty thousand dollars be obligated for a women's substance abuse treatment program; provided further, that not less than five million eight hundred thousand dollars be obligated for the lease and operations of modular correctional units at state and county facilities; provided further, that not less than five hundred and fifty thousand dollars be obligated for bed expansion at MCI-Lancaster; and provided further, that the department of corrections submit quarterly reports to the house and senate committees on ways and means detailing the expenditure of these funds, appropriation to expire June thirtieth, nineteen hundred and eighty-seven

\$7,600,000

PAROLE BOARD.

4380-0002 For management improvements to the parole board, provided that no expenditure shall be made from this item without prior approval of the house and senate committees on ways and means, appropriation to expire June thirtieth, nineteen hundred and eighty-seven

\$100,000

DEPARTMENT OF PUBLIC WELFARE.

4402-5010 For a one year demonstration project of medical services for pregnant women residing in the commonwealth who would otherwise be eligible for medical assistance pursuant to chapter one hundred eighteen E, but for excess income, and who lack health insurance or whose health insurance does not cover the pregnancy-related services as described below; provided, that the countable income of such pregnant women may not exceed such standards for eligibility as are established by the department; provided, further, that such standards shall be one hundred eighty-five per

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cent of the non-farm income poverty guidelines prescribed by the United States Office of Management and Budget; provided, further, that medical assistance furnished pursuant to this section shall be limited to medically necessary care and services related to pregnancy, delivery and childbirth, and post-partum obstetric and gynecological care and services; provided, further, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother; provided, further, that funds appropriated in this item shall constitute the sole obligation of the commonwealth to meet the costs of said services and that the entitlement provisions of the medical assistance program shall not apply to the program authorized in this section; provided, further, that the department of public welfare shall assess the need for this program in the event of any changes in the hospital reimbursement system and shall report on such assessment to the house and senate committees on ways and means; and provided, further, that the department shall submit a report, on a quarterly basis, to the house and senate committees on ways and means as to the number of women served during that quarter, categories of age, types of services provided, and expenditures made

\$740,000

DEPARTMENT OF PUBLIC HEALTH.

4510-0103 For the administration of the division of health promotion; provided not less than two hundred and twenty-five thousand dollars shall be expended for community programs to reduce the prevalence of hypertension and other risk factors for heart disease and stroke; and provided further, that not less than one hundred thousand dollars shall be expended to conduct a health survey, the results of which shall be reported back to the joint committee on health care and the house and senate committees on ways and means within seven months of the effective date of this act, including not more than one permanent position and twelve temporary positions; provided, that this appropriation

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shall expire on June thirtieth, nineteen hundred and eighty-seven

\$125,000

4510-0600 For an environmental health program, including control of radiation and nuclear hazards and consumer products protection, including food and drugs; a program of lead poisoning prevention; and the employment of the state lockup inspector; provided that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of one hundred per cent of the amounts so expended; provided, however, that not less than thirty thousand dollars shall be obligated for a generic drug publication; provided, however, that not less than two hundred and ninety-five thousand dollars shall be obligated to expand the program of lead paint poisoning prevention; provided further, that the department shall report quarterly to the house and senate committees on ways and means concerning the status of the case management program for children hospitalized for lead paint poisoning including both the number of children for whom case management is provided, and those who are hospitalized; provided further, that notwithstanding any law to the contrary, all funds required for inspections for lead-based paint in day care facilities, in an amount not to exceed ten thousand dollars shall be paid from this item; provided further, that all fees charged for such inspections may be expended without further appropriation, subject to the approval of the commissioner of public health and the state comptroller, for the expenses of the inspections of day care facilities, including not more than thirty-eight permanent positions and sixty-four temporary positions; and provided further, that certain fiscal year nineteen hundred and eighty-four obligations not exceeding two thousand dollars incurred in appropriation account 4516-0201 shall be allowed and paid from this item.

4510-0607 For the initial cost of an urea foam formaldehyde insulation program

\$50,000

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- 4512-0200 For the administration of the division of alcoholism; provided, that not less than two hundred thousand dollars shall be obligated for a program to reduce the incidence of alcohol use and abuse among pregnant women, including not more than eleven permanent positions and eighteen temporary positions; provided further, that not less than fifty thousand dollars to expire no later than June thirtieth, nineteen hundred and eighty-seven shall be obligated for an immigrant alcoholism program.
- 4513-1005 For a medical services program to be administered by the department of public health for pregnant women residing in the commonwealth who would otherwise be eligible for medical assistance pursuant to chapter one hundred and eighteen E of the General Laws, but for excess income, and who lack health insurance or whose health insurance does not cover the pregnancy related services as described below; provided, that the countable income of such pregnant women may not exceed such standards for eligibility as are established by the department; provided further, that such standards shall be one hundred and eighty-five per cent of the non-farm income poverty guidelines prescribed by the United States Office of Management and Budget; provided further, that no persons eligible under medical assistance pursuant to chapter one hundred and eighteen E of the General Laws shall be served through this program; provided further, that medical assistance furnished pursuant to this section shall be limited to medically necessary care and services related to pregnancy, delivery and childbirth, and post-partum obstetric and gynecological care and services; provided further, that no funds appropriated under this item shall be expended for the payment of abortions not necessary to prevent the death of the mother; provided further, that funds appropriated in this item shall constitute the sole obligation of the commonwealth to meet the costs of said services and that the entitlement provisions of the medical assistance program shall not apply to the program authorized in this section; pro-

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vided further, that there shall be no expenditures from this item until a report has been filed with the house and senate committees on ways and means which shall include but not be limited to 1) the number of recipients served by the program to date, 2) service site, average cost, insurance status, employment status and marital status of recipients, 3) the administrative standards of the program including plans for improved screening for medicaid eligibility, 4) the need for such a program in light of medicaid eligibility changes, free care and bad debt agreements with hospitals and community health centers, and physician rate increases, and 6) the effect of such eligibility and reimbursement changes on projected and actual caseload increases

\$6,360,000

4513-1006 For a hospice program for children, provided, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven

\$25,000

4516-1000 For the administration of the center for the laboratory and communicable disease control services, including the division of communicable and venereal diseases, the division of tuberculosis control, and the state laboratory institute; provided, that, notwithstanding any provisions of law to the contrary, an amount not to exceed three hundred thousand dollars accrued through the program at the institute of laboratories of selling biological products and performing various laboratory tests may be expended without further appropriation subject to schedules approved by the commissioner of the department of public health and the house and senate committees on ways and means and the state comptroller; provided further, that not less than two hundred and thirty thousand dollars shall be expended for Varicella-Zoster Immune Globulin, cytomegalovirus, and Whooping Cough vaccine programs; provided further, that not less than eight hundred thousand dollars shall be used for the purpose of providing vaccines for childhood diseases and not less than four

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hundred thousand dollars shall be obligated for the purposes of providing influenza vaccines for the elderly and the chronically ill; provided further, that not less than two hundred thousand dollars shall be obligated for a new vaccine to prevent Haemophilus influenza type b disease; provided further, that not less than three hundred and fifty thousand dollars shall be obligated for the expansion of the drug analysis laboratory; provided further, that not less than two hundred thousand dollars shall be obligated for the purpose of providing laboratory services, counseling, and education related to screening and monitoring of research regarding Acquired Immune Deficiency Syndrome and its related complex; and provided further, that not less than two hundred thousand dollars shall be obligated for a toxoplasmosis screening program; including not more than one hundred and ninety-five permanent positions and fifty-one temporary positions and provided further, that certain prior years obligations incurred in appropriation account 4512-0100 amounting to five hundred and forty dollars shall be allowed and paid from this item.

4531-0001

Lakeville Hospital Rehabilitation Center; provided, however, that not less than two hundred thousand dollars shall be expended for the purchase of equipment, including not more than two hundred and eighty-seven permanent positions and fifty temporary positions; and provided further, that of the amount appropriated herein, two hundred thousand dollars in the "15" subsidiary, so called, shall expire on June thirtieth, nineteen hundred and eighty-seven.

4536-0999 For

the payment of a certain court judgment entered in Middlesex superior court, civil action number 82-5432.

\$40,000

DEPARTMENT OF MENTAL HEALTH.

5011-0000 For

administration, except as otherwise provided, for the boarding out of children, as provided in chapter one hundred and twenty-three of the General Laws, with the consent of the parent or guardians; provided, that the position of assistant to the commissioner of mental health (executive in mental

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retardation) shall not be subject to the provisions of chapter thirty-one of the General Laws; provided further, that from the funds appropriated herein not more than two hundred thousand dollars shall be expended for the development of individual service plans; provided further, that not more than four hundred thousand dollars shall be expended for the monitoring and evaluation of the implementation of said plans; and provided further, that not less than one million one hundred and thirty thousand dollars shall be obligated for data processing services and equipment for such services, including not more than one hundred and fifty-one permanent positions and not more than one hundred and thirteen temporary positions; and provided further, that certain prior years expenses in an amount not exceeding eighty-one thousand dollars shall be allowed and paid from this item

\$81,000

5011-0017 For new community systems, provided, however, that no funds may be expended from this item for a medium secure treatment center located on the grounds of Taunton state hospital; provided that not less than one million seven hundred thousand dollars shall be obligated for programs for the mentally ill and retarded homeless citizens of the commonwealth; provided further, that not more than five million nine hundred fifty thousand and thirty-five dollars shall be expended on programs and community placement required by the Brewster consent decree; provided further, that not less than one hundred ninety thousand dollars shall be obligated for the Mill Pond development for geriatric mentally ill in Littleton; provided further, that not less than three hundred and twenty thousand dollars shall be obligated for new community programs for the chronically mentally ill; and, provided further, that not less than three hundred and seventy thousand dollars shall be obligated for initiation and expansion of social clubs; provided further, that not more than one hundred thousand dollars shall be obligated for mental health clinical services for Hispanic clients; provided further, that the appropriation

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| Item | in this item shall be available for use during fiscal year ending June thirtieth, nineteen hundred and eighty-seven | |
| 5011-0993 For | the payment of a certain court judgment entered in Suffolk superior court, civil action number 48393 | \$345,000 |
| 5011-0994 For | the payment of a certain court judgment entered in Suffolk superior court, civil action number 47222 | \$6,000 |
| 5351-0999 For | the payment of a certain court judgment entered in Suffolk superior court, civil action number 52195 | \$1,000 |
| | | \$70,000 |

Region Three.

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| 5377-0100 For | the maintenance of the Charles V. Hogan regional center and the John T. Berry rehabilitation center, including not more than four hundred and sixty-five permanent positions and not more than three hundred and seventy-eight temporary positions, prior appropriation continued | |
| 5483-0100 For | the maintenance of the Walter E. Fernald state school, including not more than one thousand one hundred permanent positions and not more than one thousand two hundred and ninety-six temporary positions; provided, that one thousand eight hundred and eighty-nine dollars be allowed and paid from this item for certain damages sustained to equipment owned and leased to the commonwealth by Sani-Tech Co., and that two hundred and nineteen dollars be allowed and paid from this item for certain damages sustained to clients' personal funds while in custody of the W.E. Fernald state school. | \$26,000 |

Region Five.

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|---------------|--|----------|
| 5545-0000 For | the administration of region five, including not more than three hundred and ninety-five permanent positions and not more than fifty temporary positions | |
| | | \$65,000 |

Region Six.

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| 5652-0100 For | the maintenance of the Dr. Solomon Carter Fuller mental health center, including not more than one hundred and forty-seven permanent positions and not more than | |
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one hundred and fifty-eight temporary
positions

\$228,000

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.
DEPARTMENT OF PUBLIC WORKS.**

Highway Activities.
Personal Services.

6010-0001 For personal services of the department, provided, that notwithstanding the provisions of section four of chapter sixteen of the General Laws, the commissioner may appoint six additional assistants who shall serve at the pleasure of the commissioner and shall not be subject to chapter thirty-one of the General Laws and may also appoint a deputy chief counsel (counsel III) who shall not be subject to chapter thirty-one of the General Laws; and provided further, that an amount not to exceed twenty thousand dollars shall be allowed and paid for certain salary adjustments incurred in prior fiscal years, granted by grievance decisions or agreements between the office of employee relations and the appropriate unions; including not more than two thousand eight hundred and sixty permanent positions and five hundred and fifty-eight temporary positions.

Administrative and Engineering Expenses.

6020-2591 For the payment of a certain court judgment entered in Suffolk superior court, civil action number 46478

\$800

6020-2592 For the payment of a certain court judgment entered in Hampden superior court, civil action number 83-890

\$405

6020-2593 For the payment of a certain court judgment entered in Suffolk superior court, civil action number 57053

\$186

6020-2594 For the payment of a certain settlement agreement, pursuant to the provisions of section five of chapter two hundred and fifty-eight of the General Laws

\$19,900

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EDUCATION.

Libraries.

7000-9402 For the purpose of a talking book library; provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven \$69,000

Local Aid Fund. 100.0%

DEPARTMENT OF EDUCATION.

Board of Education and Commissioners' Office.

7010-0015 For the administration of a pilot School and Pupil-Based Information Network (SPIN) to implement the data collection and analysis requirements of chapter one hundred and eighty-eight of nineteen hundred and eighty-five and to allow timely access to the data by local school districts and other authorized users; provided, that the commissioner of education shall file a report with the house and senate committees on ways and means on or before January first, nineteen hundred and eighty-seven, detailing the results of said pilot program; provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven \$150,000

7010-0045 For a program by the department of education's bureau of equal education opportunity for cities, towns or regional school districts which have been designated by the board of education as districts of extreme critical need for fiscal year nineteen hundred and eighty-six under the provisions of section four of chapter three hundred and ninety-four of the acts of nineteen hundred and eighty-four; provided, that the program shall be for the cost of assessing and evaluating the structure, racial balance, and quality of educational programs within said city, town or regional school district and to implement the recommendations, if any, of said assessment; provided further, that districts so designated by said board which

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have had grants approved by said board in fiscal year nineteen hundred and eighty-six under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight or who have completed similar comprehensive educational assessments, as determined by the board of education, within the preceding three years of the effective date of this act shall be ineligible for the program funded herein; provided however, that said bureau shall contract with an independent, non-state agency to do said assessment and said bureau shall be authorized to create programs in said cities, towns or regional school districts as called for in said assessment to fulfill its recommendations; provided further, that any participants in said program under this appropriation shall cooperate with the bureau of equal education opportunities within the department of education in performing said assessment and in creating any new programs with funds appropriated herein; provided further, that said bureau shall file quarterly reports with the house and senate committees on ways and means detailing the progress of said assessments and programs; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$50,000

7010-0999 For the payment of certain settlement agreements, pursuant to the provisions of section five of chapter two hundred and fifty-eight of the General Laws

\$30,000

7039-0100 For the expenses and operational support of adult literacy programs; provided that, the Adult Literacy Services be administered through the Commonwealth's Service Delivery Area System; and provided further that, the programs serve employed as well as unemployed adults, at least fifty per cent of whom have less than sixth grade language and math competence; and provided further that, these programs include those sponsored by community based organizations, city based organizations, local educational agencies, correctional facilities, unions and employers;

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and provided further that, not less than eight hundred and fifty thousand dollars of the amount appropriated herein shall be expended for the Boston Adult Literacy Initiative programs; provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$2,000,000

7061-0003 For the reimbursement of regional school districts of the amount of school aid due under the provisions of section sixteen D of chapter seventy-one of the General Laws; provided, that notwithstanding any provisions of chapter seventy-one or any other general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated herein; provided, further, that notwithstanding any general or special law to the contrary, one million seven hundred thousand dollars of this appropriation shall be distributed among those regional school districts receiving a lesser amount of school aid pursuant to chapter seventy of the General Laws in fiscal year nineteen hundred and eighty-six than the amount received in fiscal year nineteen hundred and eighty-three; provided, further, that the distribution to each eligible regional school district from said one million seven hundred thousand dollars shall be in the same proportion as their reduction is to the total reduction of all regional school districts, as certified by the commissioner of education; provided, further, that such distribution shall not exceed the difference between the fiscal year nineteen hundred and eighty-three and fiscal year nineteen hundred and eighty-six chapter seventy distribution to eligible regional school districts; and provided, further, that no regional school district shall receive less under the provisions of section sixteen D of chapter seventy-one of the General Laws in fiscal year nineteen hundred and eighty-six than it received in fiscal year nineteen hundred and eighty-five

\$37,620

Local Aid Fund

100.0%

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BOARD OF REGENTS.

Compact for Education.

7066-0099 For the payment of a certain court judgment entered in Bristol superior court, civil action number 13257

\$18,500

7070-0065 For scholarship programs, as provided in section seven of chapter fifteen A of the General Laws, chapter seven hundred and twelve of the acts of nineteen hundred and sixty-six and section seven B of chapter sixty-nine of the General Laws including expenses for the last two prior fiscal years, as well as for senatorial honor scholarships and a statewide program in consortium scholarships to provide an opportunity for pursuing programs in the private sector that are not presently available in the public sector; provided, that all applicants for such consortium scholarships must be approved by the board of regents and be subject to the rules and regulations with respect to eligibility as established by said board; provided further, that not less than fifty-two million nine hundred and thirty thousand dollars shall be obligated for the state scholarship program; provided, further, that not less than nine million two hundred and twenty-five thousand dollars shall be obligated for the program of matching scholarship grants known as the Carl J. Gilbert Matching Scholarship grant program, with funds to be apportioned according to amounts appropriated for each fiscal year; provided, further, that students receiving said matching scholarship grants shall be eligible for additional scholarship assistance provided by the commonwealth; provided, further, that not less than eight million eight hundred and forty-five thousand dollars in the aggregate shall be obligated for the purposes of the Massachusetts graduate scholarship grant program, the Massachusetts educational employment program, the Massachusetts adult learners program, the Massachusetts low interest student education loan program, the commonwealth scholars program, and the Massachusetts teacher incentive program;

provided, further, that not less than four million dollars shall be obligated for a scholarship program for needy Massachusetts part-time undergraduate students; provided, further, that the board of regents shall establish policies and regulations relating to the scholarship program for needy Massachusetts part-time undergraduate students; provided that the board of regents shall develop an indexing system, so-called, for general scholarship awards, said system to be reviewed and approved by said board and to be utilized subject to the approval of the house and senate committee on ways and means in the granting of general scholarship awards for expenditure in fiscal year nineteen hundred and eighty-eight; provided further, that the board of regents shall prepare a report on the operation of the part-time scholarship program, including a description of the structure of the program and list of participating colleges and number of recipients and average award per recipient, said report to be submitted to the house and senate committees on ways and means by March fifteenth, nineteen hundred and eighty-seven; provided further, that the board of regents shall perform programmatic and financial auditing of the scholarship program and prepare a report including an analysis of the eligibility requirements for recipients and the role of participating colleges in supervising the adherence of recipients to the residency and economic need requirements as established in conjunction with the scholarship programs, said report to be submitted to the house and senate committees on ways and means by March fifteenth, nineteen hundred and eighty-seven; provided, further, that the limitations on the total amount of scholarships awarded to students of institutions of higher education supported by the commonwealth as set forth in section seven of chapter fifteen A of the General Laws shall not apply to scholarships awarded hereunder; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$75,000,000

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- 7070-0066 For a scholarship program for master of science degrees in nursing at non-public institutions of higher learning located within the commonwealth; provided that each said nursing scholarship shall provide seventy-five per cent of the total tuition cost of the specific institution to attain said degree provided, that the board of regents shall develop guidelines for said program including student residency requirements and the provisions of payback service to the commonwealth for recipients of said scholarships; provided further, that said guidelines shall be filed with the house and senate committees on ways and means before any of said scholarships are distributed to students; provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven
\$300,000
- 7077-0023 For the commonwealth's share of the development and operating costs of the Tufts School of Veterinary Medicine; provided, that not less than three million dollars shall be expended solely for supportive veterinary science services provided to the commonwealth pursuant to contracts entered into by the chancellor of the board of regents and said school and approved by the house and senate committees on ways and means; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven
\$850,000
- 7100-9505 For one-time purchases to improve library collections necessary for graduate programs and research development at the University of Massachusetts, the University of Lowell and Southeastern Massachusetts University; provided, that notwithstanding any provision of law to the contrary, the board of regents shall allocate such appropriation in accordance with an allocation plan approved by the house and senate committees on ways and means; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven
\$3,000,000

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- 7100-9600 For a reserve for the purchase of educational equipment and supplies for academic program improvement within the system of higher education; provided that the board of regents of higher education shall allocate such funds in accordance with an allocation schedule approved by the house and senate committees on ways and means; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven \$3,000,000
- 7105-0005 For a reserve for the payment of prior years' obligations of a data processing system under the board of regents; provided, that no funds may be spent from the amount appropriated herein without the prior written approval of the house and senate committees on ways and means committees in accordance with a schedule filed by the chancellor of the board of regents; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven \$1,276,526
- 7109-0999 For the payment of a certain court judgment entered in Plymouth superior court, civil action number 81-13866 \$6,000
- 7112-0999 For the payment of a certain court judgment entered in United States district court, district of Massachusetts, civil action number 76-2149 Z. \$2,873,971
- 7118-0999 For the payment of a certain court judgment entered in United States district court, district of Massachusetts, civil action number 81-412 N \$23,672
- 7220-0003 For the expenses of the Tsongas Industrial History Center, to be operated by the University of Lowell, provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven \$62,125
- 7410-0101 For the purchase of equipment for the program of animal diagnostic and control services at the University of Massachusetts; provided, that the dean of the College of Food and Natural Resources at the University of Massachusetts

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shall analyze the existing fee structure for such services and recommend a schedule of fees for such services, said schedule to be submitted to the commissioner of education and the house and senate committees on ways and means by December first, nineteen hundred and eighty-six; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$200,000

- 7410–1103 For the operation of a center for Rural Massachusetts to be based at the University of Massachusetts at Amherst, including not more than three positions; provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$75,000

University of Lowell.

- 7411–1010 For the purposes of repairs to cover damages to property and equipment as a result of a laboratory fire at the University of Massachusetts Medical School and a water main break at the University of Massachusetts Medical Center

\$452,274

- 7514–7800 For the acquisition by purchase or otherwise and preparation of a certain parcel of land in the city of Springfield, county of Hampden, for the use of Springfield Technical Community College as a parking area; provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$1,540,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Massachusetts Criminal Justice Training Council.

- 8200–0200 For the administration and operation of certain training programs to be conducted by the Massachusetts criminal justice training council, including not less than two hundred and eighty thousand six hundred and fifty-three dollars for the criminal justice training center in Agawam, not less than one hundred and forty thousand three hundred and fifty-four dollars for the northeast regional police institute, not less than one hundred seven thousand one hundred and fifty-nine dollars for the south suburban police institute, and not less than one hundred and

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twelve thousand sixty-four dollars for the southeastern regional criminal justice training center, including not more than seven permanent positions and thirty-five temporary positions, appropriation to expire June thirtieth, nineteen hundred and eighty-seven

\$293,000

Criminal Justice Training Council.

8200-0250 For the administration of a crime prevention program encompassing support and services to assist various neighborhood crime watch programs through the local crime prevention offices, including not more than four temporary positions

\$90,000

Division of State Police.

8312-0100 For the administration of the division, provided, however, that not less than one hundred fifty thousand dollars be expended on investigation concerning prescription drug abuse to be conducted by the Drug Investigation Unit, so-called; provided, further, that not less than one hundred twenty-five thousand dollars shall be used for mounted units which shall patrol Walden Pond, Salisbury Beach and other state facilities as appropriate, provided further, that not less than two hundred thousand dollars shall be expended on the operation of a Missing Persons Resource Unit with particular emphasis placed on investigations concerning the location of missing children; provided that not less than one hundred thousand dollars shall be obligated for officers injured in the line of duty, including not more than one hundred and eighty-seven positions, appropriation to expire June thirtieth, nineteen hundred and eighty-seven.

| | |
|--------------|-------|
| General Fund | 15.0% |
| Highway Fund | 85.0% |

8312-0996 For the payment of a certain court judgment entered in Barnstable Superior Court, civil action number 40696

\$3,000

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- 8312-0997 For the payment of a certain court judgment entered in Suffolk superior court, civil action number 65606 \$10,000

REGISTRY OF MOTOR VEHICLES.

- 8400-0001 For the administration of the registry; provided that the positions of administrative assistant to the registrar, legislative assistants, executive assistant to the registrar, director of employee relations shall not be subject to civil service law and rules, including not more than nine hundred and thirty-nine permanent positions and one hundred and fourteen temporary positions \$1,738,070
- 8400-0004 For the expenses of making certain improvements to the electronic data processing system at the registry of motor vehicles, prior appropriation continued \$470,000
- 8400-0017 Special payments to the highway safety bureau – traffic records file \$8,000

Committee on Criminal Justice.

- 8600-0001 For the administration of the Committee on Criminal Justice including not more than fifteen positions, provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven \$136,886

MILITARY DIVISION.

Adjutant General.

- 8700-0200 For compensation for special and miscellaneous duty, for transportation of officers to and from military meetings and drills, for expenses of camps of instruction, for compensation for accidents and injuries sustained in the performance of military duty, for small claims for damages to private property and for allowances to companies and other administrative units to be expended under the direction of the adjutant general, including not more than four permanent positions \$54,000

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State Quartermaster.

| | | |
|-----------|---|----------|
| 8700-1110 | For the operation of armories of the first class; provided that, notwithstanding any law to the contrary, all revenue in an amount not to exceed four hundred thousand dollars, received from fees paid for the non-military rental or use of said armories may be expended without further appropriation, subject to the approval of the state quartermaster and the state comptroller, for the cost of energy audits for said armories, for the cost of a study for improvements in the fee rental structure used at said armories, for the cost of utilities and maintenance and for the implementation of energy conservation measures with regard to said armories; provided further, the state quartermaster shall report quarterly to the house and senate committees on ways and means the income derived from such rentals and funds expended for the cost of utilities and maintenance and for the implementation of energy conservation measures, including not more than seventy-one permanent positions and four temporary positions | \$6,782 |
| 8700-1410 | For certain storage and maintenance facilities, including not more than twenty-two permanent positions | \$10,000 |
| 8700-1601 | For preparations for the celebration of the 350th anniversary of the Massachusetts National Guard | \$30,000 |

Civil Defense Agency

| | |
|-----------|--|
| 8800-0002 | For the service of the civil defense agency non-matching fund program; provided however, that from the appropriated herein not less than one hundred four thousand dollars shall be expended to provide fuel, insurance, equipment, maintenance and miscellaneous expenses to sustain the operation of the Massachusetts Civil Air Patrol relating to aerial surveillance duties of Massachusetts land and water areas to monitor for environmental pollution discharges, toxic waste dumps, transportation of hazardous materials and wastes and accidents involving said transport, in |
|-----------|--|

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conjunction with the responsible agency insofar as is practicable, including not more than one temporary position; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$20,782

8800-0013 For a hazardous material emergency response vehicle for the metro fire district

\$85,000

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Office of the Secretary.

9000-0110 For the expenses of the centers of excellence corporation; provided that not less than three hundred thousand dollars of the amount appropriated herein shall be obligated for shared equipment and facility expenses; provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$300,000

9000-1700 For the expenses of the reemployment assistance programs as specified in section seventy-one D of chapter one hundred and fifty-one A of the General Laws, provided that not less than one hundred and ten thousand dollars be obligated for a study to determine the feasibility of maintaining the economic viability and employment of the Fore River Shipyard located in Quincy, prior appropriation continued

\$35,000

9000-1710 For the provision of capital for the economic stabilization fund, as provided by section seven to fifteen, inclusive, of chapter twenty-three C of the General Laws, to be used for making loans to or investments in businesses and persons that comply with said sections, prior appropriation continued

\$2,500,000

Division of Economic Development.

9091-0400 For expenses and operational support of industrial advertising, promotion, public relations and economic development expenses such as telephone, telegraph, freight costs, postage, printing, duplication expenses, photographic services, preparation of industrial development literature, preparation of industrial exhibits for conventions and trade shows, in-state and out-of-state travel to

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promote industrial development, attendance at major industrial convention and trade shows, and related costs; not including vacation travel and not including salaries or wages of employees; provided, that all industrial advertising, promotion, public relations and economic development activities carried on pursuant to this item shall wherever possible stress the substantial skills, training and educational resources of the commonwealth and the purpose and resources of the commonwealth's Bay State Skills Corporation; and provided, further, that the department of commerce shall work in close cooperation with the Bay State Skills Corporation in this regard; and subject further to the condition that the commissioner shall file with the house and senate committees on ways and means a quarterly report of itemized expenditures in the eleven subsidiary (advertising and printing) provided, further, that no funds appropriated herein shall be used for the maintenance and administration of the department; provided, further, that not more than forty-five thousand dollars shall be expended to advertise and promote the use of railroad freight service with the commonwealth; provided, further, that not less than one hundred and twenty-five thousand dollars of the amount appropriated herein shall be obligated for the support of programs operated by a farm worker's organization serving low income people and the Hispanic population of Western Massachusetts; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$375,000

EXECUTIVE OFFICE OF ELDER AFFAIRS.

Office of the Secretary.

9110-1075 For grants to Area Agencies on Aging for social and nutritional services to be in addition to funding received under Title III of the Older Americans Act; provided that expenditures for the purposes of this item shall be only for

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eligible services as authorized under Title III of the Older Americans Act provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$900,000

9110-1635 For a demonstration grant program in Fall River to provide twenty-four hour in-home medical and social assessment services and crisis intervention to elders in need and to elderly patients recently discharged from acute facilities; provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$130,000

EXECUTIVE OFFICE OF CONSUMER AFFAIRS.

Office of the Secretary.

9200-0200 For a reserve for the implementation of a program designed to prevent the occurrence of medical malpractice and to improve the quality of health care

\$250,000

State Racing Commission.

9210-0001 For the administration of the commission, including not more than thirty-three permanent positions; provided that a sum not exceeding one hundred thousand dollars shall be expended by the commission to contract with an accredited school of veterinary medicine in the commonwealth, to establish a drug testing and research program to insure the legitimacy and integrity of the racing industry; provided further, that a sum of seventy thousand dollars shall be expended for the purchase of data processing equipment and software to ensure the efficiency, legitimacy and integrity of the racing industry; provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$112,342

DEPARTMENT OF BANKING AND INSURANCE.

Division of Insurance.

9222-0999 For the payment of a certain court judgment entered in Suffolk superior court, civil action number 47756

\$45,629

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Division of Registration.

9230-0001 For the administration of the division; provided, that the position of investigator of radio-television technicians shall not be subject to chapter thirty-one of the General Laws; provided, however, that no fewer than nine positions shall be located in the western Massachusetts office, including not more than two hundred and ninety-six permanent positions and two temporary positions

\$275,000

EXECUTIVE OFFICE OF ENERGY RESOURCES.

9300-0003 For the administration of the executive office of energy resources, provided that an amount not less than one hundred sixty-one thousand and two hundred dollars be obligated for an energy forecasting program, including not more than one permanent position and twenty-five temporary positions, provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-seven

\$50,000

EXECUTIVE OFFICE OF LABOR.

9400-0101 For the development and administration of a labor museum; provided that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven

\$50,000

SECTION 2A. For the purpose of making available for expenditure in the fiscal year nineteen hundred and eighty-seven certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and eighty-six, the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and eighty-seven.

0121-9000
0122-0000
0125-0000
0125-0030
0127-0000
0144-0000
0185-7802
0330-0300
0330-2800
0331-3300
0332-8811
0332-8812
0337-0100
0340-0100

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0340-0500
0431-1112
0431-8811
0511-8811
0526-0200
1100-1560
1100-1561
1100-8751
1100-8757
1100-8758
1100-9510
1102-3210
1102-3915
1102-8773
1102-8784
1102-8785
1102-8791
1102-8792
1102-8793
1102-8796
1102-8801
1102-8804
1102-8812
1102-8813
1102-8814
1102-8815
1102-8816
1102-8817
1102-8818
1102-8819
1102-9792
1102-9801
1102-9802
1102-9805
1107-1000
1599-2025
1599-2038
1599-2056
1599-3223
1599-3396
1599-3415
1599-3503
1599-3504
1599-3510
2000-0300
2100-0105
2120-0315
2120-0400
2120-0510
2120-0904

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2120-1507
2120-1700
2120-8802
2120-8803
2120-8805
2120-8807
2120-8812
2120-8814
2120-8815
2130-8772
2150-0350
2150-0502
2150-0503
2150-0504
2150-0506
2150-0508
2150-0509
2150-0510
2150-0520
2150-0523
2150-0527
2150-0529
2150-0531
2150-0534
2150-0536
2150-0537
2150-0538
2150-0560
2150-0570
2150-0573
2200-0198
2240-0500
2240-8801
2250-0904
2250-0905
2250-0906
2250-0908
2250-0910
2250-1001
2250-1010
2270-0522
2270-8771
2270-8772
2270-8773
2270-8775
2270-8791
2270-8807
2270-8811
2270-8812
2270-8813
2270-8815
2270-8816
2270-8817

2270-8818
2310-0311
2320-8791
2320-8813
2320-9812
2350-0100
2410-8801
2410-8802
2420-1400
2440-0030
2440-0900
2440-8773
2440-8776
2440-8787
2440-8796
2440-8797
2440-8798
2440-8802
2440-8803
2440-8804
2440-8806
2440-8812
2440-8813
2440-8816
2440-8817
2440-8819
2440-8838
2440-9812
2440-9813
2440-9814
2440-9850
2444-8812
2444-9014
2444-9015
2444-9016
2449-7260
2449-7350
2449-8754
2449-8755
2449-8791
2511-8812
2518-3000
2518-4000
2518-5000
2611-8751
2681-9029
2685-9050
3722-9015
3722-9111
3724-9001
3724-9002
4000-0510
4000-0780

4000-9002
4120-0071
4180-8785
4190-8811
4202-8811
4224-8781
4224-8791
4311-0100
4311-8811
4313-8811
4314-8812
4315-8811
4316-8801
4316-8811
4316-8812
4316-8813
4343-8811
4345-8811
4346-8801
4348-8801
4348-8811
4348-8812
4510-0607
4513-1005
4516-8801
4531-8801
5011-8752
5011-8771
5011-8772
5011-8781
5011-8791
5011-8801
5011-8802
5011-8811
5011-8812
5191-8801
5294-8772
5294-8781
5295-8801
5471-8801
5481-8801
5491-8721
5495-8811
5561-8721
5581-8801
5593-8781
5651-8811
5700-8802
5897-8811
6000-3025
6000-3030
6000-3500
6000-3510

6000–3520
6004–8753
6004–8756
6005–0027
6006–1011
6006–8735
6020–2502
6030–7603
6030–7605
6032–4030
6032–4037
6032–4038
6032–7000
6034–0001
6034–0008
6034–0010
6034–0011
6034–0014
6130–7302
7061–0003
7070–8811
7070–8812
7111–8801
7114–8721
7114–8801
7115–8801
7116–8801
7220–0007
7220–8801
7220–8802
7220–8803
7410–8772
7410–8774
7410–8781
7410–8783
7410–8791
7410–8812
7410–8846
7416–8811
7416–8812
7490–8657
7490–8692
7490–8712
7504–8801
7504–8811
7505–8802
7506–8771
7514–8811
8000–0104
8000–0165
8000–2170
8200–0250
8312–0100

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8400-0004
8400-0100
8400-8811
8500-0001
8600-0001
8700-0200
9222-0115
9300-2801
9300-3901
9300-3902
9413-0100
9430-0100

SECTION 2B. For the purpose of making available for expenditure in the fiscal year nineteen hundred and eighty-seven certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and eighty-six, the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and eighty-seven, provided, that the unexpended balances in any other items of appropriation included by reference in the accounts listed below are not reappropriated.

1102-8771
1102-8777
1102-8797
1102-8806
2030-8811
2120-8774
2120-8775
2120-8777
2120-8781
2120-8782
2120-8791
2120-8797
2130-8771
2440-8793
2440-8794
2681-8751
4315-8792
4532-8791
4532-8792
4533-8791
4535-8791
4537-8791
4537-8792
5163-8741
5164-8741
5181-8741
5181-8781
5191-8741
5293-8791
5391-8771

5766-8741
6059-0000
7109-8791
7110-8723
7114-8791
7114-8802
7116-8751
7410-8784
7416-8801
7490-8702
7490-8706
7490-8721
7490-8722
7490-8751
7490-8753
7503-8751
7503-8791
7507-8791
7509-8721
7512-8751
7514-8751

SECTION 3. The department of correction may expend funds appropriated in item 4349-0008 in section two of this act to lease modular building units, hereinafter "the units," and to undertake related site and utility services projects, to house state and county inmates and provide program space as determined appropriate by the commissioner of correction in consultation with the sheriff of the county where a unit is to be located. The units shall be located on property made available for that purpose by the county commissioners of the county where a unit is proposed to be located. The specifications for the lease of the units and the site and utility services projects related thereto, shall be subject to the review and approval of the division of capital planning and operations. The specifications for the lease shall be advertised pursuant to the procedures required by section forty-four J (1) of chapter one hundred and forty-nine of the General Laws. This section shall expire June thirtieth, nineteen hundred and eighty-seven.

SECTION 4. The department of correction is hereby authorized to assume control and management over certain buildings and the lands appurtenant thereto located at the former Lancaster School for Girls, currently used by a vendor providing youth services to state agencies, and may use those lands and buildings for correctional purposes as determined appropriate by the commissioner of correction. This section shall expire June thirtieth, nineteen hundred and eighty-seven.

SECTION 5. As of June thirtieth, nineteen hundred and eighty-six the comptroller shall transfer from the General Fund the Highway Fund the amount of the Highway Fund deficit, if any, for the fiscal year nineteen hundred and eighty-six.

SECTION 6. As of June thirtieth, nineteen hundred and eighty-six the comptroller shall transfer from the General Fund to the Local Aid Fund the amount of the Local Aid Fund deficit, if any, for the fiscal year nineteen hundred and eighty-six.

SECTION 7. During the fiscal years nineteen hundred and eighty-six and nineteen hundred and eighty-seven, notwithstanding the provisions of any general or special law to the contrary, payments for the fiscal year nineteen hundred and eighty-six and prior fiscal years cost of certain personnel classification appeals, approved and granted by the personnel administrator in accordance with the provisions of section forty-nine of chapter thirty of the General Laws as amended, the cost of certain classification requests recommended by the personnel administrator in accordance with the provisions of section forty-five of chapter thirty of the General Laws as amended and the cost of certain salary adjustments established under the provisions of section five of chapter four hundred and eighty-seven of the acts of nineteen hundred and eighty-four may, at the discretion of the commissioner of administration, be charged to items of appropriation for the fiscal years nineteen hundred and eighty-six and nineteen hundred and eighty-seven.

SECTION 8. The board of trustees of the University of Massachusetts is hereby authorized and directed to take any and all actions which may be necessary to implement no later than July fifteenth, nineteen hundred and eighty-six the vote by which it conditionally approved the making available of a certain parcel of land under the control of the University of Massachusetts at Boston and located in the vicinity of Morrissey Boulevard in the Dorchester section of the city of Boston to the Dorchester Chapter of the Vietnam Combat Veterans Combined Armed Forces for the purposes of the erection and maintenance of a memorial to veterans of the Vietnam war by said organization.

SECTION 9. Upon petition of a nursing home which (1) receives reimbursement under chapter one hundred and eighteen E of the General Laws, and (2) has more than seventy-five per cent of the persons in its patient population receiving benefits under said medical assistance program at the time of petition, the rate setting commission shall, in determining the interim rate for said nursing home, allow a six per cent increase in fiscal year nineteen hundred and eighty-seven in allowable operating costs for the wages of nurses aides, laundry, dietary and housekeeping personnel exclusively. Such increase shall be in addition to other authorized increases to such interim rates, including any adjustments for the rate of inflation, and notwithstanding any ceiling or cap on interim rate adjustments. Said increase shall be adjusted to reflect actual costs for wages of nurses aides, laundry, dietary and housekeeping personnel for the establishment of final rates. Said increase shall be provided only in accordance with federal law and in such manner as shall be fully reimbursable by the federal government at the medical assistance rate. The rate setting commission is hereby authorized to establish procedures for filing said petitions.

SECTION 10. There is hereby established within, but not subject to the control of, the executive office of human services, a disabled persons protection commission, consisting of three persons appointed by the governor. Said commission shall establish standards and procedures for the prompt implementation of a system of investigation and remediation of instances of abuse and neglect of disabled persons. For purposes of this section, the term "disabled person" shall mean a person between the ages of eighteen to fifty-nine, inclusive, who is mentally retarded or who is otherwise mentally or physically disabled and as a result of such disability is wholly or partially dependent on others to meet his or her daily living needs. Such standards and regulations shall include, but not be limited to, provisions to assure that all appropriate agencies within said executive office shall: furnish protective services to persons found by such agencies or said commission to have been abused or neglected; cooperate fully with said commission in the course of its investigations of instances of abuse or neglect alleged to have occurred in programs or facilities maintained by or pursuant to contracts with such agencies; provide for prompt investigation and remediation of instances of abuse alleged to have occurred to disabled persons whose caretaker is other than a state agency, which have been referred by the commission for investigation by such agencies; prohibit any discrimination or retaliation against any person who cooperates with said commission or said agencies in the course of an investigation; require the reporting of alleged instances of abuse and neglect of disabled persons to the commission; and implement any recommendations by said commission upon conclusion of an investigation, including recommendations relative to discipline of employees, termination of contracts or other measures deemed necessary to prevent re-occurrence of abuse or neglect in programs or facilities maintained or supported by such agencies. Said commission shall have the authority to hire staff, enter into contracts, require the reporting of abuse and neglect of disabled persons, conduct investigations, require remedial action, and take such other action as is necessary to protect disabled persons from abuse and neglect. A copy of said standards and regulation shall be forwarded to the joint committee on human services and elderly affairs and to the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and eighty-six.

SECTION 11. Any individual who has not attained the age of nineteen or any mentally ill individual between the ages of nineteen and twenty-two, who is receiving structured services pursuant to chapter seventy-one B of the General Laws, shall not be confined or allowed to reside in any mental health hospital or inpatient unit of a state funded mental health clinic under the direction and control of the department of mental health unless such individual is housed within a separate unit with individuals of the same age grouping.

SECTION 12. The commissioner of the department of mental health shall, subject to appropriation, develop and implement a

procedure to identify all patients in state mental health facilities who require intermediate nursing services, skilled nursing services, chronic disease hospital services, or rehabilitation hospital services, as defined in the regulations promulgated by the department of public welfare, regardless of any patient's needs to have such services provided in an institutional setting.

Said procedure shall require that such patients be identified during the admission examination, during the periodic examination, and on an ongoing basis, and that, upon identification, a report be made to the commissioner, who shall keep ongoing statistics regarding such patients.

The department of mental health shall provide an individual service plan for every patient so identified within thirty days of identification, which shall be written pursuant to the standards and procedures set out in the rules and regulations of said department, relative to the standards by which an individual may request and receive mental health services and which shall note each of the patient's physical health care needs.

Said department shall identify all such patients currently residing in state mental health facilities and provide identified patients with individual service plans by July first, nineteen hundred and eighty-seven.

Said commissioner shall complete a comprehensive statewide plan to provide appropriate service to identified patients, based on an analysis of the service recommendations made in said individual service plans.

The comprehensive statewide plan shall assure that such services are provided in the most age-appropriate, and disability-appropriate settings, consistent with the mental health needs of patients.

Said commissioner shall fully implement the provisions of the comprehensive statewide plan by January first, nineteen hundred and eighty-eight.

SECTION 13. Notwithstanding any general or special law to the contrary, no adjustment or withholding of funds from the Nauset Regional School District or from the Hampshire Regional School District on account of monies paid to said districts pursuant to section sixteen D of chapter seventy-one of the General Laws for the fiscal year nineteen hundred and eighty-five shall be made during the fiscal year nineteen hundred and eighty-six; provided, however, that said regional school districts shall each repay any amounts overpaid by the commonwealth for said fiscal year nineteen hundred and eighty-five in equal installments over a period of five years commencing with the distribution of regional school aid, pursuant to said section sixteen D, for the fiscal year nineteen hundred and eighty-seven.

SECTION 13A. Section 37 of chapter 732 of the acts of 1981 is hereby amended by striking out clause (a) and inserting in place thereof the following clause:–

(a) the construction of a sidewalk along the north side of Varnum Avenue running from the Lowell general hospital to Trotting Park road in the city of Lowell;

ACTS, 1986. – Chaps. 279, 280.

SECTION 14. Item 2440–0029 of section 2 of chapter 234 of the acts of 1984 is hereby amended by inserting after the word "fabrication", inserted by section 3 of chapter 142 of the acts of 1986, the words:– throughout the MDC district.

SECTION 15. Items 2520–0300 to 2520–1500, inclusive, of section 2 of chapter 140 of the acts of 1985, as amended by chapter 206 of the acts of 1986, is hereby further amended by striking out the last two paragraphs and inserting in place thereof the following two paragraphs:–

| | |
|---|-------|
| Mosquito and Greenhead Fly Control Fund | 50.0% |
| Local Aid Fund | 50.0% |

SECTION 16. Section 46 of chapter 30 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out paragraph (12) and inserting in place thereof the following paragraph:–

(12) Notwithstanding the provisions of any general or special law to the contrary, no employee shall receive compensation from any agency, department, commission, board or other undertaking of the commonwealth if said employee is also a non-elected employee of a county and would receive compensation from such county in excess of twenty thousand dollars. Any employee covered by the provisions of this paragraph shall have thirty days prior to separation from the payroll of the commonwealth within which to resign from the employ of each county.

SECTION 17. Section 98 of chapter 276 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:–

There shall be an associate commissioner of probation who shall have at least fifteen years experience as a probation officer, five of which shall be as a chief probation officer in a court in the commonwealth having twenty or more probation officers. He shall be appointed by the chief administrative justice, upon the recommendation of the commissioner of probation.

SECTION 18. This act shall take effect as of June thirtieth, nineteen hundred and eighty-six.

Approved July 19, 1986.

Chapter 280. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE BY EMINENT DOMAIN A CERTAIN PARCEL OF LAND IN THE CITY OF BOSTON FROM THE MASSACHUSETTS PORT AUTHORITY AND TO TRANSFER THE CARE, CUSTODY AND CONTROL OF SAID PARCEL OF LAND TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized to acquire by eminent domain, in the name of the commonwealth, a certain parcel of land, hereinafter described, located in the city of Boston, owned by the Massachusetts Port Authority, and to transfer the care, custody and control of these parcels of land to the department of public works for the construction of the central artery, north area, section 1, for highway purposes. The said parcel of land is more particularly described as follows:

PARCEL 49-3-C. A parcel of land supposed to be owned by the Massachusetts Port Authority and bounded as follows: northeasterly by Water Street about 70 feet; easterly by a curve to the left having a radius of about 35 feet a distance of about 50 feet; southeasterly by a curve to the right having a radius of about 90 feet a distance of about 155 feet; southwesterly and southeasterly by land now or formerly of Rapid's Realty Co., Inc. about 10 feet and about 121 feet respectively; southwesterly by Charles River Avenue about 25 feet; northwesterly and southwesterly by land now or formerly of the Commonwealth of Massachusetts 99.33 feet and about 7 feet respectively; northeasterly, northwesterly and southwesterly by land now or formerly of A & S Electrical Displays, Inc. 50.60 feet, 40.28 feet and 56.24 feet respectively; northwesterly and southwesterly by State Highway Layout No. 3818, about 6 feet and about 7 feet respectively. Containing about 11,035 + square feet of vacant land, more or less.

SECTION 2. The above described parcel of vacant land are shown on a plan entitled: "Plan of Land in Boston, Mass. Proposed Land Takings from Massachusetts Port Authority" dated April 3, 1986, prepared by Bryant Associates Inc. Boston, Massachusetts, which plan shall be kept on file with the chief engineer of the said department of public works.

SECTION 3. This act shall take effect upon its passage.

Approved July 21, 1986.

Chapter 281. **AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE BY EMINENT DOMAIN CERTAIN PARCELS OF LAND IN THE CITY OF BOSTON OWNED BY THE BOSTON REDEVELOPMENT AUTHORITY AND TO TRANSFER THE CARE, CUSTODY AND CONTROL OF THESE PARCELS TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of capital planning and operations is hereby authorized to acquire by eminent domain, in the name of the commonwealth, certain parcels of land, hereinafter described, located in the city of Boston being owned by the Boston redevelopment authority, and to transfer the care, custody and control of these said parcels to the department of public works for highway purposes in conjunction with the construction of the central artery, north area, section 1. The said parcels of land are more particularly described as follows:

PARCEL 49-5. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: northerly by Front Street by a curve to the left having a radius of 885.27 feet a distance of 203.83 feet; southerly and westerly by State Highway Layout No. 5700 by a curve to the right having a radius of 362.00 feet a distance of 224.33 feet and by a curve to the right having a radius of 362.00 feet a distance of 64.82 feet respectively. Containing about 8,351 square feet of vacant land, more or less.

PARCEL 49-7. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follow: southerly by State Highway Layout No. 5700 by a curve to the right having a radius of 854.00 feet a distance of about 407 feet; northwesterly and northerly by Sandgrav Road 159.56 feet and by a curve to the right having a radius of 30.00 feet a distance of 47.57 feet respectively; northwesterly and northerly by Front Street 7.94 feet and about 352 feet respectively. Containing about 43,190 square feet of vacant land, more or less.

PARCEL 49-8. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: southerly, southwesterly and westerly by Front Street by a curve to the right having a radius of 956.00 feet a distance of about 18 feet, by a curve to the right having a radius of 443.86 feet a distance of 159.86 feet and 194.70 feet respectively; westerly, northwesterly, northerly and northeasterly by New Rutherford Avenue by a curve to the left having a radius of 490.00 feet a distance of 24.34 feet, 110.79 feet, by a curve to the left having a radius of 250.00 feet a distance of 147.67 feet and about 81 feet respectively; easterly by Proposed State Highway Layout about 143 feet; southeasterly and southwestly by State Highway Layout No. 5700 by a curve to the right having a radius of 1,554.00 feet a distance of about 115 feet and by a curve to the right having a radius of 854.00 feet a distance of about 92 feet respectively. Containing about 29,958 square feet of vacant land, more or less.

PARCEL 49-8-UR. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: easterly by City Square about 20 feet; southerly by State Highway Layout No. 3818 about 170 feet; westerly and southwestly by State Highway Layout No. 5700 by 934 feet and by a curve to the right having a radius of 1,554.00 feet a distance of about 35 feet; westerly by Proposed State Highway

Layout about 143 feet; westerly, northwesterly, northerly, northeasterly and easterly by New Rutherford Avenue about 66 feet, 15.71 feet, by a curve to the left having a radius of 152.00 feet a distance of 29.46 feet, by a curve to the left having a radius of 872.00 feet a distance of 89.97 feet and 93.85 feet respectively. Containing about 9,365 square feet of vacant land, more or less.

PARCEL 49-9. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority, bounded as follows: northerly and northeasterly by Sandgrav Road about 70 feet and about 212 feet respectively; southwesterly by State Highway Layout No. 5700, about 1,191 feet; northwesterly by John Gilmore Bridge, about 35 feet; northeasterly and northwesterly by land now or formerly of the Boston Redevelopment Authority, about 1,171 feet and about 252 feet respectively. Containing about 40,615 square feet of vacant land, more or less.

PARCEL 49-13. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: northwesterly by Chelsea Street 75.03 feet; northerly about 60 feet; southeasterly, southerly and southeasterly by State Highway Layout No. 3818, 37.36 feet, 37.33 feet and 53.75 feet respectively; westerly 81.99 feet. Containing about 6,795 square feet of vacant land, more or less.

PARCEL 49-14. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: southeasterly by Chelsea Street 180.3 feet; southwesterly by Call Street 59.95 feet; westerly by Call Street Place 24.7 feet; southwesterly, northerly, northwesterly and northerly by land now or formerly of the Massachusetts Port Authority 56.37 feet, 8.55 feet, 21.9 feet and 8.49 feet respectively; northeasterly by State Highway Layout No. 3818, 109.20 feet. Containing about 8,767 square feet of vacant land, more or less.

PARCEL 49-15. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: northwesterly by Chelsea Street 86.36 feet; northeasterly by Gray Street about 64 feet; southeasterly and southwesterly by State Highway Layout No. 3818, 36.91 feet and 48.96 feet respectively; westerly 55.18 feet. Containing about 5,200 square feet of vacant land, more or less.

PARCEL 49-16. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: northwesterly by Chelsea Street about 46 feet; northeasterly 43.05 feet; easterly, southeasterly and southerly by State Highway Layout No. 3818, 15.17 feet, 1060 feet and about 24 feet respectively, westerly by land now or formerly of Edward P. Widronak about 53 feet. Containing 2,072 square feet of vacant land, more or less.

PARCEL 49-17. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: northerly by Chelsea Street about 127 feet; northeasterly 38.40 feet; easterly and southerly by State Highway Layout No. 3818, 60.69 feet and 74.13 feet respectively; southwesterly by Gray Street 57.73 feet. Containing about 7,185 square feet of vacant land, more or less.

PARCEL 49-19. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: northerly by Chelsea Street 186.17 feet; northerly by a curve to the right having a radius of 40.00 feet a distance of 46.74 feet; northeasterly by State Highway Layout NO. 4211, 49.45 feet; easterly, southeasterly, southerly, southwesterly, southerly, and southwesterly by State Highway Layout No. 3944, 70.23 feet, 55.08 feet, 9.94 feet, 22.70 feet, 39.92 feet and 42.47 feet respectively; southwesterly by Chamber Street about 75 feet. Containing about 12,952 square feet of vacant land, more or less.

PARCEL 49-20. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: southerly by Chelsea Street 121.91 feet; southwesterly by Joiner Street about 50 feet; northerly by land now or formerly of the Boston Redevelopment Authority about 113 feet; northeasterly and easterly by Call Street about 17 feet and 31.88 feet respectively. Containing about 5,853 square feet of vacant land, more or less.

PARCEL 49-20-UR. A parcel of land supposed to be owned by the Boston Redevelopment Authority and bounded as follows: northwesterly by State Highway Layout No. 3818 about 21 feet; northeasterly by Call Street about 73 feet; southeasterly by the Proposed State Highway Layout about 63 feet; westerly by the Proposed City Layout about 69 feet. Containing about 2,811 square feet of vacant land, more or less.

PARCEL 49-21. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: southerly by Chelsea Street about 199 feet; southwesterly by City Square 68.78 feet; northwesterly by Park Street 71.15 feet; northwesterly and northerly by land now of formerly of Francis and Grace Franzosa 21.89 feet and 22.40 feet, about 2 feet and 119.87 feet respectively; easterly by Joiner Street about 71 feet. Containing about 13,562 square feet of vacant land, more or less.

PARCEL 49-22. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: northerly by Chamber Street 89.26 feet; southeasterly and southerly by State Highway Layout No. 3818, 44.90 feet and about 74 feet respectively; westerly by North Washington Street 113.78 feet; northerly by a curve to the right having a radius of 11.80 feet a distance of 25.58 feet. Containing about 6,425 square feet of vacant land, more or less.

PARCEL 49-24. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: southerly by Chelsea Street 116.54 feet; westerly and northerly by land now or formerly of the Boston Redevelopment Authority about 56 feet and about 122 feet respectively; northeasterly and easterly by Chestnut Street about 5 feet and about 53 feet respectively. Containing about 4,064 square feet of vacant land, more or less.

PARCEL 49-25. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority and bounded as follows: southeasterly by Chelsea Street 14.96 feet; southwesterly by Henley Street 18.04 feet; westerly by land now or formerly of Henry L.P. Schmelzer and Cynthia Livingston about 37 feet; northerly and easterly by land now or formerly of the Boston Redevelopment Authority about 46 feet and about 56 feet. Containing about 1,480 square feet of vacant land, more or less.

PARCEL 49-1-C. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority, bounded as follows: southeasterly and southwesterly by Parcel No. 49-9 hereinbefore described about 12 feet and about 737 feet respectively; northwesterly, westerly and southwesterly by land now or formerly of the Boston Redevelopment Authority, about 80 feet, about 98 feet and about 67 feet respectively; northeasterly by New Rutherford Avenue, about 116 feet; southerly, southeasterly, easterly and northeasterly by land now or formerly of the Boston Redevelopment Authority, about 65 feet, about 85 feet, about 86 feet and about 580 feet respectively. Containing about 19,364 square feet of vacant land, more or less.

PARCEL 49-2-C. A parcel of land in the city of Boston, owned by the Boston Redevelopment Authority, bounded as follows: northeasterly by New Rutherford Avenue about 357 feet; southeasterly by Parcel No. 49-9, hereinbefore described, about 24 feet; southwesterly by land now or formerly of the Boston Redevelopment Authority, about 355 feet. Containing about 2,738 square feet of vacant land, more or less.

PARCEL NO. 49-10-C. A parcel of land supposed to be owned by the Boston Redevelopment Authority and bounded as follows: northwesterly by State Highway Layout No. 3818 about 65 feet; northeasterly by the Proposed City Layout about 69 feet; southeasterly by the Proposed State Highway Layout about 50 feet; westerly by Joiner Street about 66 feet. Containing about 3,694 square feet of vacant land, more or less.

SECTION 2. The above described parcels of vacant land are shown on plans entitled: "Plan of Land in Boston, Mass. Proposed Land Takings from Boston Redevelopment Authority to Commonwealth of Massachusetts", scale 1" = 100', prepared by Bryant Associates Inc. Boston, Massachusetts, February 6, 1986; and "Plan of Land in Boston, Mass. Proposed Land Takings from Boston Redevelopment Authority to Commonwealth of Massachusetts", scale 1" = 100', prepared by Bryant Associates Inc. Boston, Massachusetts, February 24, 1986; which plans shall be kept on file with the chief engineer of the said department of public works.

SECTION 3. This act shall take effect upon its passage.

Approved July 21, 1986.

Chapter 282. AN ACT RELATIVE TO MEMBERSHIP IN THE MUTUAL SAVINGS CENTRAL FUND, INC. BY CERTAIN FEDERALLY CHARTERED INSTITUTIONS CONVERTING TO STATE CHARTERED SAVINGS BANKS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate membership in the Mutual Savings Central Fund, Inc. for federally chartered institutions that convert to state chartered savings banks, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 38 of chapter 168 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

The commissioner may establish the procedure to be followed by any such federal savings and loan association or federal savings bank converting into a savings bank; provided, however, that no such conversion shall become effective unless approved in writing by the commissioner; and provided, further, that the commissioner shall not grant such approval until he has received notice from the Mutual Savings Central Fund, Inc. that arrangements satisfactory to it have been made for such conversion.

SECTION 2. The fifth paragraph of said section 38 of said chapter 168, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:— In addition to the payment to said Reserve Fund, the succeeding corporation shall pay to the Deposit Insurance Fund such proportion of the current and annual assessment as shall have accrued to the date of said certificate.

SECTION 3. Section two of this act shall take effect as of January first, nineteen hundred and seventy-five.

Approved July 21, 1986.

Chapter 283. AN ACT RELATIVE TO TAX TITLES OF LOW VALUE LAND.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for curing defects in tax titles of low value land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 60 of the General Laws is hereby amended by inserting after section 80B the following section:—

Section 80C. When any city or town has conveyed or sold any land under section seventy-nine or section eighty by an instrument in writing conveying or purporting to convey such land, and said instrument is duly recorded in the registry of deeds for the district wherein such land is situated and a period of twenty years elapses after the instrument is accepted for record, and the notice or procedure for the taking and sale or conveyance under this chapter or the instrument or record thereof because of a defect, irregularity, or omission, fails to comply in any respect with any requirement of law relating thereto or the instrument or record thereof shall, notwithstanding such defects, irregularities, or omissions be effective for all purposes to the same extent as though such notice or procedure or the instrument or record thereof had

ACTS, 1986. – Chaps. 284, 285.

originally not been subject to any such defects, irregularities, or omissions, unless within said period of twenty years a proceeding is commenced on account of such defect, irregularity, or omission and notice thereof is duly recorded in said registry of deeds and indexed and noted on the margin of said instrument of conveyance and in the event of such proceeding, unless relief is thereby in due course granted.

SECTION 2. The provisions of this act shall apply to instruments recorded prior to the effective date of this act.

Approved July 21, 1986.

Chapter 284. AN ACT FURTHER REGULATING THE INSTALLATION OF AUTOMATIC SPRINKLER SYSTEMS.

Whereas, The deferred operations of this act would tend to defeat its purpose, which is to immediately regulate the installation of automatic sprinkler systems, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 26G of chapter 148 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:–

In any city or town which accepts the provisions of this section, every building of more than seventy-five hundred gross square feet in floor area or every addition of more than seventy-five hundred gross square feet in floor area shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code; provided, however, that in the case of said addition, such an adequate system of automatic sprinklers shall be installed in said addition only.

SECTION 2. This act shall apply to construction of buildings or additions or major alterations commenced after July first, nineteen hundred and eighty-three.

Approved July 21, 1986.

Chapter 285. AN ACT REORGANIZING THE TRUSTEES OF THE MINISTERIAL FUND OF THE FIRST PARISH IN BEVERLY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the management of investments of the Ministerial Fund of the First Parish in Beverly, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 8 of the acts of 1832 is hereby amended by striking out sections 1 to 5, inclusive, and inserting in place thereof the following six sections:–

Section 1. As used in this act the following words shall, unless the context requires otherwise, have the following meanings:–

"Fund", the Ministerial Fund, established by this act in effect prior to the effective date of this act.

"Trustees", the trustees from time to time of the fund appointed pursuant to this act.

"Church", the First Parish Unitarian Church, Beverly, Massachusetts, formerly known as the First Parish in Beverly, and the parish thereof.

"Parish committee", the parish committee of the church elected or appointed pursuant to the by-laws thereof.

"Annual Meeting" or "special meeting", the annual meeting or special meeting of the church as provided for in the by-laws thereof at which a quorum is present and voting.

Section 2. (a) There shall be five trustees of the fund, each serving for a term of five years. The term of the trustees shall end on the date of the annual meeting, and shall be staggered so that the term of one trustee shall expire at each annual meeting. The trustees of the fund as of the effective date of this act shall continue in their office until the next following annual meeting, at which time the church shall elect five trustees in the manner prescribed in its by-laws, with terms of one, two, three, four and five years, respectively. At each succeeding annual meeting, one trustee shall be elected in the manner prescribed in said by-laws for a five-year term.

(b) If any trustee shall die, resign his office, or otherwise cease to serve as trustee, the parish committee shall be empowered to appoint a temporary trustee to serve until a successor to serve the remainder of the term of such trustee is elected by the church by majority vote at its annual meeting, or at a special meeting called for the purpose. Until such temporary trustee or successor trustee is duly appointed or elected, however, the remaining trustees shall be fully empowered to perform all of the duties of the trustees pursuant to this act.

Section 3. (a) The trustees are expressly empowered to invest and reinvest the fund or any portion thereof in their discretion only in:–

(i) any type of securities, as such term is defined in section four hundred and one of chapter one hundred and ten of the General Laws which are traded on any national or regional stock exchange, or on the over the counter market and listed on the National Association of Securities Dealers Automatic Quotation system facility, or any future market system replacing any of the foregoing;

(ii) any common, collective, co-mingled or pooled trust maintained by banking institution chartered under the laws of the commonwealth or the United States of America, or in any open-ended investment company registered under the provisions of the Federal Investment Company Act of 1940;

(iii) any savings account, term deposit instrument, certificate of deposit or debt obligation of like character of any banking institution

chartered under the laws of the commonwealth or the United States of America;

(iv) any obligation guaranteed by the United States of America;

(v) any other investment authorized by the church by two-thirds vote of the church membership at an annual meeting or at a special meeting called for the purpose.

(b) The trustees may delegate their powers of investment set forth in paragraph (a) by written agreement to any investment adviser registered pursuant to the Federal Investment Advisers Act of 1940, and its investment advisory services rendered. Such investment adviser shall be subject to the limitations on investment power set forth in said paragraph (a) and may, limited by the ethical consideration of the trustees and members of First Parish, otherwise have full investment discretion as its contract with the trustees so provides.

(c) The trustees, and any investment adviser to whom discretionary powers over fund assets is delegated pursuant to this section, shall give due consideration to the monetary needs of the church, as communicated in writing by the parish committee, in formulating the investment objectives and strategies of the fund from time to time.

(d) The trustees shall have such other powers as may be necessary or convenient to the execution of their duties pursuant to this act. A majority of the trustees in office shall be empowered to act on behalf of all of the trustees then in office in the execution of such duties.

Section 4. (a) At least quarterly, the trustees may disburse the net investment income of the fund to the treasurer of the church.

(b) Upon a vote of at least two-thirds of the members of the church at an annual meeting, or at a special meeting of the church called for the purpose, the trustees may disburse such additional amounts of the assets of the fund to the treasurer of the church as the trustees in their sole discretion determine is necessary to maintain the financial stability of the church.

(c) All disbursements of the fund authorized by this section shall be applied by the treasurer of the church for any lawful debt or obligation of the church incurred in connection with its operations, including without limitation the acquisition, improvement or maintenance of any real or personal property.

Section 5. (a) The trustees shall present an account to the church at each annual meeting, which shall include for the fiscal year of the church then ended the identifying description, cost and market values of all securities of the fund, and the amount of all cash items, in each case as of the first and last day of such fiscal year, or date reasonably proximate thereto, all purchase and sales of securities, all distributions to the church, and all other disbursements, fees, costs and expenses for which the fund was charged during such fiscal year. Upon approval of such account by vote of at least sixty-seven per cent of the members of the church at such meeting, the trustees shall be relieved of all liability for all transactions and matters disclosed therein.

(b) The trustees shall report to the parish committee on such matters relative to the fund as the parish committee shall reasonably request in writing, provided that such reports shall not be required more frequently than quarterly.

ACTS, 1986. – Chaps. 286, 287.

Section 6. The trustees, and any investment adviser appointed pursuant to section three, shall not be liable to the church, or any member thereof, or to any person claiming through or on behalf of the church or any member, for any act or omission of any of them done in good faith and without willful negligence or misconduct; provided, however, that no trustee or investment adviser of the fund shall be liable for any act or omission occurring or continuing prior to such trustee or investment adviser assuming such position, nor for any act or omission occurring or continuing after such trustee or investment adviser ceases to hold such position, unless such trustee or investment adviser was a prominent cause of such act or omission and then would be liable therefor pursuant to this section; and provided, further, that nothing in this section shall relieve such investment adviser from any liability which it may have under the laws of the commonwealth or of the United States of America.

Approved July 21, 1986.

Chapter 286. AN ACT RELATIVE TO THE BROOKLINE POLICE MUTUAL AID ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 67 of the acts of 1922 is hereby amended by striking out section 1, as amended by chapter 68 of the acts of 1955, and inserting the following section:—

Section 1. The Brookline Police Mutual Aid Association, a corporation duly established by law, is hereby authorized, acting by its board of directors, to pay or cause to be paid from its treasury to any member in good standing, upon the death of their spouse, a sum, not to exceed one thousand dollars.

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

Approved July 21, 1986.

Chapter 287. AN ACT AUTHORIZING THE TOWN OF CONCORD TO APPROPRIATE MONEY FOR THE CELEBRATION OF THE THREE HUNDRED AND FIFTIETH ANNIVERSARY OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Concord may appropriate and expend money for the payment of the expenses incurred for the celebration of the three hundred and fiftieth anniversary of the incorporation of said town. Any gifts of donations received by the town for the purposes of said anniversary may be used to pay for the costs of alcoholic beverages in an amount not to exceed one thousand four hundred and eighty-eight dollars and fifty cents.

ACTS, 1986. – Chaps. 288, 289.

SECTION 2. Said town may establish in the town treasury a special fund in which shall be deposited such sums as may be appropriated by said town for said celebration, and such sums as may be received as gifts or donations for such purpose. Any such sums received by the town treasurer shall be kept separate and apart from all other funds of the town and the principal and interest thereof may from time to time, be expended for the purpose of said celebration under the direction of and upon the authorization of the board of selectmen of said town. Any surplus remaining in said special fund after such celebration is concluded shall be transferred by said treasurer into the treasury of said town.

SECTION 3. This act shall take effect upon its passage.

Approved July 21, 1986.

Chapter 288. AN ACT RELATIVE TO CERTAIN CREDITABLE SERVICE FOR ROBERT C. CRAWFORD, A PATROLMAN IN THE POLICE DEPARTMENT OF THE TOWN OF WINTHROP.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Robert C. Crawford, a patrolman in the police department of the town of Winthrop, is hereby authorized to continue in such position until and including June twenty-second, nineteen hundred and ninety-two, provided that he is mentally and physically capable of performing the duties of his office or position. Said Robert C. Crawford shall annually, at his own expense, be examined by an impartial physician designated by the state retirement board to determine such capability. No further deductions shall be made from the regular compensation of said employee under the provisions of chapter thirty-two of the General Laws for service subsequent to June twenty-second, nineteen hundred and eighty-seven, and upon retirement said employee shall receive a superannuation allowance equal to that to which he would have been entitled had he retired on said date.

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

Approved July 21, 1986.

Chapter 289. AN ACT PROVIDING FOR THE APPOINTMENT OF A TREASURER AND TAX COLLECTOR IN THE TOWN OF LEVERETT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter forty-one of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Leverett shall appoint a town treasurer and a town tax collector.

ACTS, 1986. – Chaps. 290, 291, 292.

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

Approved July 21, 1986.

Chapter 290. AN ACT PLACING THE POSITION OF PARAMEDIC IN THE FIRE DEPARTMENT OF THE TOWN OF BOURNE UNDER THE PROVISIONS OF CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of paramedic in the fire department of the town of Bourne shall be subject to the provisions of chapter thirty-one of the General Laws and the tenure of any incumbent thereof shall be unlimited, subject, to the provisions of said chapter thirty-one; provided, however, that said incumbents shall be required to pass a qualifying examination.

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

Approved July 21, 1986.

Chapter 291. AN ACT AUTHORIZING A CERTAIN CONVEYANCE AND CONSTRUCTION WITHIN THE LIMITS OF THE PARK SYSTEM OF THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of General Laws, section five, chapter seventy-nine, or any other general or special law to the contrary, the city of Somerville is hereby authorized to sell to Tufts University certain recreation and open space land appurtenant to the Western Junior High School on Holland street in the city of Somerville, most specifically described as follows:— that land being the unimproved portion of a parcel of approximately 137,490 square feet in the western/southwestern portion of the parcel described by deed of October 25, 1867, from Davis to the Town of Somerville, recorded at Book 436, Page 1022 at the Registry of Deeds for the Southern District of Middlesex County, as shall be shown on a subdivision plan to be recorded at that same Registry, entitled City of Somerville Subdivision Plan of Land Broadway & Holland St., Scale 1"=40', March 1, 1986, John P. McMahan Commissioner of Public Works, presently on file with said city.

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

Approved July 21, 1986.

Chapter 292. AN ACT DIRECTING THE STATE SECRETARY TO PLACE CERTAIN NONBINDING QUESTION ON THE BIENNIAL STATE ELECTION BALLOT IN CERTAIN CITIES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of ascertaining the will of the people in Ward twenty-one, precincts three, four, five, six, nine and Ward twenty-two, precincts three, four, six, seven, nine, ten, twelve, thirteen of the city of Boston and ward one, precincts one and three, and Ward seven, precinct two of the city of Newton, the state secretary shall place upon the official ballot in said precincts at the biennial state election to be held in the year nineteen hundred and eighty-six, the following question:-

"Shall the Watertown trolley, so-called, be restored along its present route to replace existing Massachusetts Bay Transportation Authority bus route fifty-seven? This question is nonbinding."

SECTION 2. For the purpose of ascertaining the will of the voters relative to restoring trolley service in the Jamaica Plain section of the city of Boston, the secretary of state shall cause to be placed on the official ballot to be used at the biennial state election in the year nineteen hundred and eighty-six in the following precincts in the city of Boston: in Ward ten, precincts eight and nine, in Ward eleven, precincts eight, nine, and ten, and in Ward nineteen, precincts one, three, four, five, six, eight, and nine, the following question:

"Shall the Arborway trolley, so called, be restored along its present route to replace existing M B T A bus route thirty-nine? This question is nonbinding."

SECTION 3. This act shall take effect upon its passage.

Approved July 21, 1986.

Chapter 293. AN ACT RELATIVE TO THE NOTICE TO CONSUMERS OF A JEWELER'S ONE YEAR LIEN ON CERTAIN ITEMS.

Be it enacted, etc., as follows:

Chapter 255 of the General Laws is hereby amended by striking out section 31C, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 31C. A person engaged in performing work upon any watch, clock, silverware or jewelry for a price shall have a lien upon such watch, clock, silverware or jewelry for the amount of any account that may be due for such work; provided, however, that he gives to the person delivering to him such watch, clock, silverware or jewelry a receipt for the same having printed thereon in clear legible type the following:

"Items receipted pursuant to section thirty-one C of chapter two hundred and fifty-five of the General Laws, must be claimed within one year of such receipt, may be subject to sale".

The place of business or person performing such work shall post this section in a clear and conspicuous manner that may be easily read by the public and a copy thereof shall be made available upon request to any person delivering a watch, clock, silverware or jewelry. Such lien shall

also include the value or agreed price, if any, of all materials furnished by the lienor in connection with such work, whether added to such article or articles or otherwise. If any such account remains unpaid for one year after the completion of the work, the lienor may, upon thirty days' notice in writing to the owner specifying the amount due and informing him that payment of such amount within thirty days will entitle him to redeem the article or articles covered by such lien, sell the same at public or bona fide private sale to satisfy the account. The proceeds of the sale, after paying the expenses thereof, shall be applied in satisfaction of the indebtedness secured by such lien and the balance, if any, shall be paid over to the owner. Such notice may be served by mail, directed to the owner's last known address, or, if the owner or his address be unknown, it may be posted in two public places in the town where the property is located. The remedy herein provided to enforce such lien shall be in addition to any other provided by law.

Approved July 21, 1986.

**Chapter 294. AN ACT FURTHER REGULATING COSMETOLOGISTS
AND BARBERS.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, a registered cosmetologist and a barber shall not be prohibited from working in the same facility or physical space; provided, however, that separate areas in said facility are designated one area for cosmetologists, and one area for barbers and neither a cosmetologist nor a barber shall perform their respective services for any person except in the appropriately designated area. Such area shall be separated by a dividing structure which need not inhibit access from one area to the other but which shall visibly delineate said area. No person seeking the services of, or being serviced by, either a cosmetologist or barber shall be allowed in the area reserved for the other except while waiting for such services.

Where only one toilet exists at such facility or physical space, a cosmetologist, barber or apprentice thereof may make use of such toilet.

Approved July 21, 1986.

**Chapter 295. AN ACT FURTHER REGULATING THE SMALL CLAIMS
PROCEDURE IN DISTRICT COURTS.**

Be it enacted, etc., as follows:

Section 23 of chapter 218 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first two paragraphs and inserting in place thereof the following five paragraphs:—

Every cause begun under the procedure shall be determined initially in the district court department. No such cause may be removed for trial in the superior court department. In any action for property damage caused by a motor vehicle where the action is transferred to the regular civil docket in the district court department by the insurer and the unpaid party recovers a judgment for any amount due and payable by the insurer, the court shall assess against the insurer in addition thereto, costs and reasonable attorney's fees.

A plaintiff beginning a cause under the procedure shall be deemed to have waived a trial by jury and any right of appeal to a jury of six session in the district court department; but if said cause shall be appealed to a jury of six session in the district court department by the defendant as hereinafter provided, the plaintiff shall have the same right to claim a trial by a jury of six. The defendant may, within ten days after receipt of the court's finding, file in the court where the cause was determined a claim of trial by jury, and his affidavit that there are questions of law and fact in the cause requiring a trial by jury, with specifications thereof, and that such trial is intended in good faith. Trial by jury of six in the district court department shall proceed in accordance with the provisions of law applicable to trials by jury in the superior court department, except that each party shall be entitled to two preemptory challenges. Jurors shall be drawn from the pool of jurors available for the jury sessions in civil cases in the superior court department.

The administrative justice of the district court department shall designate at least one division in each region for the purpose of hearing cases where a claim for trial by a jury of six is entered; provided, however, that claims for trial by a jury of six from divisions within Suffolk county shall be held in the Boston municipal court department or district courts in Suffolk county or, with the approval of the administrative justice of the district court department, may be held in such district courts the judicial districts of which adjoin Suffolk county as are designated by said administrative justice; and, provided further, that with the approval of the chief administrative justice of the trial court, facilities of any other department of the trial court may be designated by the chief administrative justice for trial by jury of six in the district court department or the Boston municipal court department. The Boston municipal court department shall be authorized to hear such appeals in said Boston municipal court department, or shall hear such appeals for the divisions of the district court department in Suffolk county.

The defendant's claim of trial by jury shall be accompanied by twenty-five dollars for the entry of the cause in the division of the department to which the case has been appealed, and a bond in the penal sum of one hundred dollars, with such surety or sureties as may be approved by the plaintiff or the clerk or an assistant clerk of the district court department, payable to the other party or parties to the cause, conditioned to satisfy any judgment and costs which may be entered against him in the jury of six proceeding in said cause within thirty days after the entry thereof; provided, however, that in any action brought by a tenant of residential premises pursuant to the provisions of section fifteen B of chapter one hundred and eighty-six, bond shall be given in an amount equal to three times the amount of the security deposit or

balance thereof to which the tenant is entitled, plus interest at the rate of five per cent from the date when such payment became due, together with court costs and an amount equal to a reasonable attorney's fee for service which had been performed by an attorney, if any, or which may be expected to be performed by an attorney during the pendency of the appeal.

The clerk shall forthwith transmit such original papers or attested copies thereof as the rules for the procedure may provide, and the division of the department to which the case has been appealed may try the cause as transmitted or may require pleadings pursuant to the District/Municipal Courts Rules of Civil Procedure, but the cause may be marked for trial on the list of causes advanced for speedy trial by jury. A finding for the plaintiff in the district court department shall be prima facie evidence for the plaintiff in the trial by jury of six. At such trial the plaintiff may, but need not, introduce evidence.

Approved July 21, 1986.

Chapter 296. AN ACT FURTHER REGULATING THE OPERATION OF MOTORCYCLES.

Be it enacted, etc., as follows:

Section 4A of chapter 89 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— The operators of motorcycles shall not ride abreast of more than one other motorcycle, shall ride single file when passing, and shall not pass any other motor vehicle within the same lane, except another motorcycle.

Approved July 21, 1986.

Chapter 297. AN ACT INCREASING THE DEMAND FEE ON MOTOR VEHICLE EXCISE, REAL ESTATE, AND PERSONAL PROPERTY TAXES.

Be it enacted, etc., as follows:

Section 15 of chapter 60 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out clause 2 and inserting in place thereof the following clause:—

2. For each written demand provided for by law, five dollars.

Approved July 21, 1986.

Chapter 298. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE CERTAIN LAND IN THE CITY OF SPRINGFIELD FOR THE SPRINGFIELD TECHNICAL COMMUNITY COLLEGE.

Be it enacted, etc., as follows:

The division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to acquire by eminent domain under the provisions of chapter seventy-nine of the General Laws, by purchase, or otherwise, a certain parcel of land located in the city of Springfield for the use of the Springfield Technical Community College as a parking area for said College.

Said parcel is bounded and described as follows:

Beginning at the point of intersection of the Northerly side of Pearl Street with the Westerly side of Federal Street and thence running SOUTH 59° 01' WEST along the Northerly side of Pearl Street, three hundred seventy-six and 50/100 (376.50) feet to the southeast corner of land supposed to belong to the Service Realty Corporation; thence running NORTH 30° W7' 30" WEST along last named land and along land supposed to belong to the Baker Extract Company, two hundred seventy-six and 89/100 (276.89) feet to a stone bound in the easterly line of land the said Baker Extract Company; thence NORTH 31° 37' 50" WEST along last named land, sixty-six and 92/100 (66.92) feet to land now supposed to belong to Pitro Tordi; thence NORTH 29° 01' 50" WEST along last named land, seventy-two and 67/100 (72.67) feet to land supposed to belong to Richard Lenzi; thence running NORTH 72° 24' 50" EAST along last named land and along land supposed to belong to Pietro and Eliza Ugolini, and land supposed to belong to Derrick S. and Mary E. Hartshorn, and land supposed to belong to Emma J. Papineau, and land supposed to belong to Nicholas Katsonskis and Harry J. Erinakis and land supposed to belong to H.E. Angers and Bros., Inc., three hundred ninety-five and 46/100 (395.46) feet to the westerly side of Federal Street; and thence running SOUTH 29° 05' EAST along the westerly side of Federal Street, three hundred twenty-four and 93/100 (324.93) feet to the Northerly side of Pearl Street, the point of beginning.

Approved July 21, 1986.

Chapter 299. AN ACT DIRECTING THE STATE SECRETARY TO PLACE A CERTAIN NONBINDING QUESTION ON THE BIENNIAL STATE ELECTION BALLOT IN THE CITY OF CHICOPEE IN THE CURRENT YEAR.

Be it enacted, etc., as follows:

For the purpose of ascertaining the will of the people of the city of Chicopee, the state secretary shall cause the following nonbinding question to be placed on the official ballot to be used in the city at the biennial state election to be held in the year nineteen hundred and eighty-six:-

THIS QUESTION IS NONBINDING.

ACTS, 1986. – Chaps. 300, 301, 302.

Shall a license be granted to permit the establishment and operation of a teletheatre for the purpose of off-track betting in the city of Chicopee?

Approved July 21, 1986.

Chapter 300. AN ACT AUTHORIZING THE GRAND LODGE OF MASSACHUSETTS ORDER SONS OF ITALY IN AMERICA TO GRANT INCREASED DEATH BENEFITS.

Be it enacted, etc., as follows:

Section 1 of chapter 413 of the acts of 1966 is hereby amended by striking out, in line 9, the word "twenty-five" and inserting in place thereof the words:— one hundred.

Approved July 21, 1986.

Chapter 301. AN ACT FURTHER REGULATING MOTOR VEHICLES IN CERTAIN INTERSECTIONS.

Be it enacted, etc., as follows:

Section 9 of chapter 89 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the fourth paragraph the following paragraph:—

The driver of a motor vehicle shall not cross or enter an intersection, which it is unable to proceed through, without stopping and thereby blocking vehicles from travelling in a free direction. A green light is no defense to blocking the intersection. The driver must wait another cycle of the signal light, if necessary.

Approved July 21, 1986.

Chapter 302. AN ACT PROVIDING FOR A BOARD OF TRUSTEES OF TOWN DONATIONS OF THE TOWN OF CONCORD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 181 of the acts of 1892 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections:—

Section 1. There shall be a board of trustees of town donations of the town of Concord which shall consist of five members each of whom shall serve terms of three years. The town treasurer may serve as treasurer of said board.

Section 2. At the annual meeting of said town the members of said board of trustees shall be appointed by the board of selectmen to fill the terms of office which have expired.

ACTS, 1986. – Chaps. 303, 304.

SECTION 2. Notwithstanding the provisions of section one of this act, the current members of said board of trustees shall be allowed to complete their current terms of office and their successors shall be appointed to serve a term no longer than three years.

Approved July 21, 1986.

Chapter 303. AN ACT EXEMPTING THE POSITION OF FIRST ASSISTANT CITY CLERK IN THE CITY OF WORCESTER FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of assistant city clerk, first, in the city of Worcester shall not be subject to chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of assistant city clerk, first in the city of Worcester on the effective date of this act.

Approved July 21, 1986.

Chapter 304. AN ACT ESTABLISHING THE NANTUCKET REGIONAL TRANSIT AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established the Nantucket Regional Transit Authority. The territory of the town of Nantucket and the inhabitants of said town shall constitute said Authority and shall be a body politic and corporate and a political subdivision of the commonwealth.

SECTION 2. There is hereby established an advisory board to said Authority consisting of the five members of the board of selectmen of said town.

Said Authority shall have the power to provide funding for Nantucket's elderly van services in view of the need to replace and expand existing equipment and services, and in view of cutbacks in traditional funding sources; to improve parking opportunities for downtown employees by making physical improvements to existing satellite parking lots and by acquiring and improving additional sites; and to fund and conduct a professionally prepared island-wide transportation study to address the problems of traffic congestion, parking, elderly transportation services, and transit.

Said Authority shall have all the powers granted to a "Transit Authority" under the provisions of chapter one hundred and sixty-one B of the General Laws.

All the provisions of said chapter one hundred and sixty-one B, not inconsistent with the provisions of this act, shall be applicable to the Nantucket Regional Transit Authority.

Approved July 21, 1986.

Chapter 305. AN ACT AUTHORIZING THE CITY OF WORCESTER TO ESTABLISH A SCHEDULE OF FINES FOR VIOLATIONS OF CERTAIN ORDINANCES.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the city of Worcester acting through its city council may by ordinance establish fines and penalties for violations of ordinances relating to illegal dumping, and the disposal of trash, refuse, rubbish and debris, in amounts not to exceed two thousand dollars for each offense.

Approved July 21, 1986.

Chapter 306. AN ACT AUTHORIZING CITIES AND TOWNS TO ESTABLISH ENTERPRISE FUNDS.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 39J, inserted by chapter 275 of the acts of 1985, the following section:–

Section 39K. Notwithstanding the provisions of section fifty-three or any other provision of law to the contrary, a city or town which accepts the provisions of this section may establish a separate account classified as an "Enterprise Fund", for a utility, health care, recreational or transportation facility, and its operation, as the city or town may designate, hereinafter referred to as the enterprise. Such account shall be maintained by the treasurer, and all receipts, revenues and funds from any source derived from all activities of the enterprise shall be deposited in such separate account. The treasurer may invest the funds in such separate account in the manner authorized by sections fifty-five and fifty-five A. Any interest earned thereon shall be credited to and become part of such separate account. The books and records of the enterprise shall be maintained in accordance with generally accepted accounting principles and in accordance with the requirements of section thirty-eight.

No later than one hundred and twenty days prior to the beginning of each fiscal year, an estimate of the income for the ensuing fiscal year and a proposed line item budget of the enterprise shall be submitted to the mayor, board of selectmen or other executive authority of the city or town by the appropriate local entity responsible for operations of the enterprise. Said board, mayor or other executive authority shall submit its recommendation to the town meeting, town council or city council, as the case may be, which shall act upon the budget in the same manner as all other budgets.

The city or town shall include in its tax levy for the fiscal year the amount appropriated for the total expenses of the enterprise and an estimate of the income to be derived by the operations of the enterprise. If the estimated income is less than the total appropriation, the difference shall be added to the tax levy and raised by taxation.

If the estimated income is more than the total appropriation, the excess shall be appropriated to a separate reserve fund and used for capital expenditures of the enterprise, subject to appropriation, or to reduce user charges if authorized by the appropriate entity responsible for operations of the enterprise. If during a fiscal year the enterprise incurs a loss, such loss shall be included in the succeeding fiscal year's budget.

If during a fiscal year the enterprise produces a surplus, such surplus shall be kept in such separate reserve fund and used for the purposes provided therefor in this section.

For the purposes of this section, acceptance in a city shall be by vote of the city council and approval of the mayor, in a town, by vote of a special or annual town meeting and in any other municipality by vote of the legislative body.

A city or town which has accepted the provisions of this section with respect to a designated enterprise may, in like manner, revoke its acceptance.

Approved July 21, 1986.

Chapter 307. AN ACT ESTABLISHING CERTAIN SPECIAL FUNDS IN THE TOWN OF MILFORD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Milford may, by vote at a town meeting, establish and maintain a liability claims and insurance fund from which may be paid claims against said town for injury or loss of property or personal injury or death for which said town may be liable and from which may be paid the premiums for any liability insurance deemed necessary as part of an overall program of self insurance. Said town by a vote at a town meeting, may appropriate for such fund an amount not exceeding in any one year one-twentieth of one per cent of the equalized valuation. Said fund shall be managed and administered by the treasurer of said town under the direction of the board of selectmen. Said selectmen may appropriate from such fund, including the income thereof, such sums as may be necessary for the purpose of paying claims, proper charges for insurance deemed necessary, and defense against such claims.

SECTION 2. Said town of Milford may also establish a municipal buildings and property insurance fund and may appropriate in any one year an amount not exceeding one-twentieth of one per cent of its equalized valuation, from which any municipal buildings or other municipal property damaged or destroyed or lost by fire, lightning, vandalism, burglary, theft or otherwise, may be repaired, rebuilt or replaced by other buildings or property to be used in place thereof; but no money shall be appropriated for such purpose while the fund equals or exceeds one per cent of such equalized valuation. Said fund shall be managed and administered as provided in section one of this act and the

ACTS, 1986. – Chaps. 308, 309.

assets may be combined for investment purposes with the assets of any fund created under said section one.

Approved July 21, 1986.

Chapter 308. AN ACT RELATIVE TO LICENSE PLATES AND SPECIAL PARKING IDENTIFICATION PLATES FOR HANDICAPPED PERSONS.

Be it enacted, etc., as follows:

Section 2 of chapter 90 of the General Laws is hereby amended by striking out the seventh paragraph, inserted by section 7 of chapter 632 of the acts of 1985, and inserting in place thereof the following paragraph:–

The registrar may furnish plates displaying the "International Symbol of Access" for a pleasure passenger vehicle or a pick-up truck used exclusively for noncommercial purposes, owned or leased by and used by a blind person or a person who has suffered the loss or permanent loss of use of one or both feet, or of one or both hands, and the medical advisory board as established by section eight C, may determine such other standards of disability and handicap and of qualification for the issuance of said plates as said board deems proper. The registrar may also furnish a special parking identification plate bearing the "International Symbol of Access" to any person who meets the eligibility requirements for handicapped plates prescribed herein. Said parking identification plate shall be of such size and design as the registrar shall require and shall be numbered and contain the name and a photograph of the person to whom such plate is issued, and shall verify that such person is handicapped and eligible to receive such plate. When used by the bearer, said plate shall be displayed so as to be visible through the left portion of the windshield of a private passenger motor vehicle or a pick-up truck used exclusively for noncommercial purposes, and shall be for the exclusive use of the bearer while being transported in said vehicle. Use of the card by any person other than the bearer shall be cause for revocation. Anyone who wrongfully displays a special parking identification plate in a motor vehicle shall be subject to a fine of one hundred dollars. At no time shall the registrar issue to any person both plates displaying the "International Symbol of Access" and a special parking identification plate prescribed herein.

Approved July 21, 1986.

Chapter 309. AN ACT EXTENDING THE SCHOOL BUILDING ASSISTANCE PROGRAM.

Be it enacted, etc., as follows:

ACTS, 1986. – Chap. 310.

SECTION 1. Chapter 645 of the acts of 1948 is hereby amended by striking out section 10, as most recently amended by chapter 526 of the acts of 1981, and inserting in place thereof the following section:–

Section 10. Sections one to nine B, inclusive, of this act shall take effect on July first of the current year, and shall cease to be operative on June thirtieth, nineteen hundred and eighty-seven, except that the payments provided by section nine shall be continued thereafter by the state treasurer, subject to appropriation, in accordance with the provisions of said section nine, on certification by the commissioner of education.

SECTION 2. Notwithstanding the provisions of the last paragraph of section nine of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight to the contrary, any district designated by the board of education as a district of extreme critical need for fiscal year nineteen hundred and eighty-six under the provisions of said section nine, that has not had a construction grant approved by the board during fiscal year nineteen hundred and eighty-six under said section nine shall be eligible to receive the additional five per cent as provided in said section nine for a construction grant approved by said board during fiscal year nineteen hundred and eighty-seven.

Approved July 21, 1986.

EMERGENCY LETTER: July 22, 1986 @ 10:11 A.M.

Chapter 310. AN ACT IMPROVING THE COLLECTION OF CHILD SUPPORT IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately improve the collection of child support in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1 of chapter 14 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended, in line 3, by inserting after the word "audit" the following words:– the division of child support enforcement,.

SECTION 2. Chapter 18 of the General Laws is hereby amended by striking out section 21, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 21. The department shall be subrogated to the rights to support and maintenance of any welfare recipient to the extent of any payments made by the department to such recipient. The department shall obtain from said recipients such information, in the recipient's knowledge and possession, as may be reasonable necessary to enforce the department's right.

When the department proposes to terminate public assistance due to the collection of monthly support in excess of monthly benefits paid, it shall forthwith notify the IV-D agency as set forth in chapter one hundred and nineteen A. When the department terminates public assistance for any reason other than the collection of monthly support in excess of benefits paid, it shall forthwith notify said IV-D agency of such action.

Whenever the department notifies a recipient that it proposes to terminate a recipient from assistance, it shall include in such notice a statement of such recipient's right to continued child support services from the IV-D agency.

Before the department denies, terminates or reduces aid to any applicant or recipient of public assistance for failing to cooperate with enforcement of child support, the department shall provide notice of what specific unreasonable acts or omissions, material to the establishment of paternity or establishment or enforcement of a support obligation, the applicant's or recipient's alleged failure to cooperate consisted; and, if the applicant or recipient requests a hearing pursuant to section sixteen to contest such proposed denial, reduction or termination, the department shall have the burden to prove by a preponderance of the evidence that the applicant or recipient did commit such material, unreasonable acts or omission.

SECTION 3. The third paragraph of section 13 of chapter 46 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "seventy-three" in lines 20 and 21 and in line 32, the words:– or two hundred and nine C.

SECTION 4. The third paragraph of said section 13 of chapter 46 of the General Laws, as so appearing, is hereby amended by inserting, after the word "adjudication", in line 31, the words:– or voluntary acknowledgment,– and by striking out the third and fourth sentences and inserting in place thereof the following three sentences:– Upon receipt of a certified copy of a judgment establishing paternity under chapter two hundred and nine C or under similar law of another jurisdiction of voluntary acknowledgement of parentage approved by the court, the clerk of the city or town where the child was born shall prepare a new birth certificate consistent with the findings of the court and shall substitute the new certificate for the original certificate. The fact that paternity was established after the child's birth shall not be ascertainable from the new certificate but the actual place and date of birth shall be shown. The evidence upon which the new birth certificate was made and the original birth certificate shall be kept in a sealed and confidential file and shall be subject to inspection by the mother, the father, or the child; the court with the consent of all interested parties shall allow other persons to inspect such records.

SECTION 5. Chapter 62D of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:–

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:–

"Claimant agency", the IV-D agency, as set forth in chapter one hundred and nineteen A.

"Debt", an unpaid spousal or child support obligation which is being enforced by the claimant agency, or which is collected or ordered to be collected by a court, whether or not there is an outstanding judgment for that sum.

"Debtor", any individual owing money for support payments to the claimant agency or to persons for whom the claimant agency is providing enforcement services under state and federal law, which obligation has not been adjudged satisfied by court order, set aside by court order, or discharged in bankruptcy.

"Department", the department of revenue.

"Obligee", a person or public agency entitled to assistance in collecting support payments pursuant to state and federal law and to whom is owed a debt for unpaid support.

"Refund", an individual's income tax refund from the commonwealth.

SECTION 6. Said chapter 62D is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. Subject to the limitations contained in this chapter, the department shall, upon the request of the claimant agency, render assistance in the collection of debts owed to the obligee. This assistance shall be provided by setting off refunds due the debtor from the department by the sum certified by the claimant agency as due and owing.

Upon application of an obligee, or upon its own initiative, the claimant agency shall include the claim of such obligee for the debt with such requests for assistance, provided that such a debt shall have arisen under a court order and provided further that such order is ordered to be collected by the probation department, or the claimant agency. The claimant agency is authorized to request sufficient information from the obligee as needed to carry out the purposes of this chapter and to require such obligee to certify the amount of such debt. In the event there is a debt owed to the department of public welfare and to the obligee, the claimant agency shall notify the obligee of the amounts certified, the respective dates the debts were incurred and that the most recently owed obligation will be satisfied first. The claimant agency shall thereafter distribute any amounts intercepted between the department of public welfare and the obligee so that the most recently owed obligation is satisfied first, subject to the provisions of sections five and six of this chapter. In the event that the department charges a fee for such assistance to the claimant agency, the claimant agency is authorized to charge a fee to the obligor.

SECTION 6A. Section 4 of said chapter 62D, as so appearing, is hereby amended in line 8, after the word "department," by inserting the following sentences:- The claimant agency shall also, whenever possible, notify the debtor that the debtor's refund is to be set-off. If, within fifteen days of such notice, the debtor requests a reconsideration of the claimant agency's action to set-off the alleged debt, the claimant agency

shall undertake a desk review of the alleged debt. If the claimant agency determines that the set-off request to the department was made in error, it shall so notify the department and the department shall rescind the set-off.

SECTION 6B. Section 5 of said chapter 62D, as so appearing, is hereby amended in line 13, after the word "section," by inserting the following words:– and in addition to the notice and desk review procedure set forth in section four,.

SECTION 7. Section 8 of said chapter 62D, as so appearing, is hereby amended by adding the following sentence:– The claimant agency shall, within ten days of the determination, forward the amount from the escrow account to the proper obligee.

SECTION 8. Said chapter 62D is hereby amended by striking out sections 9 and 10, as so appearing, and inserting in place thereof the following three sections:–

Section 9. Upon transfer of the debt due and owing from the escrow account, established pursuant to section five, to the credit of the debtor's account, the claimant agency shall notify the debtor in writing of the finalization of the set-off. Such notice shall include the amount of the refund transferred to the claimant agency, the amount of the set-off, the amount of the refund, if any, returned to the nondebtor spouse, and the amount of any outstanding balance, if any, due to the debtor after the set-off. The claimant agency shall disburse any such outstanding balance due to the debtor.

Section 10. Notwithstanding section twenty-one of chapter sixty-two C or any other provision of law prohibiting disclosure by the department of the contents of taxpayers' records of information and notwithstanding any confidentiality statute applicable to the claimant agency, all information exchanged among the department, the claimant agency, including the IV–D agency of another jurisdiction, the department of public welfare, the debtor, and the nondebtor spouse necessary to accomplish and effectuate the intent of this chapter is lawful.

The information obtained by any agency from the department in accordance with the aforementioned exemption shall only be used by the agency in the pursuit of its debt collection duties and practices and any person employed by, or formerly employed by, the agency who discloses any such information for any other purpose, except as otherwise allowed by section forty-three of chapter two hundred and seventy-one, shall be penalized under provisions of said section forty-three.

Section 10A. The commissioner, in cooperation with the claimant agency, shall establish a program of wage information sharing with other states. The commissioner is hereby authorized to enter into reciprocal agreements with other states to share lists of absent parents who owe support payments to the claimant agency. Such reciprocal agreements shall only be made with states which administer programs that are substantially similar to the wage reporting system. The wage information sharing program shall apply only to states which have similar prohibitions

and penalties for disclosure of information as provided in this chapter and only if such prohibitions and penalties apply to information which is transmitted by the commissioner or the claimant agency to the other states. The prohibitions and penalties imposed by said section forty-three of said chapter two hundred and seventy-one shall also apply to any such information received from any other state under a reciprocal agreement.

SECTION 9. Chapter 93 of the General Laws is hereby amended by inserting after section 52 the following section:–

Section 52A. Upon the request of any consumer credit reporting agency as defined in Title 15 of the United States Code, the IV–D agency, as set forth in chapter one hundred and nineteen A, shall compile a list of all obligors with child support arrearages of more than one thousand dollars and the amounts of such arrearages from the cases monitored by said agency under chapters two hundred and eight, two hundred and nine, two hundred and nine C, two hundred and ninety-three and two hundred and ninety-three A, subject to the requirements of the following paragraph. Upon the request of a credit reporting agency, said agency shall notify the credit reporting agency whether any individual whose name is submitted has an arrearage of more than one thousand dollars and the amount of such arrearage, compiled in the same manner and also subject to the requirements of this section. Said agency shall charge each credit agency a fee to the maximum extent allowed by the provisions of Title IV, Part D, of the Social Security Act.

Prior to furnishing the name of any person with a recorded arrearage of more than one thousand dollars to a credit reporting agency, the IV–D agency shall notify such person that his name is to be furnished, the amount of recorded arrears, and that he may contest the accuracy of the size of the arrearage by furnishing to said agency within fifteen days evidence that the arrearage is not greater than one thousand dollars. If no such evidence is furnished within fifteen days, said agency shall forward the information to the credit reporting agency. If such evidence is furnished, said agency shall determine the size of the arrearage, if any, and forward the information to the credit reporting agency only if the total arrearage exceeds one thousand dollars. If the obligor disagrees with the determination of said agency he may seek review of the decision as to the amount of the arrearage in the division or department of the trial court which set the support order, and said agency shall not forward the information pending the decision of such court. Nothing in this section shall impair the rights of any obligor under federal or state law regarding consumer credit reports or consumer credit reporting agencies.

SECTION 10. Section 23 of chapter 119 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:–

The department shall obtain and provide to the IV–D agency, as set forth in chapter one hundred and nineteen A, an assignment of support rights on behalf of each child receiving foster care maintenance payments pursuant to Title IV, Part E, of the Social Security Act,

including, but not limited to the following information: the child's name, date of birth, place of birth, Social Security number, address and benefit level and, if known, each parent's name, date of birth, place of birth, Social Security number, most recent address and most recent employer. The department shall notify said IV-D agency forthwith when a child for whom support is collected no longer receives foster care maintenance payments pursuant to Title IV, Part E, of the Social Security Act.

SECTION 10A. Said chapter 119 is hereby further amended by striking out section 28, as so appearing, and inserting in place thereof the following section:–

Section 28. (a) During the pendency of an action brought pursuant to section twenty-four, temporary orders providing for the support of a child may be entered. The court may thereafter enter a judgment against the party chargeable with support. When the court makes an order of support on behalf of a party, and such party is not covered by a private group health insurance plan, the court shall determine whether the person chargeable with support has private health insurance or a group plan available to him through an employer or organization that may be extended to cover the party for whom support is ordered. When said court has determined that the person chargeable with support has such insurance, said court shall include in the order or judgment a provision relating to said insurance.

At the discretion of the court, whenever appropriate, any such order of support may conform to and be enforced in accordance with the provisions of section twelve of chapter one hundred and nineteen A.

(b) Actions under this section to establish support of a child may be commenced by a parent, whether a minor or not; by the child; by the child's guardian, next of kin, or other person standing in a parental relation to the child; by the authorized agent of the department of social services or any agency licensed under chapter twenty-eight A provided that the child is in their custody; or if the child is or was a recipient of any type of public assistance, by the department of public welfare. In the event that someone other than the department of public welfare commences the action, if the parent or child is or was a recipient of any type of public assistance, the court shall notify the department of the pendency of the action and the department shall be permitted to intervene in the action.

(c) An order, or judgment of support pursuant to this section may be entered notwithstanding the default of the person chargeable with support or his failure to appear personally.

(d) In determining the amount of current support to be paid, the court shall apply the child support guidelines established by the chief administrative justice of the trial court, or, in the absence of such standards, shall consider the factors set forth in section thirty-two of chapter two hundred and nine.

(e) The person chargeable with support shall comply with said order, or judgment until the same is dismissed or expires. When an action brought under section twenty-four of this chapter is dismissed or a

final order of commitment is entered, the order or judgment of support shall expire six months after the judgment of dismissal or final order of commitment. At the time of such dismissal or final order of commitment, the court shall notify the parties and the IV-D agency, as set forth in chapter one hundred and nineteen A, of the expiration date of the support order or judgment.

SECTION 10B. The General Laws are hereby amended by inserting after chapter 119 the following chapter:–

**CHAPTER 119A.
CHILD SUPPORT ENFORCEMENT.**

Section 1. There is hereby established within the executive office for administration and finance, the child support enforcement commission. Said commission shall consist of six members who shall be the secretary of the executive office for administration and finance who shall serve as chairman, the commissioner of revenue, the attorney general, the chief administrative justice of the trial court, the commissioner of public welfare and a district attorney who shall be designated by the governor. Said commission shall monitor the child support enforcement system of the commonwealth and shall, from time to time, advise the IV-D agency and other agencies of the commonwealth, including the appropriate divisions of the trial court department, in matters for the improvement of the child support enforcement system of the commonwealth.

The department of revenue shall be the single state agency within the commonwealth that is designated the IV-D agency pursuant to Title IV, Part D of the Social Security Act and hereinafter in this chapter shall be referred to as the IV-D agency. The commissioner of revenue shall establish a division of child support enforcement which shall be provided, subject to appropriation, with such resources as may be necessary to implement the provisions of this chapter.

Section 2. In accordance with the provisions of Title IV, Part D of the Social Security Act, the IV-D agency shall provide comparable services to children and families, whether or not they are recipients of public assistance, to establish and enforce child support obligations. Said services shall include the location of absent parents, the establishment of paternity, the establishment of child support orders, the collection and disbursement of child support payments and any other services or responsibilities required by said Title IV, Part D. Said IV-D agency may accept applications for services from individuals seeking to establish or enforce orders of child support and shall charge a fee for such services which shall be established pursuant to the provisions of section three B of chapter seven, subject to the provisions of federal law. The IV-D agency shall also enforce the subrogation rights of the department of public welfare under section twenty-one of chapter eighteen. The first priority of the IV-D agency with regard to the enforcement of the subrogation rights of the department of public welfare shall be the collection of sufficient support payments on behalf of recipients of public assistance to enable such recipients to live independently of public assistance; provided, however, that the department of public welfare is authorized to receive support payments made on behalf of a current

recipient only to the extent required by the provisions of Title IV, Part D, of the Social Security Act and to receive support payments made on behalf of a former recipient for arrearages only to the extent that the remainder of the support payments sent to such former recipient shall be reasonably calculated to provide sufficient maintenance for such former recipient and that such remainder is consistent with child support guidelines, if any, established by the chief administrative justice of the trial court.

Section 3. In enforcing the subrogation rights of the department of public welfare, the IV-D agency may file an action either in the name of the recipient of public assistance or in the name of the department. Upon the request of an individual who is not a recipient of public assistance, the IV-D agency may file an action in the name of the individual.

The IV-D agency shall serve notice by first class mail to the recipient or to the individual who is not a recipient of all complaints or motions the IV-D agency files in such actions and of all proceedings of which the IV-D agency receives notice pursuant to court rule. The IV-D agency may use any method available to a private party to collect support, including the following:-

(1) if no support order is outstanding, the IV-D agency may seek to obtain a support order on any outstanding complaint for divorce, separate support, paternity or, support or on any petition filed pursuant to section twenty-four of chapter one hundred and nineteen;

(2) the IV-D agency may seek to obtain a modification of any outstanding court order for support on any complaint or judgment of divorce, separate support, paternity or support;

(3) the IV-D agency may institute contempt proceedings under the provisions of section thirty-four A of chapter two hundred and fifteen to compel compliance with a court order;

(4) the IV-D agency may intervene or appear in actions for divorce, separate support, paternity, support, care and protection or proceeding supplemental thereto for the purpose of advising the court as to the financial interest of the commonwealth in the action, when either or both of the parties or their child is receiving public assistance, or has received public assistance if an arrearage is owed to the IV-D agency pursuant to an existing court order or judgment for support;

(5) if no action is pending or has been adjudicated, the IV-D agency may file an action to establish paternity and support pursuant to chapter two hundred and nine C or a civil action to establish support pursuant to section thirty-two F of chapter two hundred and nine; or the IV-D agency may act to enforce any support order that has previously been issued by any court of competent jurisdiction by contempt proceedings or any other proceeding;

(6) the IV-D agency may apply for a complaint under chapter two hundred and seventy-three; and

(7) the IV-D agency may file a petition under chapter two hundred and seventy-three A.

Whenever the IV-D agency seeks to establish or enforce payment of any arrearage for past failure to pay support, it shall not seek an order

which would directly or indirectly result in a decrease in the amount of the current support paid to or on behalf of the child or spouse to whom, or on whose behalf, it is owed.

Section 4. The IV-D agency shall, subject to appropriation, employ personnel, develop automated collection, disbursement and data systems, and establish field offices to carry out its responsibilities. Said IV-D agency is also authorized to contract with other public and private agencies to carry out its responsibilities. The IV-D agency shall establish accounting systems to record child support payments received by it on behalf of obligees pursuant to wage assignments in effect for child support obligors. Said IV-D agency shall credit the accounts of such obligors and shall disburse such payments to the obligee or, if appropriate, to the department of public welfare in the most expeditious fashion. Said IV-D agency shall provide a report to the obligor, the obligee and, if appropriate, the department of public welfare on an annual basis of the amounts of such payments received by it during the preceding year from wage assignments and how such payments were distributed. Said IV-D agency shall also provide a report to the obligor, the obligee and, if appropriate, the department of public welfare on an annual basis of the amounts received by it during the preceding year not collected through the wage assignment process and how such payments were distributed. The IV-D agency shall establish procedures to monitor the receipt of child support payments which are not received as part of the wage assignment. Whenever said IV-D agency determines that an arrearage by an obligor amounting to a fourteen-day period has accrued, it shall take such actions as are authorized and required by law to cause a suspended wage assignment to go into effect.

Section 5. The IV-D agency shall monitor the child support payments which it receives and shall notify the obligor, or any employer or other person remitting child support payments on behalf of the obligor, when the child support obligations of the obligor have been satisfied and shall make available to such obligor an accounting of the distribution of such payments. Said IV-D agency shall remit to the obligor any payments received by said IV-D agency in excess of the amount required by the judgment or order of support. Said IV-D agency shall make any adjustment of its records relative to the child support payments owed by the obligor pursuant to any judgment, support order or modification of such order.

Whenever the department of public welfare notifies the IV-D agency that it proposes to terminate public assistance payable to an obligee, said IV-D agency shall take such steps as are reasonably necessary to ensure that such obligee shall receive, no later than the date the obligee would have received its next public assistance check, the support payment and any refund then due pursuant to federal law and that the obligee will continue to receive such support payments regularly until the judgment or support order is satisfied or until said IV-D agency is notified by the department of public welfare that such obligee is again receiving public assistance.

Whenever the department of public welfare notifies the IV-D agency that public assistance to an obligee has been terminated for any reason other than the collection of monthly support in excess of benefits paid,

said IV-D agency shall take such steps as are reasonably necessary to ensure that such obligee shall receive, no later than two weeks from the date the obligee would have received his next public assistance check, the support payment and any refund then due pursuant to federal law and that the obligee will continue to receive such support payments regularly until the judgment or support order is satisfied or until said IV-D agency is notified by the department of public welfare that such obligee is again receiving public assistance.

Said IV-D agency shall notify the obligee of his right to request a report of the amount and distribution of all monies sent to said office on behalf of said obligee. Said IV-D agency shall also notify such obligee of his eligibility for IV-D services as a nonpublic assistance recipient and shall continue to provide any appropriate child support services unless requested by the obligee to terminate services.

Section 6. The IV-D agency, in accordance with Title IV, Part D of the Social Security Act, is hereby authorized to institute collection procedures for all arrearages which have accrued against child support payments owed pursuant to a court judgment or support order. These collection procedures shall include, but not be limited to, notification of employers that a wage assignment is in effect and not suspended, notification of obligors, demand letters, use of state and federal tax refund intercept programs, initiating contempt proceedings, and seeking *capias* in appropriate situations.

Section 7. On behalf of any individual for whom the IV-D agency is already providing services, or on application of obligee or obligor of a support order issued by the commonwealth or an agency to whom the obligee has assigned support rights, the IV-D agency shall promptly request the corresponding agency of another jurisdiction in which the obligor of a support order derives income to enter the support order for the purpose of obtaining income withholding against such income. Said IV-D agency shall compile and transmit promptly to the agency of the other jurisdiction all documentation required to enter a support order in a court or agency of competent jurisdiction for this purpose. Said IV-D agency shall transmit immediately to the agency of the other jurisdiction a certified copy of any subsequent known modifications of the support order. If said IV-D agency receives notice that the obligor is contesting income withholding in another jurisdiction, it shall immediately notify the individual obligee of the date, time, and place of the hearings and of the obligee's right to attend.

Section 8. (a) Upon receiving from a corresponding agency in another jurisdiction a support order issued by a court or agency of competent jurisdiction with the documentation specified herein, the IV-D agency shall file the documents with the district or municipal court department of the trial court for enforcement pursuant to section ten of chapter two hundred and seventy-three A.

The following documentation is required for the filing of a support order of another jurisdiction:

- (1) a certified copy of the support order with all modifications;
- (2) a certified copy of any income withholding order still in effect;
- (3) a copy of the portion of the income withholding statute of the jurisdiction which issued the support order which states

the requirements for obtaining income withholding under the law of that jurisdiction;

(4) an affidavit of the obligee or certified statement of the court or agency of the arrearages and the assignment of support rights, if any; and

(5) a statement of:

(a) the name, address, and social security number of the obligor, if known;

(b) the name and address of the obligor's employer or of any other source of income of the obligor derived in this state against which income withholding is sought;

(c) the name and address of the court or agency or person to whom support payments collected by income withholding shall be transmitted.

(b) If the documentation received by the IV-D agency does not conform to the requirements of paragraph (a), the IV-D agency shall remedy any defect which it can without the assistance of the requesting agency. If the IV-D agency is unable to make such corrections, the requesting agency shall immediately be notified of the necessary additions or corrections. In neither case shall the documentation be returned. The documentation required by this section shall be valid so long as the substantive requirements of this section are met.

Section 9. There is hereby established, separate and apart from all the public monies or funds of the commonwealth, a child support trust fund, which shall be administered by the IV-D agency without liability on the part of the commonwealth beyond the amounts credited to and earned by the fund.

The fund shall consist of all child support payments from or on behalf of individual obligors paid to the commonwealth pursuant to this chapter, all fees charged and collected by the IV-D agency for its services, all incentive payments made by the federal government for child support activities, and all interest or other earnings from monies in the fund.

All monies in the fund shall be pooled and available for support payments, refunds, and other payments authorized by this chapter.

Section 10. The state treasurer shall serve as treasurer of the child support trust fund. He shall maintain within the child support trust fund two separate accounts as follows:–

(1) A child support payments account of amounts to be distributed to the proper obligees.

(2) A child support services account to be expended, without appropriation, on child support services authorized pursuant to Title IV, Part D, of the Social Security Act. To this account shall be credited all fees collected by the IV-D agency, all federal incentive payments, and all interest and earnings of the fund.

Section 11. The state treasurer shall from time to time requisition from said child support trust fund such amounts, not exceeding the amounts credited to the child support payments account, as the commissioner of revenue deems necessary for the payment of child support to obligees in accordance with the provisions of this chapter. The state treasurer shall also from time to time requisition from said child support trust fund such amounts, not exceeding amounts credited to the child support services account, as the commissioner of revenue deems necessary for a reasonable future period for the provision of child

support services; provided that such amounts shall conform to a schedule of anticipated expenditures on file with the budget bureau and the house and senate committees on ways and means.

Section 12. (a) Each judgment or order for support issued pursuant to chapter two hundred and seven, chapter two hundred and eight, chapter two hundred and nine, chapter two hundred and nine C, and chapter two hundred and seventy-three A shall conform to and shall be enforced according to the provisions of this section. Each outstanding order for support which is reviewed, modified or otherwise brought before the court pursuant to any of said chapters or pursuant to section eighteen A of chapter two hundred and seventy-three shall be amended so as to conform to and shall thereafter be enforced in accordance with the provisions of this section. At the discretion of the court, whenever appropriate, any order for the support of a child issued pursuant to section twenty-eight A of chapter one hundred and nineteen may conform to and be enforced in accordance with the provisions of this section.

(b) Each judgment or order for support to which this section applies shall be made payable to the IV-D agency on behalf of each obligee who is a recipient of public assistance or who signs an application to such IV-D agency for child support services. Such judgment or order shall be made payable directly to the obligee in any case where the obligor and the obligee agree in writing that payment shall be made directly to the obligee. Said IV-D agency shall have the responsibility to forward payments on a current basis pursuant to such judgment or order to the obligee or, to the extent that the obligee receives or received public assistance, to the department of public welfare. Each such judgment or order, whether payable to said agency or to an obligee, shall include a provision assigning a portion of the obligor's commissions, earnings, salaries, wages, or other periodic income from whatever source, except as expressly limited by law, to said agency in an amount sufficient to comply with the support order. Each such judgment or order shall also include a provision that the assignment be sufficient to reduce any arrearage of support that accrues under the order by increasing the assignment by twenty-five per cent until such arrearage is paid off, unless, upon request of an obligor pursuant to paragraph (2) of subsection (e), the court makes a determination that the additional payment would work an undue hardship on the obligor. No current order shall be reduced in order to pay off an arrearage.

The department of public welfare is authorized to receive support payments made on behalf of a current recipient only to the extent required by the provisions of Title IV, Part D, of the Social Security Act and to receive support payments made on behalf of a former recipient for arrearages only to the extent that the remainder of the support payments sent to such former recipient shall be reasonably calculated to provide sufficient maintenance for such former recipient and that such remainder is consistent with child support guidelines, if any, established by the chief administrative justice of the trial court. This section shall not affect the availability of any method for collecting an arrearage. In any case with an outstanding support order under this chapter in which no order of assignment has been executed, said IV-D agency shall execute an assignment and this section shall apply.

(c) Such assignment shall take effect immediately when the obligor is found in violation or contempt of an order of support. Such assignment shall also take effect immediately in all other cases, unless the court or the hearing officer finds good cause exists to order that the assignment be suspended and makes written findings in support of suspension or unless the obligor and the obligee agree in writing that payment shall be made directly to the obligee. Before the hearing regarding the suspension of such assignment, the IV-D agency shall inform the obligor that under the provisions of subsections (d) and (e), such assignment, even if suspended, will take effect without any further hearing if an arrearage accrues as described in paragraph (1) or (2), and that a hearing will be available as provided in said subsections (d) and (e).

In the event that an assignment is suspended in the first instance, it shall take effect:-

(1) when a total arrearage amounting to the support owing for a fourteen-day period has accrued; or

(2) in cases where payment is to be made once per month, fourteen days after a payment is missed, or, if no payment is missed, fourteen days after an arrearage amounting to one-half the amount of support owing for one month has accrued; or

(3) at the request of the obligor at any time prior to the accrual of an arrearage described in paragraph (1) or (2). Assignments pursuant to this section shall terminate when the underlying support obligation terminates and all arrears are paid. When the employee changes employers, the obligor shall promptly notify the IV-D agency which shall transfer the assignment to the subsequent employer. If an assignment is in effect under this section but cannot be implemented because the obligor has no employer, said agency shall send the assignment to any employer who later employs the obligor as soon as the new employment is ascertained.

(d) When said agency determines on its own information or on account of a claim by an obligee or the department of public welfare that an arrearage has accrued, it shall immediately send the notice of assignment to the obligor's employer as specified in subsection (f) and shall send a notice to the obligor that he may, within fifteen days from the date the notice is sent submit a request in writing for a hearing as to whether the assignment should be further suspended. Where the payment is not paid through the IV-D agency or the court, an obligee making a claim that an arrearage has accrued, shall make the claim in writing under the penalties of perjury. The notice to the obligor shall also specify the amount to be withheld, and the procedures and grounds for further suspending the assignment. Such notice to the obligor shall set forth that the assignment applies to the obligor's subsequent employers and that the obligor is bound to notify said agency immediately when his employment changes or be subject to possible punishment for civil contempt of court.

(e) (1) If the obligor requests a hearing, it shall be held within fifteen days from receipt of his request. If at the hearing the obligor establishes that no arrearage satisfying the requirements of clause (1) or (2) of subsection (c) existed at the time notice was given or at any time thereafter, or that he is not the person owing such arrearage, the court or hearing officer may order that such assignment be suspended until such an arrearage does accrue. A suspension shall not be ordered

upon any other grounds, including the fact that an arrearage satisfying said clause (1) or (2) does not exist at the time of the hearing if such an arrearage existed at the time when the notice was mailed or any time thereafter.

If the court or hearing officer orders that the assignment be suspended, said agency shall promptly notify the employer.

(2) The obligor may also request a hearing, under the same procedure and with the same notice, if he contends that the payment of arrears at the rate of twenty-five per cent of the face amount of the child support order is excessive or that the total arrears owing is incorrect. If the court or hearing officer determines at the hearing that payment of arrearage at that rate leaves the obligor with less money than is required to provide him minimum subsistence, or works an undue hardship on the obligor, the court or hearing officer may reduce the rate at which the arrearage must be paid to a reasonable rate. If the court or hearing officer determines at the hearing that the total amount of arrears calculated is erroneous, he shall reduce the amount calculated to correct the amount.

(f) The IV-D agency shall send notice of the assignment to the employer at the time required by subsection (d). The notice of assignment sent to the employer shall contain notice of paragraphs (1) to (7), inclusive, of this subsection, and shall also state the amount to be withheld and that such amount shall not exceed the limit on the obligor's income set by the Consumer Credit Protection Act.

(1) The employer may deduct from said earnings a sum not exceeding one dollar per pay period as reimbursement for costs incurred, and may submit to said agency one check covering all its employees whose income is assigned along with a statement enumerating each employee's obligation and amount paid.

(2) The employer may not discipline, suspend or discharge an employee because of an assignment executed pursuant to this section. Any employer who violates this section shall be liable in a civil action, action for contempt or other appropriate proceeding to such employee for all wages and employment benefits lost by the employee from the time of the unlawful discipline, suspension or discharge to the period of reinstatement.

(3) If an employer fails to comply with an order of income assignment executed pursuant to this section the court may summon the employer to appear in court and show cause why he should not be held in civil contempt for failure to obey said order. Said employer shall also be liable to the obligee in a civil action, action for contempt, or other appropriate proceeding for the full amount of the income assigned and a civil penalty of five hundred dollars.

(4) This order shall have priority over all other orders of assignment, attachment, liens, executions and other legal process, from whatever source, notwithstanding any other provision of law.

(5) The employer shall send the amount required by the assignment to said agency within three days of the date the employee is paid.

(6) The assignment shall begin on the first payment of income that occurs more than three days after the employer receives notice of the assignment and shall continue until the employee leaves that employment or the employer is notified by said agency that the assignment should be terminated.

(7) If the employee leaves the employment, the employer shall be responsible to notify said IV-D agency of his departure and his subsequent employer, if known, prior to the time that the next payment to said office is due.

(g) Data collected by the said IV-D agency shall not be a public record under chapter sixty-six, and access to this data shall be available only to employees of said agency and its contractors and to the obligor, obligee and children on whose behalf support is being paid and their representatives.

(h) Each obligor making payments to the said IV-D agency under this section shall be sent a notice describing the suspended income assignment system, including the factors triggering assignment under subsection (c), the obligor's duty to report changes in address or employment under subsection (d), and the obligor's right to access to the information compiled on his case at the time when the order of support entered, and once each year thereafter. Those obligors with orders already in effect shall be sent such notice within six months of the effective date of this section, and annually thereafter.

(i) When the obligor is self-employed, assignment shall be ordered in compliance with subsection (b) of this section. When income assignment cannot be obtained because the obligor has insufficient periodic income subject to attachment, the court may require that the obligor post a bond in an amount sufficient to secure the obligation of support. Such obligation may also be enforced by attachment of or lien against property, trustee process in accordance with chapter two hundred and forty-six; civil action to reach and apply; and any other civil remedy available for the enforcement of judgments or for the enforcement of support or custody orders entered under chapter two hundred and eight, two hundred and nine, two hundred and nine C or two hundred and seventy-three A.

SECTION 11. Section 7 of chapter 190 of the General Laws, as so appearing, is hereby amended by inserting after the word "seventy-three", in line 3, the words:– or chapter two hundred and nine C.

SECTION 12. Chapter 208 of the General Laws is hereby amended by striking out section 36, as so appearing, and inserting in place thereof the following section:–

Section 36. When alimony or support is adjudged for the spouse or children, the court may require sufficient security for its payment according to the judgment. Each judgment or order of support which is issued, reviewed or modified pursuant to this chapter shall conform to and shall be enforced in accordance with the provisions of section twelve of chapter one hundred and nineteen A.

SECTION 13. Chapter 209 of the General Laws is hereby amended by striking out section 32E, as so appearing, and inserting in place thereof the following section:–

Section 32E. Each judgment or order of support which is issued, reviewed or modified pursuant to this chapter shall conform to and shall be enforced in accordance with the provisions of section twelve of chapter one hundred and nineteen A.

SECTION 14. Said chapter 209 is hereby further amended by inserting after section 32E the following section:–

Section 32F. (a) If married persons live apart from each other, and no action pursuant to chapter two hundred and eight, section thirty-two of this chapter, or chapter two hundred and seven has been filed, the district, Boston municipal or probate and family court may enter a judgment against the spouse chargeable with support providing for the current support of the other spouse, and against any married person living apart from his minor child or children for the support of the child or children of the marriage. Such an action may be commenced by the spouse or child entitled to receive support; by a child's guardian, next of kin, or person having care and physical custody of the child, where the action is on behalf of the child; or by the department of public welfare, where the spouse or child is or was a recipient of benefits under chapters one hundred and seventeen or one hundred and eighteen. Where a spouse or child is or was a recipient of such benefits, the court shall notify the department of public welfare of the pendency of the action and the department shall be permitted to intervene in the action. Where the plaintiff is the department of public welfare or anyone other than the spouse or parent of child entitled to receive support, the court shall ensure that such spouse or all parties are notified of the action and of any motions for temporary orders of support. A spouse or parent or custodian shall be permitted to intervene in the action as of right. An order or judgment or support pursuant to this section may be entered notwithstanding the default of the defendant or his failure to appear personally.

(b) Proceedings under this section shall be filed in the judicial district or county where either spouse lives except that if the action includes or is on behalf of a minor child who does not live with either parent, the action shall be filed in the judicial district or county where the child lives. There shall be no filing fee for actions pursuant to this section. Service of the complaint shall be made in accordance with applicable rules of court. In addition to those otherwise authorized to serve civil process, any officer authorized under the laws of the commonwealth to serve criminal process may serve any process under this section.

(c) During the pendency of an action under this section and pursuant to the procedures adopted under chapter two hundred and twenty-one B, if applicable, temporary orders providing for the support of the spouse or children, may be entered. Such orders shall continue in force until modified or revoked, and shall be superseded by an order or judgment pursuant to an action under chapter two hundred and eight, under section thirty-two of this chapter or under chapter two hundred and seven.

(d) In determining the amount of current support to be paid, the court shall apply the standards established pursuant to guidelines established by the chief administrative justice of the trial court or, in the absence of such standards, shall consider the factors set forth in section thirty-two of this chapter.

The provisions of section thirty-seven of this chapter regarding health insurance shall apply to any action brought under this section.

(e) The court has continuing jurisdiction to modify, increase, decrease or revoke a judgment of support at any time after the judgment was made

upon a complaint for modification and a showing of a substantial change or circumstances of parties and as the benefit of the spouse or child requires.

(f) No proceedings under this section shall be commenced or entertained if there is a prior pending action between the spouses or regarding the child entitled to support under chapters two hundred and seven, or chapter two hundred and eight or under section thirty-two of this chapter. If an action under chapters two hundred and seven, two hundred and eight or section thirty-two of this chapter is filed after the commencement of proceedings or after a judgment under this section, any support order or judgment issued in such action shall supersede any support order or judgment and any income assignment made under this section. Nothing herein shall prevent the probate and family court department in any proceeding under chapters two hundred and seven, two hundred and eight or section thirty-two of this chapter from entering an order or judgment enforcing any order or judgment under this section which has not been paid or entering an order or judgment enforcing provisions for payment contained in a judgment entered under this section.

(g) The administrative justices of the district, Boston municipal and probate and family court department of the trial court shall jointly promulgate a form of complaint for use under this section which shall be in such form and language to permit a plaintiff to prepare and file such complaint pro se.

SECTION 15. Section 1 of chapter 209A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the definition of "Family or household member" and inserting in place thereof the following definition:–

"Family or household member", household member, former household member, a spouse, former spouse or their minor children, blood relative or person who, though unrelated by blood or marriage, is the parent of the plaintiff's minor child.

SECTION 16. The General Laws are hereby further amended by inserting after chapter 209B the following chapter:–

**CHAPTER 209C.
CHILDREN BORN OUT OF WEDLOCK.**

Section 1. Children born to parents who are not married to each other shall be entitled to the same rights and protections of the law as all other children. It is the purpose of this chapter to establish a means for such children either to be acknowledged by their parents voluntarily or, on complaint by one or the other of their parents or such other person or agency as is authorized to file a complaint by section five, to have an adjudication of their paternity, to have an order for their support and to have a declaration relative to their custody or visitation rights ordered by a court of competent jurisdiction. For the purpose of this chapter, the term "child born out of wedlock" shall refer to any child born to a man and woman who are not married to each other and shall include a child who was conceived and born to parents who are not married to each other but who subsequently intermarry and whose paternity has not been

acknowledged by word or deed or whose paternity has not been adjudicated by a court of competent jurisdiction; and a child born to parents who are not married to each other whose paternity has been adjudicated by a court of competent jurisdiction, including an adjudication in a proceeding pursuant to this chapter or prior law. Every person is responsible for the support of his child born out of wedlock from its birth up to the age of eighteen, or, where such child is domiciled in the home of a parent and principally dependent upon said parent for maintenance, to age twenty-one. Each person charged with support under this section shall be required to furnish support according to his financial ability and earning capacity pursuant to the provisions of this chapter.

Section 2. Paternity may be established by the registration of an acknowledgment of parentage executed by both parents and filed with the court pursuant to section eleven or pursuant to an action to establish paternity filed pursuant to this chapter. Actions to establish support obligations or for custody or visitation rights may also be filed pursuant to this chapter.

Section 3. (a) The district, Boston municipal and the probate and family court departments of the trial court shall have concurrent jurisdiction over complaints to establish paternity or support and the registration of voluntary acknowledgments of parentage; provided, however, that the district and Boston municipal court departments shall have no jurisdiction of custody or visitation matters under this chapter. Complaints to establish paternity or support or for voluntary acknowledgments of parentage which also include a request for an order relative to custody or visitation shall be filed only in the probate and family court department.

(b) Any party to an action for paternity or support which is pending or was previously adjudicated by the district or Boston municipal court departments who seeks an order relative to custody or visitation may, after the adjudication or voluntary acknowledgment of paternity and entry of an order or judgment for support, file an action in the probate and family court department to determine custody or visitation. The probate and family court department shall proceed to adjudicate custody or visitation. The judgment of the court may include an order modifying any support order or judgment previously issued by the district or Boston municipal court departments, if there has been a substantial change of circumstances, as provided in section twenty.

(c) The juvenile court department shall have concurrent jurisdiction to adjudicate paternity and support and to accept registration of voluntary acknowledgments of parentage under this chapter, provided that actions brought under this chapter are joined or consolidated with actions brought under section twenty-four of chapter one hundred and nineteen and, provided further, that the action under section twenty-four of chapter one hundred and nineteen is initiated before the filing of a complaint under this chapter.

(d) Unless modified as provided in subsection (b) above, a prior order or judgment for support entered in the district or Boston municipal court department shall remain in full force and effect and shall be enforced in the Boston municipal court department or in the division of the district court department in which the original order or judgment for support was entered. In the event of a modification of a support order, the register of probate for the county in which the action for custody or visitation

was filed shall notify the clerk-magistrate of the appropriate district or Boston municipal court in which support was previously adjudicated. The clerk-magistrate shall make entry in the docket of the fact that the case shall thereafter be heard only in the probate and family court department.

(e) An order or judgment for support entered in the juvenile court department shall remain in full force and effect and shall be enforced in the division of the juvenile court department in which the original order or judgment of support was entered during the pendency of an action pursuant to section twenty-four of chapter one hundred and nineteen. Six months after the dismissal or final order of commitment pursuant to section twenty-four of chapter one hundred and nineteen, the order or judgment of support shall expire. At the time of such dismissal or final order of commitment, the clerk-magistrate shall notify the parties and the IV-D agency, as set forth in chapter one hundred and nineteen A, of the date of expiration of the support order or judgment. If, before the expiration of the order or judgment of support, any of the parties or said IV-D agency files an action for support in the Boston municipal court department or the appropriate division of the district or probate and family court departments, the prior order or judgment shall be transferred to that court department and shall remain in full force and effect and shall be enforced and modified in said court department.

Section 4. Complaints under this chapter to establish paternity, support, custody or visitation of a child and written voluntary acknowledgments of parentage shall be filed in the judicial district or county in which the child and one of the parents lives. If neither of the parents lives in the same judicial district or county as the child then the complaint shall be filed in the judicial district or county where the child lives. The fact that the child was conceived, was born, or lives outside the commonwealth does not bar a proceeding to establish paternity pursuant to this chapter. Service of the complaint shall be made in accordance with applicable rules of court. In addition to those otherwise authorized to serve civil process, any officer authorized under the laws of the commonwealth to serve criminal process may serve any process under this chapter.

Section 5. (a) Complaints under this chapter to establish paternity, support, visitation or custody of a child may be commenced by the mother, whether a minor or not; by a person presumed to be or alleging himself to be the father, whether a minor or not; by the child; by the child's guardian, next of kin, or other person standing in a parental relation to the child; by the parent or personal representative of the mother if the mother has died or has abandoned the child; by the parent or personal representative of the father if the father has died; by the authorized agent of the department of social services or any agency licensed under chapter twenty-eight A provided that the child is in their custody; or, if the child is or was a recipient of any type of public assistance, by the department of public welfare; provided, however, that if the mother of the child was or is married and the child's birth occurs during the marriage or within three hundred days of its termination by death, annulment or divorce, complaints under this chapter may not be filed by a person presumed to be or alleging himself to be the father unless he is or was the mother's husband at the time of the child's birth or conception.

(b) Voluntary acknowledgments of parentage may be executed by the mother and the putative father, whether either or both is a minor, and may be registered pursuant to section eleven only if the signatures of the mother and the father are notarized. If the mother of the child was or is married and the child's birth occurs during the marriage or within three hundred days of its termination by death, annulment or divorce, a voluntary acknowledgment of parentage may only be executed by the mother, the putative father and the mother's husband at the time of the child's birth or conception. If such acknowledgment is executed with the department of public welfare or with any official of a court, such acknowledgment shall not be registered unless the mother and the father were informed in writing at the time the acknowledgment was executed that such acknowledgment would be registered with the court and could form the basis of a claim against the mother or the father for support of the child whose parentage is acknowledged.

(c) Any agency or person living with such child who is actually furnishing support to the child or, if the child who is the subject of an action under this chapter is a recipient of public assistance, the department of public welfare shall be made a party to any action for paternity or support under this chapter.

(d) The department of public welfare may not file complaints solely for custody or visitation, but shall be permitted to file actions for paternity or support; provided, however, that said department shall be permitted to maintain an action for paternity or support even if issues related to custody or visitation are raised.

(e) In actions under this chapter relative to custody or visitation, the child, if the child is fourteen years of age or older, shall be made a party to such action.

Section 6. (a) In all actions under this chapter a man is presumed to be the father of a child and must be joined as a party if:

(1) he is or has been married to the mother and the child was born during the marriage, or within three hundred days after the marriage was terminated by death, annulment or divorce; or

(2) before the child's birth, he married or attempted to marry the mother by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child was born during the attempted marriage or within three hundred days after its termination; or

(3) after the child's birth, he married or attempted to marry the mother by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and

(i) he agreed to support the child under a written voluntary promise, or

(ii) he has engaged in any other conduct which can be construed as an acknowledgment of paternity; or

(4) while the child is under the age of majority, he, jointly with the mother, received the child into their home and openly held out the child as their child; or

(5) he has acknowledged paternity in a parental responsibility claim as provided in section four A of chapter two hundred and ten and the mother, having received actual notice thereof, has failed within a reasonable time, to object thereto; or

(6) with his consent and the consent of the child's mother, he is named as the child's father on the birth certificate as provided in section one of chapter forty-six.

Section 7. Actions under this chapter shall be civil actions. The plaintiff in an action filed to establish paternity may be represented by the IV-D agency, as set forth in chapter one hundred and nineteen A. In actions in which custody or visitation are contested, court may appoint counsel to represent either party wherever the interests of justice require.

The burden of proof in proceedings under this chapter to establish paternity shall be by clear and convincing evidence.

Section 8. On complaint to establish paternity, the court shall make a judgment establishing or not establishing paternity which shall be determinative for all purposes. The age of the person alleged to be the father in any action under this chapter, including a registration of parentage, shall not be a bar to the establishment of paternity or entry of a support order pursuant to section nine. If the child or the mother on behalf of the child is a recipient of public assistance and if the department of public welfare has not been made a party as required by section five, the court shall notify the department of the judgment. If the judgment is at variance with the child's birth certificate, the court may order that a new birth certificate be issued under section thirteen of chapter forty-six.

Section 9. (a) If the court finds that a parent is chargeable with the support of a child, the court shall make an order in accordance with subsection (c) requiring a parent to pay weekly or at other fixed periods a sum for and toward the current support and maintenance of such child. An order or judgment of support pursuant to this chapter may be entered notwithstanding the default of the defendant or his failure to appear personally. When the court makes a judgment or order for maintenance or support of a child and such child is not covered by a private group health insurance plan, the court shall determine whether the obligor under such judgment or order has health insurance or a group plan available to him through an employer or organization that may be extended to cover the child for whom support is ordered. When the court has determined that the obligor has such insurance, the court shall include in the support judgment or order a requirement that the obligor exercise the option of additional coverage in favor of such child. In addition, the court may order one party to pay the other party including the department of public welfare a sum for past support including payment for medical expenses consistent with the provisions of subsection (f).

(b) Upon demand by either party, including the department of public welfare, the other party shall be compelled to provide a financial statement, except that the department of public welfare shall not be compelled to provide a financial statement for a recipient of public assistance, and, provided further, if no party makes such a demand, the court may require a financial statement of each party.

(c) In determining the amount to be paid or in approving the agreement of the parties, the court shall apply the standards established by the chief administrative justice of the trial court or, in the absence of such standards, shall consider all relevant facts, including but not limited to:

(1) needs of persons entitled to support including necessary shelter, food, clothing, medical care and education;

(2) relative financial means of each parent, including their standard of living, age, health; station, occupation, amount and sources of income, including unearned income, vocational skills, employability, estate, liabilities and opportunity of each for future acquisition of capital assets and income;

(3) earning ability of each parent;

(4) age of the child;

(5) need and capacity of the child for education, including higher education;

(6) value of services, including those as a homemaker, contributed by the custodial parent; and

(7) the amount necessary for the obligor's minimum subsistence, including food, shelter, utilities, clothing and the reasonable expenses necessary to travel or obtain employment.

(d) It shall not be a defense that the parent from whom support is sought has ceased to have custody or the right to custody of a minor child for whom support is sought, or that the custodial parent is interfering with the other parent's right of visitation.

(e) If the child on whose behalf support is ordered is a recipient of benefits pursuant to chapters one hundred and seventeen or one hundred and eighteen of the General Laws and the department of public welfare has not been made a party as required by section five, the court shall notify the department of the order or judgment or support.

Section 10. (a) Upon or after an adjudication or voluntary acknowledgment of paternity, the court may award custody to the mother or the father or to them jointly or to another suitable person as hereafter further specified as may be appropriate in the best interests of the child.

In awarding custody to one of the parents, the court shall, to the extent possible, preserve the relationship between the child and the primary caretaker parent. The court shall also consider where and with whom the child has resided within the six months immediately preceding proceedings pursuant to this chapter and whether one or both of the parents has established a personal and parental relationship with the child or has exercised parental responsibility in the best interests of the child.

In awarding the parents joint custody, the court shall do so only if the parents have entered into an agreement pursuant to section eleven or the court finds that the parents have successfully exercised joint responsibility for the child prior to the commencement of proceedings pursuant to this chapter and have the ability to communicate and plan with each other concerning the child's best interests.

(b) Prior to or in the absence of an adjudication or voluntary acknowledgment of paternity, the mother shall have custody of a child born out of wedlock.

(c) If either parent is dead, unfit or unavailable or relinquishes care of the child or abandons the child and the other parent is fit to have custody, that parent shall be entitled to custody.

(d) If a person who is not a parent of the child requests custody, the court may order custody to that person if it is in the best interests of the child and if the written consent of both parents or the surviving parent is filed with the court. Such custody may also be ordered if it is in the best interests of the child and if both parents or the surviving parent are unfit to have custody or if one is unfit and the other files his written consent in court.

Section 11. (a) In lieu of or in conclusion of proceedings to establish paternity, the written voluntary acknowledgment of parentage executed jointly by the putative father, whether a minor or not, and the mother of the child, whether a minor or not, may be filed with and approved by a court of competent jurisdiction and proper venue.

After filing, either parent, or the department of public welfare if the child who is the subject of the acknowledgment is or was a recipient of public assistance, may, upon notice to the other parent or the department of public welfare, move for approval of the acknowledgment. The court shall approve the acknowledgment unless either parent objects. Upon approval, the acknowledgment shall have the same force and effect as a judgment adjudicating paternity. In any subsequent action under this chapter, a prior approved acknowledgment as to paternity shall be res judicata as to that issue which shall not be reconsidered by the court.

(b) If a mother and father execute a voluntary acknowledgment of parentage as provided in (a), they may also make agreements regarding custody, support and visitation. Such agreements may be filed with any court with jurisdiction pursuant to this chapter; provided, that any such agreement which includes issues of custody or visitation must be filed with a division of the probate and family court department. Such agreements, if filed with and approved by the court, in the manner described in (a), shall have the same force and effect as a judgment of the court; provided, however, that the court shall have the same power to investigate the facts regarding custody, support and visitation prior to entering an order relative to those issues as it would have if no agreement had been filed; and provided further, that an agreement regarding custody and visitation shall be approved only if the court finds it to be in the best interests of the child.

(c) Voluntary acknowledgments and agreements made pursuant to this chapter shall be acknowledged in the presence of a notary public.

(d) If the child is a recipient of public assistance, no agreement regarding support shall be approved by the court unless the department of public welfare has had an opportunity to be heard. Any such agreements shall be admissible in a proceeding under this chapter, and the court shall have the authority to order and enforce payment of any sums due under such written agreement.

Section 12. In actions under this chapter, the trial shall be by the court without a jury. In an action to establish paternity, the court may exclude the general public from the room where the trial is held and may admit only persons directly interested in the case, including officers of the court and witnesses.

Section 13. In all actions to establish paternity or in which paternity of a child is an issue, all complaints, pleadings, papers, documents, or reports filed in connection therewith, docket entries in the permanent docket and record books shall not be available for inspection, unless

a judge of the court where such orders are kept, for good cause shown, shall otherwise order; provided however, that the child, his mother, the man adjudicated to be the father and the department of public welfare, when the child who is or was the subject of the complaint is a recipient of public assistance or the attorney for any of them, shall have access to and the right to obtain copies of the papers, docket books and judgments in actions pursuant to this chapter. Such complaints, reports, pleadings papers, and documents, permanent docket and record books shall be segregated. A separate permanent docket book and index shall be provided and shall likewise be segregated.

Section 14. An action to establish paternity of a child may be instituted during pregnancy of the mother but shall only be filed by the mother or her representative. In the case of any complaint brought prior to the birth of the child, no final judgment on the issue of paternity shall be made until after the birth of the child.

Section 15. During the pendency of an action under this chapter, the court may upon motion of any party, enter temporary orders to restrain interference with the personal liberty of any of the parties or the child.

The court may, in like manner, upon motion of any party or of a next friend on behalf of the child, and upon notice to the other parties, enter temporary orders providing for the support of the child or relative to the care and custody of the child or visitation rights with the child in accordance with the provisions of sections nine and ten.

All orders entered pursuant to this section shall continue in force until modified or revoked or until final judgment is granted, violations of such orders may be punished as contempt or enforced in the manner provided in section twenty.

Section 16. (a) Both the plaintiff and the defendant are competent to testify in proceedings hereunder.

(b) Upon refusal of any witness, including a party, to testify under oath and produce evidence, the court may order him or her to testify under oath and produce evidence, concerning all relevant facts. If the refusal is upon the ground that his testimony or evidence may tend to incriminate him the court may grant him immunity from all criminal liability on account of the testimony or evidence he is required to produce. An order granting immunity bars prosecution of the witness for any offense shown in whole or in part by testimony or evidence he is required to produce, except for perjury in his testimony. The refusal of a witness who has been granted immunity, to obey an order to testify or produce evidence may be punished as civil contempt of the court.

(c) In an action pursuant to this chapter, the mother and the man alleged to be the father shall be competent to testify and no privilege or disqualification created under chapter two hundred and thirty-three shall prohibit testimony by a spouse or former spouse which is otherwise competent. If the mother is or was married, both she and her husband or her former husband may testify to non-access and parentage of the child.

(d) In an action to establish paternity, testimony relating to sexual access to the mother by an unidentified man at any time or by an identified man at any time other than the probable time of conception of the child is inadmissible in evidence unless offered by the mother.

(e) In an action to establish paternity, the court may view the mother, the child, and the putative father to note any resemblance among the

parties notwithstanding the absence of expert testimony.

(f) All other evidence relevant to the issue of paternity of the child, custody of a child or support of a child shall also be admissible.

Section 17. In an action to establish paternity, the court may, on the motion of any party or upon its own motion, order the mother, the child, and the putative father to submit to one or more blood or genetic marker tests, to be performed by a duly qualified physician or other such expert. The report of the results of blood grouping or genetic marker tests, including a statistical probability of the putative father's paternity based upon such tests, shall be admissible in evidence and shall be weighed along with other evidence of the putative father's paternity; provided, however, such report shall only be admissible in accordance with accepted principles of science, statistics, and equity; provided, further, that such report shall not be considered as evidence of the occurrence of intercourse between the mother and the putative father; and provided, however, that such report shall not be admissible absent sufficient evidence of intercourse between the mother and the putative father during the period of probable conception. If the report of the results of blood tests or an expert's analysis of inherited characteristics is disputed, the court may then order that an additional test be made at the same laboratory or different laboratory at the expense of the party requesting additional testing. Verified documentation of the chain of custody of blood specimens is competent evidence to establish such chain of custody. The fact that any party refuses to submit to a blood test shall be admissible. The cost of making any tests ordered pursuant to this section shall be chargeable against the party making the motion. The court in its discretion may order the costs of such testing to be apportioned among the parties provided, however, the court may not direct the department of public welfare to pay for such tests, unless said department is the moving party. Payment for the costs of such tests shall be considered a necessary expense and if any party chargeable with the costs of the blood tests is indigent as provided in section twenty-seven A of chapter two hundred and sixty-one, the court may direct payment of such costs by the commonwealth regardless of the type of tests requested by the moving party.

Section 18. Each judgment or order of support which is issued, reviewed or modified pursuant to this chapter shall conform to and shall be enforced in accordance with the provisions of section twelve of chapter one hundred and nineteen A.

Section 19. A judgment of support issued in conclusion of a proceeding under this chapter or a temporary support order issued under section fourteen may be enforced with one or more of the following methods:

- (1) contempt in accordance with sections thirty-four and thirty-four A of chapter two hundred and fifteen;
- (2) execution of the judgment;
- (3) attachment of or lien against property;
- (4) trustee process, in accordance with the provisions of chapter two hundred and forty-six;
- (5) equitable actions to reach and apply for the enforcement of judgments; and
- (6) any other civil remedy available for the enforcement of judgments or for the enforcement of support or custody orders entered under

chapter two hundred and eight, two hundred and nine, and two hundred and seventy-three A.

Section 20. A court with original jurisdiction pursuant to section three has continuing jurisdiction, upon a complaint filed by a person or agency entitled to file original actions, to modify judgments of support, custody or visitation whenever a substantial change in the circumstances of the parties or the child has occurred, provided however, that no modification concerning custody or visitation shall be granted unless the court also finds it to be in the child's best interests to do so.

Section 21. Any interested party may bring an action to determine the existence of a mother and child relationship. Insofar as practicable, the provisions of this chapter applicable to establishing paternity shall apply.

Section 22. (a) A decree entered on a petition filed pursuant to chapter two hundred and ten shall be a bar to a proceeding under this chapter.

(b) A proceeding under chapter two hundred and seven, two hundred and eight, two hundred and nine, two hundred and seventy-three, or two hundred and seventy-three A shall not be a bar to any proceeding under this chapter. An action brought under this chapter may be consolidated with an action brought under chapters two hundred and seven, two hundred and eight, two hundred and nine or two hundred and seventy-three A if both actions are pending in the same department of the trial court.

(c) If an action under chapter two hundred and seven, two hundred and eight, or two hundred and nine, is filed after the commencement of proceedings or after a judgment under this chapter, any order or judgment for support of a child issued in the annulment, divorce or separate support proceedings shall supersede any prior order or judgment for support of the same child under this chapter; and any assignment made under this chapter shall be superseded by an assignment made in the divorce, separate support, or annulment proceeding; provided, however, that nothing herein shall prevent the court in such annulment, separate support or divorce proceeding from entering an order or judgment enforcing any previous support order or judgment for support under this chapter which has not been paid, consistent with the provisions of section nine.

(d) No proceeding hereunder shall be barred by a prior finding or adjudication under any repealed sections of chapter two hundred and seventy-three or by the fact that a child was born prior to the effective date of this chapter.

Section 23. (a) If, after adjudication of paternity or voluntary acknowledgment of parentage, the parents of the child intermarry, any order or judgments of the court relative to support, custody, visitation and restraint on personal liberty shall be null and void and the court shall have no continuing jurisdiction over the parties under this chapter.

(b) If, after proceedings are commenced but before an adjudication of paternity is issued, the parents intermarry, the court may adjudicate paternity hereunder but shall have no other jurisdiction over the child or the parents under this chapter.

(c) An action under this chapter may be commenced after the intermarriage of the parents of the child only to determine paternity.

Section 24. The administrative justices of the district, Boston municipal and the probate and family court department of

the trial court shall jointly promulgate forms for complaints, agreements and registrations of parentage for use under this chapter, which shall be in such form and language to permit a person to prepare and file such forms pro se.

SECTION 16A. Chapter 211B of the General Laws is hereby amended by inserting at end thereof the following section:–

Section 15. There shall be established a committee on Child Support Guidelines in compliance with Section 467 of the Social Security Act (P.L. 98–378). The committee shall be advisory to the chief administrative justice of the trial court and shall consist of fifteen members, seven of whom shall be appointed by the chief administrative justice of the trial court, six of whom shall be appointed by the governor, at least five of whom served on the governor's commission on child support established by Executive Order on January twenty-eight, nineteen hundred and eighty-five, at least one of whom shall be a custodial parent and at least one of whom shall be a non-custodial parent, the commissioner of revenue, and the chief administrative justice of the trial court who shall be chairman. The committee shall report on such guidelines no later than January first, nineteen hundred and eighty-seven and shall filed said report with the clerk of the house of representatives and the clerk of the senate. No sooner than ninety days subsequent to the filing of said report, the chief administrative justice shall promulgate such child support guidelines for use by judges and hearing officers.

In determining support orders, in developing the recommendations for its report, the committee on child support standards shall consider all relevant social, economic, and legal principles. The committee shall be guided by the following principles: to minimize the economic impact on the child of family breakup, to encourage joint parental responsibility for child support, in proportion to or as a percentage of income, to provide the standards of living the child would have enjoyed had the family been intact, to meet a child's survival needs in the first instance, but to the extent either parent enjoys a higher standard of living entitle the child to share that higher standard, to protect a subsistence level of income of parents at the low end of the income range whether or not they are on public assistance, to take into account the non-monetary contributions of the custodial and non-custodial parent, to minimize problems of proof for the parties and of administration for the courts, and to allow for orders and wage assignments that can be adjusted as income or decreases.

SECTION 17. Chapter 215 of the General Laws is hereby amended by striking out section 4, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 4. Probate courts shall have exclusive original jurisdiction of actions by married women relative to their separate estate, of actions relative to the care, custody, education and maintenance of minor children provided for by sections thirty and thirty-seven of chapter two hundred and nine, and of actions relative to paternity, support, and custody of minor children provided for in chapter two hundred

and nine C and shall have jurisdiction concurrently with the district and Boston municipal court departments of actions relative to paternity or support as provided in chapter two hundred and nine C and actions for support as provided in section thirty-two F of chapter two hundred and nine.

SECTION 18. Section 34 of said chapter 215, as so appearing, is hereby amended by adding the following paragraph:–

An order or judgment in a contempt proceeding for payment of an arrearage shall not be contingent on a reduction in the amount of current support payable under an existing order or judgment for support of a spouse, former spouse or child absent a finding that a substantial change of circumstances has occurred. Neither the existence of an arrearage nor the amount of any arrearage shall constitute a substantial change of circumstances or grounds for modification of an outstanding order or judgment for support.

SECTION 19. Section 19 of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence:– The Boston municipal and district court departments shall have original jurisdiction concurrent with the probate and family court department of actions relative to paternity and support under chapter two hundred and nine C.

SECTION 20. Section 57 of chapter 221 of the General Laws, as so appearing, is hereby amended by inserting after the word "governed", in line 1, the words:– by chapter two hundred and twenty-one B or.

SECTION 21. The General Laws are hereby further amended by inserting after chapter 221A the following chapter:–

**CHAPTER 221B.
CHILD SUPPORT HEARING OFFICERS.**

Section 1. The provisions of this chapter are enacted to expedite the hearing of child support cases in compliance with Section 3 of Public Law 98–378 (Section 466 of Title IV–D of the Social Security Act) and shall take effect upon receipt of notice by the IV–D agency of the disapproval, termination, revocation or denial of extension of an exemption granted to the commonwealth by the Department of Health and Human Services pursuant to applicable federal law and regulations.

Section 2. A committee of child support hearing officers shall certify as child support hearing officers members of the bar of the commonwealth who shall have practiced family law for a minimum period prescribed by the committee. Those certified shall participate in a training program prescribed by the committee, shall possess such other qualifications as the committee on child support hearing officers shall fix, and shall not be justices or clerk–magistrates of the trial court. The committee shall certify hearing officers eligibility for reappointment yearly. The performance of the hearing officer shall be subject to an annual review. Public notice of the review shall be given and members

of the public may submit to the committee written comments relating to their performance. The committee shall adopt appropriate rules giving the hearing officers opportunity to respond to written comments concerning recertification. The hearing officer shall serve in the various divisions of the trial court departments, as appointed by the administrative justices of those departments and shall be removable by such administrative justices during their terms.

Section 3. The committee on child support hearing officers shall be comprised of the chief administrative justice of the trial court, the administrative justices of the probate and family court department, the district court department, and the Boston municipal court department, or their designees. The committee shall also include the following appointees of the chief administrative justice: a representative of the agency designated under Title IV, Part D of the Social Security Act, a representative of the department of public welfare if it is not the designated IV-D agency, as set forth in chapter one hundred and nineteen A, a representative of a bar association, a district attorney, a representative of an agency funded by chapter two hundred and twenty-one A, a custodial parent who is not a member of the bar and a noncustodial parent who is not a member of the bar. The terms of such appointees shall be three years; provided, however, that the first representative of a bar association, the first district attorney and the first representative of an agency funded pursuant to chapter two hundred and twenty-one A who are appointed shall serve for one year and the first custodial parent and the first noncustodial parent who are appointed shall serve for two years. Thereafter, all appointees shall serve for a term of three years, so that terms shall be staggered. The chief administrative justice shall be chairman of the committee on child support hearing officers.

Section 4. There are hereby established within the superior court department, the probate and family court department, district court department, and Boston municipal court department of the trial court procedures to expedite the hearing of all child support cases which shall include those portions of motions for temporary orders, motions or complaints for temporary modifications, agreements for modification, and complaints under chapter two hundred and seven, two hundred and eight, two hundred and nine, two hundred and nine C or two hundred and seventy-three A or other proceedings involving child support, or involving spousal support when there are children eligible for child support. Child support cases shall also include those portions of motions or complaints seeking to enforce a child or spousal support order described in the previous sentence including complaints for contempt, motions for suspension of income assignment, actions to enforce income assignments of other states, and such other cases as are given to the jurisdiction of child support hearing officers by other provisions of law. Child support cases shall not include instances when the superior court or the probate and family court is to enter a judgment or decree under chapter two hundred and seven or two hundred and eight. The power of the child support hearing officers shall be limited to child support cases, as defined above, and any other issue raised in a motion or complaint shall be heard by a justice of the appropriate court in a separate proceeding.

Section 5. The child support cases heard by the child support hearing officers shall be governed by rules promulgated by the Supreme Judicial Court. Such rules shall specify that the parties shall receive adequate notice and opportunity to be heard and present relevant evidence in all proceedings. Such rules shall establish all procedures for child support cases, including initiation of actions, conduct of proceedings before the hearing officers, and approval of hearing officers' orders and judgments by justices of the trial court departments.

Section 6. Without the approval of any justice of any court, a child support hearing officer shall have the power to issue subpoenas for the appearance of witnesses; to put witnesses under oath; to call parties to proceedings and to examine parties and witnesses; to require parties to file financial statements signed under oath; to issue a *capias* upon the failure of a party to appear on proper notice; and to accept acknowledgments of paternity and order blood tests under chapter two hundred and nine C.

Section 7. A hearing officer shall have the power to make the following orders, notwithstanding the default of the party chargeable with support or his failure to appear personally, which shall be subject to review and approval by a justice of the court division in which he is sitting as described in this chapter: an order for support under chapter two hundred and seven, two hundred and eight, two hundred and nine, two hundred and nine C or two hundred and seventy-three A; a judgment of contempt for failure to comply with an order to provide support, including an employer's failure to comply with an order for income assignment, for failure to appear in response to a summons, or for any other reason; a stipulation for support or modification agreed to by the parties; an order establishing the amount of arrears or the rate at which arrears are to be paid off; an order suspending a judgment enforcing the income assignment order of another state or making an income assignment order based on the judgment of another state; and all actions to enforce judgments and orders available to the courts, including, but not limited to, orders for attachment of or lien against property, orders to post bond and security, and judgments of trustee process; and such other powers as may be given to masters by statute or rule.

Section 7. Each order or judgment of a hearing officer described in section six shall be presented to a justice of the division in which he is sitting within twenty-four hours for review and approval. The justice shall examine the record and sign each order or judgment unless he makes written findings that the hearing officer committed an error of law, that the decision is not supported by substantial evidence, or that it constitutes an abuse of discretion.

Section 8. Within three business days of the hearing officer's decision, any party may seek reconsideration of that decision to a justice of the division in which the decision was rendered. In such cases, it shall be the burden of the party seeking reconsideration to show cause that the order of the hearing officer should not stand. The reconsideration hearing may consist of the presentation of evidence and argument to the justice, who may alter the decision of the hearing officer only on written findings. Approval of the hearing officer's decision under section seven shall not limit the right to reconsideration under this section.

Section 9. Orders or judgments of a hearing officer shall be effective immediately unless stayed by a justice. Orders or judgments of a hearing officer shall not be stayed except by a justice of the division in which it was rendered, and in the event of such a stay the justice shall make a superseding order or judgment within seven calendar days.

Section 10. After review of the hearing officer's decision in accordance with section seven or reconsideration under section eight, a party may claim an appeal to the appeals court from an order, decision, or judgment of the court. Such appeal must be claimed within thirty days of the order. The supreme judicial court shall promulgate appropriate rules governing such appeals.

SECTION 22. Chapter 273 of the General Laws is hereby amended by striking out section 1, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 1. A spouse or parent shall be guilty of a misdemeanor and shall be subject to the penalties set forth in section fifteen A if:

(1) he abandons his spouse or minor child without making reasonable provisions for the support of his spouse or minor child or both of them; or

(2) he leaves the commonwealth and goes into another state without making reasonable provisions for the support of his spouse or minor child or both of them; or

(3) he enters the commonwealth from another state without making reasonable provisions for the support of his spouse or minor child, or both of them, domiciled in another state; or

(4) wilfully and while having the financial ability and earning capacity to have complied, he fails to comply with an order or judgment for support which has been entered pursuant to chapter one hundred and nineteen, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and nine C, two hundred and seventy-three or two hundred and seventy-three A or pursuant to similar laws of other states. No civil proceeding in any court shall be held to be a bar to a prosecution hereunder but the court shall not enter any order pursuant to section fifteen A which would directly or indirectly result in a decrease in the amount paid for current support pursuant to an order or judgment on behalf of the child or spouse to who, or on whose behalf, support is owed.

A child shall not be deemed to be neglected or lack proper physical care for the sole reason that he is being provided remedial treatment by spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination by a duly accredited practitioner thereof. In a prosecution hereunder a decree or judgment of a probate court in a proceeding in which the defendant or spouse appeared or was personally served with process, establishing the right of his spouse to live apart or the freedom of such spouse to convey and deal with property, or the right to the custody of the children, shall be admissible and shall be prima facie evidence of such right.

SECTION 23. Sections four and five of said chapter two hundred and seventy-three are hereby repealed.

SECTION 24. Said chapter 273 is hereby further amended by

striking out section 6, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 6. The court shall also have the power to release the defendant from custody on probation for a period so fixed, upon his or her entering into a recognizance, with or without surety, in such sum as the court may order and approve. The condition of the recognizance shall be such that if the defendant shall make his personal appearance in court whenever ordered to do so, and shall further comply with the terms of any currently enforceable judgment or order for support entered pursuant to any civil action, including an action for annulment, divorce, separate support, or paternity and support, under chapters two hundred and seven, two hundred and eight, two hundred and nine or two hundred and nine C, then such recognizance shall be void, otherwise of full force and effect. An order or judgment for support entered against the defendant in any such civil proceeding shall be deemed to be currently enforceable if the defendant is currently able to comply with said order or judgment and it is or would be enforceable pursuant to an action for contempt or otherwise as provided under said chapter in case of forfeiture of recognizance, and enforcement therefor by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part, to the spouse or parent of the child or to the person entitled to receive support.

SECTION 25. Sections twelve, twelve A, thirteen and fourteen of said chapter two hundred and seventy–three are hereby repealed.

SECTION 26. Said chapter 273 is hereby further amended by striking out section 15, as appearing in the 1984 Official Edition, and inserting in place thereof the following two sections:–

Section 15. A parent of a minor child born out of wedlock whether or not the child was born in the commonwealth who wilfully neglects or refuses to contribute reasonably to the support of the child or who leaves the commonwealth and goes into another state without making reasonable provision for the support of the child, or who enters the commonwealth from another state without making reasonable provision for the support of the child domiciled in another state, or who, wilfully and while having the financial ability and earning capacity to have complied, fails to comply with an order or judgment for support which has been entered pursuant to chapter one hundred and nineteen, two hundred and seven, two hundred and nine C, two hundred and seventy–three or two hundred and seventy–three A or pursuant to similar laws of other states, shall be guilty of a misdemeanor and shall be subject to the penalties provided under section fifteen A. No civil proceeding in any court shall be held to be a bar to the prosecution hereunder but the court shall not enter any order pursuant to section fifteen A which would directly or indirectly result in a decrease in the amount paid for current support pursuant to an order or judgment on behalf of the child to whom, or on whose behalf, support is owed.

If there has been a voluntary acknowledgment of parentage or an adjudication of paternity under chapter two hundred and nine

C or under any provision of this chapter in effect immediately prior to the effective date of this section or other law in this or any other jurisdiction, such acknowledgment or adjudication shall be conclusive on all persons in proceedings under this section. If there has been no adjudication or acknowledgment of paternity, proceedings under this section shall be stayed pending the conclusion of an action to establish paternity under chapter two hundred and nine C, which shall be commenced forthwith.

Section 15A. (1) The penalty for violation of sections one and fifteen of this chapter shall be by fine or by imprisonment as specified below.

(2) A person who abandons his spouse or minor child without making reasonable provisions for the support of either or both of them who is subject to an order or judgment for support pursuant to chapters one hundred and nineteen, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and nine C, two hundred and seventy-three, or two hundred and seventy-three A, or pursuant to similar laws of other states, who, wilfully and while having the financial ability or earning capacity to have complied, fails to comply with that order or judgment, shall be penalized by a fine not to exceed five thousand dollars or two years imprisonment, or both.

(3) A person who leaves the commonwealth and goes into another state without making reasonable provisions for the support of a spouse or child, or who enters the commonwealth from another state without making reasonable provision for the support of a spouse or child domiciled in another state, shall be penalized by a fine not to exceed ten thousand dollars or five years imprisonment, or both.

(4) In a prosecution under this chapter, the court may, upon conviction of the defendant, provide for alternative sentencing including (a) the suspension of the sentence upon and during the compliance by the defendant with any order for the support as already made or as thereafter modified, or (b) notwithstanding the provision of section six of chapter two hundred and seventy-nine, the imprisonment of the defendant only on designated weekends, evenings or holidays, provided, that such defendant retains employment and complies with such support orders.

(5) In a prosecution under this chapter the defendant may be ordered to make restitution to the spouse or the custodial parent or to the person or agency, including the department of public welfare, who is supporting or has supported the spouse or child for all sums expended on behalf of such spouse or child, provided that if the defendant establishes a lesser ability to have provided support, the amount of any liability imposed by this section shall be consistent with the defendant's prior ability to have paid support.

SECTION 27. Said chapter 273 is hereby further amended by striking out section 17, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 17. If the court having jurisdiction of a case under sections fifteen to eighteen, inclusive, becomes satisfied that the alleged father and the mother have married each other and the child has become or will be the legitimate child of the alleged father or that it is for the best

interest of the child, the case may be dismissed and if the court certifies that it is for the best interests of the child, no further prosecution shall be maintained under any of said sections.

SECTION 28. Section 18 of said chapter 273, as so appearing, is hereby amended by striking out, in line 2, the word "twelve" and inserting in place thereof the word:– fifteen.

SECTION 29. Said chapter 273 of the General Laws is hereby amended by inserting after section 18 the following section:–

Section 18A. (a) Any order issued by a court pursuant to sections one, five, or fifteen as those sections appeared prior to the effective date of this section directing the defendant to pay certain sums periodically to the probation officer as a condition of releasing the defendant from custody on probation, shall continue in full force and effect, subject to the jurisdiction of said court and to change from time to time as circumstances may require, for a period not exceeding six years from said date. A voluntary agreement relating to the support of a spouse or child or children previously executed by the defendant may be admitted as evidence of the defendant's support obligation. If the court finds that the obligation imposed by such agreement is reasonable in the circumstance, and that the defendant has failed to comply with its terms, the court may include in any subsequent order the payment of any part or all of the arrears which accrued under such agreement if the complaint includes the period of such arrearage; provided, however, that when such agreement is executed with the department of public welfare or with any official of the court, such agreement shall not be enforceable unless the defendant was informed in writing at the time he executed the agreement that the failure to comply with the support order would result in the commencement of criminal nonsupport proceedings under this chapter against him. The probation officer subject to the direction of the court, shall pay over payments received by him to the IV-D agency, as set forth in chapter one hundred and nineteen A, which shall in turn make payments to the spouse or guardian or custodian of the child, or to the city, town, corporation, society or person supporting the spouse or child, or to the state treasurer for the use of the department of social services when the payments are for the support of a child committed to it. If the court is satisfied by due proof under oath that at any time the defendant has violated the terms of the order for payments, it may proceed to try the defendant upon the original charge, or sentence him under the original plea or conviction, or enforce the suspended sentence, as the case may be.

(b) When the court reviews or modifies an order for support on behalf of a spouse or child, and such spouse or child is not covered by a private group health insurance plan, said court shall determine whether the obligor under such order has health insurance on a group plan available to him through an employer or organization that may be extended to cover the spouse or child for whom support is ordered. When said court has determined that the obligor has such insurance, said court shall include in the support order a requirement that the obligor exercise the option of additional coverage in favor of such spouse or child.

(c) Each order for support reviewed, modified, or otherwise brought before the court pursuant to this section shall be amended so as to conform to and shall thereafter be enforced in accordance with the provisions of section twelve of chapter one hundred and nineteen A.

SECTION 30. Chapter 273A of the General Laws is hereby amended by striking out section 10, as so appearing, and inserting in place thereof the following section:–

Section 10. When the commonwealth is a responding state, and the court finds a duty of support, it may order the respondent to furnish support or reimbursement therefor in a reasonable amount, and subject the property of the respondent to such order. All other courts of the commonwealth shall likewise enforce the order and upon doing so shall inform the court first making the order.

When the court makes an order for support on behalf of a spouse or child, and such spouse or child is not covered by a private group health insurance plan, said court shall determine whether the obligor under such order has health insurance on a group plan available to him through an employer or organization that may be extended to cover the spouse or child for whom support is ordered. When said court has determined that the obligor has such insurance, said court shall include in the support order a requirement that the obligor exercise the option of additional coverage in favor of such spouse or child.

Each judgment or order of support which is issued, reviewed or modified pursuant to this chapter shall conform to and shall be enforced in accordance with the provisions of section twelve of chapter one hundred and nineteen A.

Any judgment or order for income assignment issuing from a court or agency of competent jurisdiction of any other state, which has a law providing for the assignment of wages, which satisfies the requirements of federal law, shall have the same force and effect as if the income assignment judgment or order originated from a court of the commonwealth. When any such judgment or order is transmitted to the IV-D Agency as set forth in chapter one hundred and nineteen A, said agency shall file the judgment or order with the clerk-magistrate of the district or municipal court for the district in which the obligor resides and shall obtain and notify the obligor of a hearing date. The filing of the foreign state's judgment or order shall not confer jurisdiction on the courts of the commonwealth for any purpose other than ordering income assignment. If at the hearing, whether or not the obligor appears personally, the court or hearing officer finds that the income assignment judgment or order was entered by a court or agency of competent jurisdiction and was not obtained by fraud and that the conditions enumerated in paragraph (1), (2), or (3) of subsection (c) of section twelve of said chapter one hundred and nineteen A exist or existed at the time notice was given or at any time thereafter, the court or hearing officer shall order income assignment without otherwise altering the foreign state's judgment or order. The provisions of said subsection (c) concerning the transfer of assignments to subsequent and new employers, and the provisions of subsections (f), (g), (h) and (i) of said section twelve shall apply to such orders.

SECTION 31. Section 85A of chapter 276 of the General Laws, as so appearing, is hereby amended by adding the following sentence:— Consistent with these and other duties, a probation officer shall assist the IV–D agency, as set forth in chapter one hundred and nineteen A, to enforce child support orders pursuant to said chapter eighteen C.

SECTION 32. All employees of the child support enforcement unit within the department of public welfare are hereby transferred to the employ of the division of child support enforcement within the department of revenue. Any collective bargaining agents which represented such employees prior to the effective date of such transfer shall continue to represent such employees until such bargaining agent shall be changed by such employees in accordance with chapter one hundred and fifty E of the General Laws. All employees so transferred shall also remain in the same collective bargaining unit, subject to said chapter one hundred and fifty E. Any collective bargaining agreements in effect prior to the effective date of this act shall remain in effect until they expire under their own terms.

All employees of said unit transferred to the employ of the department of revenue by this act, who, immediately prior to the effective date of this act, hold positions related to the exercise of such powers or the performance of such duties and either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws shall be transferred to the employ of said department without impairment of civil service status, seniority, retirement or other rights of the employee and without interruption of service within the meaning of said chapter thirty-one or said section nine A and without reduction in compensation or salary grade notwithstanding any change in title or duties resulting from such transfer, subject to the provisions of said chapter thirty-one and the rules and regulations adopted thereunder.

All such employees who, immediately prior to said effective date, hold positions related to the exercise of such powers or the performance of such duties but neither hold permanent appointments in such positions nor have such tenure, are so transferred without impairment of seniority, retirement and other rights of the employee, and without the interruption of service within the meaning of said section nine A of chapter thirty of the General Laws and without reduction in compensation of salary grade, notwithstanding any change in title or duties resulting from such transfer.

Nothing in this section shall be construed to confer upon any employee any right not held immediately prior to the effective date of this act or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited prior to said effective date.

The status of the incumbent of any office or position placed within the classified civil service by this act shall be determined pursuant to the provisions of section fifty-six of said chapter thirty-one.

All books, papers, records, documents, equipment, and other property, which, immediately prior to the effective date of this act, are in the custody of said unit shall be transferred to the custody of said division.

All duly existing contracts, leases, agreements, and obligations of said unit in force immediately prior to the effective date of this act shall thereafter be performed by said division. No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act. All monies heretofore appropriated for said unit remaining unexpended on the effective date of this act shall be available for expenditure by said division for the purposes for which funds were originally appropriated.

All powers, duties and other statutory provisions which prior to the effective date of this act were assigned to, or executed by said unit shall continue to be exercised and performed by, and to be assigned to, said division.

All assignments of support, voluntary acknowledgments of paternity, support agreements, and other duly executed agreements by obligors and obligees with the department of public welfare in effect prior to the effective date of this section shall remain in effect, provided however, that the rights and obligations of the department of public welfare under such assignments, acknowledgments, and agreements shall be transferred to the department of revenue.

SECTION 33. Support orders issued prior to the effective date of this act pursuant to chapter two hundred and seven of the General Laws, chapter two hundred and eight of the General Laws, chapter two hundred and nine of the General Laws, and chapter two hundred and seventy-three of the General Laws, as in effect prior to the effective date of this act, shall remain in effect until modified in accordance with the provisions of this act, notwithstanding any provision of this act to the contrary. Obligors with such support orders in effect prior to the effective date of this act shall be sent the notice required by subpart (h) of section twelve of chapter one hundred and nineteen A of the General Laws, as added by this act, within twelve months of the effective date of this act.

SECTION 34. Notwithstanding the provisions to the contrary of section one of chapter one hundred and nineteen A of the General Laws, as added by section ten B of this act, the department of public welfare shall serve as the IV-D agency, as set forth in said chapter one hundred and nineteen and nineteen A until June thirtieth, nineteen hundred and eighty-seven.

SECTION 35. Sections one and thirty-two of this act shall take effect as of July first, nineteen hundred and eighty-seven and all other sections of this act shall take effect upon passage.

SECTION 36. The provisions of this act are severable and if any of its provisions shall be held unconstitutional, void or unenforceable by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions.

Approved July 22, 1986.

ACTS, 1986. – Chaps. 311, 312, 313, 314.

Chapter 311. AN ACT PROVIDING FOR EXEMPTING ALL POSITIONS IN THE OFFICE OF TOWN CLERK IN THE TOWN OF ARLINGTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. All employee positions in the office of the town clerk in the town of Arlington shall not be subject to provisions of chapter thirty-one of the General Laws.

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

Approved July 22, 1986.

Chapter 312. AN ACT RELEASING A CERTAIN CONSERVATION RESTRICTION IN THE TOWN OF DENNIS.

Be it enacted, etc., as follows:

SECTION 1. The town of Dennis, acting through its board of selectmen, is hereby authorized to release the conservation restriction #2325/067 granted to said town by James Stanley Longdon by instrument dated December thirtieth, nineteen hundred and seventy-five.

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

Approved July 22, 1986.

Chapter 313. AN ACT AUTHORIZING THE TOWN OF DENNIS TO RELEASE A CERTAIN CONSERVATION RESTRICTION.

Be it enacted, etc., as follows:

SECTION 1. The town of Dennis, acting through its board of selectmen, is hereby authorized to release the conservation restriction #2298/319 granted to said town by the heirs of Kathryn T. Childs by instrument dated December twenty-eighth, nineteen hundred and seventy-four. In consideration for such release, the owner of said land shall grant to said town a recordable restriction on said land prohibiting its subdivision.

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

Approved July 22, 1986.

Chapter 314. AN ACT AUTHORIZING THE TOWN OF DENNIS TO RELEASE A CERTAIN CONSERVATION RESTRICTION.

Be it enacted, etc., as follows:

SECTION 1. The town of Dennis, acting through its board of selectmen, is hereby authorized to release the conservation restriction #2325/098 granted to said town by Natale A. Molla, et ux by instrument dated October fifteenth, nineteen hundred and seventy-five. In consideration for such release, the owner of said land shall grant to said town a fifty foot wide conservation easement to provide public access from Old Bass River road to Clay Pond. Said easement shall be shown on a plan to be prepared, delivered to appropriate town agencies, and recorded in the registry of deeds of Barnstable county.

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

Approved July 22, 1986.

Chapter 315. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER THE CARE, CUSTODY AND CONTROL OF THREE CERTAIN PARCELS OF LAND IN THE CHARLESTOWN DISTRICT OF THE CITY OF BOSTON FROM THE METROPOLITAN DISTRICT COMMISSION TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of capital planning and operations is hereby authorized to transfer the care, custody and control of three certain parcels of land, owned by the commonwealth and located in the Charlestown district of the city of Boston, being known as Paul Revere Landing Park, from the care, custody and control of the metropolitan district commission to the department of public works for highway purposes in conjunction with the construction of the central artery, north area, said parcels of land are more particularly described as follows:

PARCEL NO. 49-30. A certain triangular parcel of land in the Charlestown District of the city of Boston, owned by the Commonwealth of Massachusetts and under the care, custody and control of the metropolitan district commission, identified as the Paul Revere Landing Park, which parcel of land is located on the westerly side of Warren Avenue, beginning at a point and running southerly about 85 feet; thence turning and running westerly about 110 feet; thence turning and running northeasterly along two arcs with a radius of 387 feet and a radius of 762 feet, respectively, for distances of about 164.61 feet and 18 feet, respectively, to the point of beginning. Containing in all about 5,067 square feet of vacant land, more or less.

PARCEL NO. 49-6-C. A certain irregularly-shaped parcel of land in the Charlestown District of the city of Boston, owned by the Commonwealth of Massachusetts and under the care, custody and control of the metropolitan district commission, identified as the Paul Revere Landing Park, which parcel of land is located on the easterly side of Warren Avenue, beginning at a point and running southerly about 49 feet; thence turning and running northeasterly about 25 feet; thence

turning and running southeasterly about 65 feet; thence turning and running northwesterly about 80 feet, and continuing along a radius of 20.00 feet for a distance of about 22.7 feet; thence turning and running westerly about 16 feet to the point of beginning. Containing in all about 1,958 square feet of vacant land, more or less.

PARCEL NO. 49-7-C. A certain triangular parcel of land in the Charlestown District of the city of Boston, owned by the Commonwealth of Massachusetts, and under the care, custody and control of the metropolitan district commission, identified as the Paul Revere Landing Park, which parcel of land is located at the southeasterly intersection of North Washington and Waldo Street, beginning at a point on the westerly side of North Washington Street and running southeasterly along the said westerly side of North Washington Street about 263 feet; thence turning and running northwesterly about 180 feet; thence turning and running northwesterly along an arc with a radius of 20.00 feet, for a distance of about 22.7 feet; thence turning and running easterly along the southerly side of Waldo Street about 30.9 feet to the point of beginning. Containing in all about 5,010 square feet of vacant land, more or less.

The above-described three parcels of land are shown on a plan entitled: "Plan of Land Charlestown District of the City of Boston Metropolitan District Commission Paul Revere Landing Park to be Transferred to Highway Purposes", dated February 1986, which plan shall be kept on file with the chief engineer of the said department of public works.

SECTION 2. The deputy commissioner of the division of capital planning and operations is hereby authorized to transfer the care, custody and control of a certain parcel of land, described below, owned by the commonwealth, under the care, custody and control of the department of public works, which parcel of land is located in the Charlestown district of the city of Boston, to the metropolitan district commission for park purposes which parcel of land is more particularly described as follows:

The Department of Public Works, acting on behalf of the Commonwealth of Massachusetts, hereby adjudges that public necessity and convenience require that the Commonwealth should lay out and transfer to the Metropolitan District Commission approximately 0.7+ acres presently owned by the Massachusetts Department of Public Works adjacent to the southwest corner of the Paul Revere Landing Park.

The proposed layout of the property to be transferred is more fully described as an area of land beginning at the southern most corner of the Paul Revere Landing Park. The line extends in a southwesterly direction to a point 26+ feet. The line extends in a northwesterly direction parallel to the I-93/Route 1 Interchange 210+ feet along a curve to the left of radius 653+ feet. Extending northeasterly 315+ feet the line follows the proposed 1986 State Highway Layout Line of the relocated access road, and intersects with the western boundary line of the park. This point of intersection is 120+ feet southwest from the 2nd northern most corner of the Park boundaries. The line then extends southeasterly along the present western boundary of the park and intersects with the beginning point.

ACTS, 1986. – Chaps. 316, 317.

SECTION 3. This act shall take effect upon its passage.

Approved July 22, 1986.

Chapter 316. AN ACT AUTHORIZING THE PLACING OF LIENS ON CERTAIN PROPERTIES IN THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

SECTION 1. The town of Brookline may place a lien on the property of any person who has an outstanding balance due the town from any fee, charge or tax, which balance is at least six months past due. Any such lien shall be included on certificates of taxes and other assessments furnished by said town under the provisions of section twenty-eight of chapter sixty of the General Laws.

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

Approved July 22, 1986.

Chapter 317. AN ACT RELATIVE TO MOBILE HOME RESIDENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide a solution to a housing emergency in the commonwealth, therefore it is hereby declared an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

DECLARATION OF EMERGENCY.

SECTION 1. The general court finds and declares that a serious public emergency exists within the commonwealth, with respect to the housing of a substantial number of citizens of the commonwealth who are mobile home owners and residents. This housing emergency has been created by the lack of sufficient production of housing that is affordable for rental or purchase by low and moderate income citizens and by the elderly, by prolonged increases in housing costs at a rate substantially exceeding increases in personal income and by increased costs of new housing construction and finance, all of which have been combined to make mobile home ownership the only viable form of home ownership for many elderly and low and moderate income citizens. It has also been created by increased local restrictions on the siting of mobile homes, by the absence of the development of new mobile home parks, and by the increased value of mobile home park land for other uses which has led and continues to lead to mobile home park discontinuances. A substantial and increasing shortage of mobile home sites and mobile home accommodations, especially for the elderly and persons and families of low and moderate income and the substantial and increasing cost and difficulty of relocating mobile homes, have been and will

continue to be the result of this emergency. Unless mobile home owners receive further protection in relocating their homes upon mobile home park discontinuances than the law now affords, this increasing shortage of mobile home park sites and increasing cost of relocation will generate serious threats to the public health, safety, and general welfare of the citizens of the commonwealth, particularly the elderly and persons of low and moderate income. It is therefore necessary that such emergency be dealt with immediately.

SECTION 2. Section 32L of chapter 140 of the General Laws is hereby amended by striking out subsection 7, as appearing in the 1984 Official Edition, and inserting in place thereof the following two subsections: –

7. Failure to comply with any of the provisions of this section shall constitute an unfair and deceptive trade practice under the provisions of paragraph (a) of section two of chapter ninety-three A. Enforcement of compliance and actions for damages shall be in accordance with the applicable provisions of section four to ten, inclusive, of said chapter ninety-three A.

7A. Any mobile home park licensee having given notice, pursuant to this section, of a pending discontinuance shall survey within the period of notice given to tenants, all of the mobile home parks within a one hundred mile radius which are known to the licensee or which reasonably can be ascertained by him, to determine if any mobile home sites are available or will become available during the notice period. The licensee shall prominently post at the park all of the information received regarding such available spaces. Such survey shall be done at least once each year during the two year notice period. The second survey shall be completed and posted not less than one hundred and twenty days prior to the end of the notice period. The mobile home park licensee shall pay to any tenant who is entitled to receive notice pursuant to this section, relocation benefits of two thousand dollars. Such relocation benefits shall be payable within fourteen days of the departure of such tenant and the removal of the mobile home unit from the park. In the event that the tenant fails to remove the unit from the park and the park owner is required to remove said unit pursuant to the provisions of chapter two hundred and thirty-nine, the relocation benefits shall be reduced by an amount equal to the documented out-of-pocket moving costs incurred by the park owner for the physical removal of the said unit. Any mobile home park licensee shall provide to each tenant who is entitled to receive relocation benefits pursuant to this section, a rental agreement. Such agreement shall begin on the date of the issuance of the notice of discontinuance. The provisions of such rental agreement shall not alter in any manner the tenancy arrangement existing between the park owner and tenant prior to issuance of the notice of discontinuance, except with respect to the amount of annual rent, which may be increased by an amount not to exceed the increase in the Consumer Price Index for urban consumers, published by the United States Department of Labor, Bureau of Labor Statistics, from the calendar year immediately preceding the date upon which such rental agreement is commenced plus the proportionate amount of any documented increase in real estate taxes or other municipal fee or charge; provided, however, that the total amount of such increase shall not exceed ten per cent of the annual rent charged

in the immediately preceding year; and provided, further, that once a tenant has received a notice of discontinuance, his rent shall not be increased unless a year has passed from the date of the last increase imposed upon such tenant.

SECTION 3. Said section 32L of said chapter 140 is hereby further amended by striking out subsection 10.

SECTION 4. Said chapter 140 is hereby further amended by inserting after section 32Q the following section:-

Section 32R. In any instance in which a mobile home park owner has been sent a certified letter from an incorporated home owners' association indicating that such association has at least fifty-one per cent of the home owners residing within said park as members and has articles of incorporation specifying all rights and powers, including the power to negotiate for, acquire and operate the mobile home park on behalf of the member residents, then, before a mobile home park may be sold for any purpose and before it may be leased for any purpose that would result in a discontinuance, the owner shall notify said association by certified mail of any bona fide offer that the owner intends to accept, to buy the park or to lease it for a use that would result in a discontinuance. The park owner shall also give notice by certified mail to the incorporated home owners' association of any intention to sell or lease the park for a use which will result in a discontinuance within fourteen days of any advertisement or other public notice by the owner or his agent that the park is for sale or the land upon which the park is located is for lease.

The notice to the home owners' association shall include the price, calculated as a single lump sum amount which reflects the present value of any installment payments offered and of any promissory notes offered in lieu of cash payments or, in the case of an offer to rent the capitalized value of the annual rent, and the terms and conditions of the offer. Any incorporated home owners' association entitled to notice under this section shall have the right to purchase, in the case of a third party bona fide offer to purchase, or to lease in the case of a third party bona fide offer to lease, the said park, provided it meets the price and substantially equivalent terms and conditions of any offer of which it is entitled to notice under this section by (1) executing a contract or purchase and sale or lease agreement with the owner within forty-five days of notice of the offer and (2) obtaining any necessary financing or guarantees within an additional forty-five days. No owner shall unreasonably refuse to enter into, or unreasonably delay the execution of a purchase and sale or lease agreement with a home owners' association that has made a bona fide offer to meet the price and substantially equivalent terms and conditions of an offer for which notice is required to be given pursuant to this section. Failure of the incorporated home owners' association to execute such a purchase and sale agreement or lease within the first forty-five day period or to obtain a binding commitment for financing within the second forty-five day period shall serve to terminate the right of such association to purchase or lease the mobile park home. The time periods herein provided may be extended by agreement of the association and the owner. Nothing herein shall be construed to require an owner to provide financing to any association

ACTS, 1986. – Chap. 318.

or to prohibit an owner from requiring an association which is offering to lease a park to have within its possession a sum equivalent to the capitalized value of the proposed rent of the park and requiring that a portion of such sum, of an amount necessary to pay the rent on said park for a period of no greater than two years, be kept in escrow for such purpose during the term of the lease.

The right of first refusal created herein shall inure to a home owners' association for the time periods hereinbefore provided, beginning on the date of notice to the home owners' association. The effective period of such right of first refusal shall obtain separately for each substantially different bona fide offer to purchase the park or to lease it for a purpose that would result in a discontinuance, and for each offer substantially equivalent to an offer made more than three months prior to the later offer; provided, however, that in the case of a substantially equivalent offer made by a prospective buyer who has previously made an offer for which notice to a home owners' association was required by this section, the right of first refusal shall obtain only if such subsequent offer is made more than six months after the earlier offer. The right of first refusal shall not apply with respect to any offer received by the owner for which notice to a home owners' association is not required pursuant to this section.

No right of first refusal shall apply to a government taking by eminent domain or negotiated purchase, a forced sale pursuant to a foreclosure, transfer by gift, devise or operation of law, or a sale to a person who would be included within the table of descent and distribution if there were to be a death intestate of a park owner.

In any instance in which the incorporated home owners' association of a mobile home park is not the successful purchaser or lessee of such mobile home park, the seller or lessor of such park shall prove compliance with this section by filing an affidavit of compliance in the official records of the county where the property is located within seven days of the sale or lease of the park.

SECTION 5. The provisions of this act shall not apply to a licensee who has complied with the notice provisions of sections thirty-two J and thirty-two L of chapter one hundred and forty of the General Laws prior to July first, nineteen hundred and eighty-six.

Approved July 22, 1986.

Chapter 318. AN ACT RELATIVE TO THE USE OF THE PROCEEDS FROM THE SALE OF CERTAIN REAL ESTATE BY THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the city of Chelsea is hereby authorized to expend for any governmental purposes, the proceeds from the sale of the real

ACTS, 1986. – Chaps. 319, 320,

estate known as the Chelsea post office located on Hawthorn street in said city; provided, however, that there is no indebtedness outstanding relative to such real estate at the time of said sale.

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

Approved July 22, 1986.

Chapter 319. AN ACT INCREASING THE MAXIMUM FINE FOR VIOLATIONS OF THE RULES AND REGULATIONS PRESCRIBED BY THE BOARD OF SEWER COMMISSIONERS OF THE TOWN OF SHREWSBURY.

Be it enacted, etc., as follows:

SECTION 1. Section 11 of chapter 502 of the acts of 1954 is hereby amended by striking out, in line 8, the word "hundred" and inserting in place thereof the word:– thousand.

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

Approved July 22, 1986.

Chapter 320. AN ACT AUTHORIZING KEVIN M. WARD TO TAKE A CIVIL SERVICE EXAMINATION FOR THE POSITION OF POLICE OFFICER IN THE TOWN OF AMESBURY NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize Kevin Ward to take a civil service examination for the position of police officer, notwithstanding the maximum age requirements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Kevin M. Ward for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved July 22, 1986.

Chapter 321. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF ANDREW CARSON AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of Andrew Carson as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Andrew Carson for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved July 22, 1986.

Chapter 322. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF ROBERT BAKER AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of Robert Baker as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Robert Baker for appointment as a police officer in the town of Holbrook according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved July 22, 1986.

Chapter 323. AN ACT EXTENDING THE TIME OF CERTAIN POWERS GRANTED TO THE DEPARTMENT OF PUBLIC UTILITIES IN RELATION TO CERTAIN ATTACHMENTS MADE BY UTILITIES AND CABLE TELEVISION SERVICES TO CERTAIN POLES AND CONDUITS.

ACTS, 1986. - Chap. 324.

Be it enacted, etc., as follows:

Chapter 292 of the acts of 1978 is hereby amended by striking out section 3, as amended by chapter 435 of the acts of 1983, and inserting in place thereof the following section:-

Section 3. Section two of this act shall become inoperative on December thirty-first, nineteen hundred and eighty-eight.

Approved July 22, 1986.

Chapter 324. AN ACT FURTHER DEFINING CLINICAL LABORATORIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 111D of the General Laws is hereby amended by striking out section 1, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 1. As used in this chapter, the following words shall, unless the context requires otherwise, have the following meaning:-

(1) "Clinical Laboratory", a facility or place, however named, the purpose of which is to make biological, serological, chemical, immuno-hematological, cytological, pathological, or other examinations of materials derived from a human body.

(2) "Commissioner", the commissioner of public health.

(3) "Company", a corporation, a partnership, an association, or an organized group of persons, whether incorporated or not.

(4) "Complex laboratory test", a test which requires sophisticated technique, interpretation of multiple signals or proven technical skill. Such test shall require, but not be limited to, one or more of the following steps:- (a) highly skilled physical manipulation; (b) technique dependent steps in the testing, sampling or reading of results; (c) user programming of the device or devices; (d) detailed calculation of the results; (e) dilution of samples with chemically reactive substances; or (f) preparation of reagents.

(5) "Department", the department of public health in the executive office of human services.

(6) "Exempt test", a test which is generally noninstrumental in nature, and the results of which are determined by observation of a visual signal.

(7) "Person" and "whoever" shall include corporations, societies, associations, partnership, an individual or his estate upon his death, and a political subdivision of the commonwealth, but not an agency of the commonwealth.

(8) "Simple laboratory test", a test which may require a series of steps, reagent additions or instrumentation, and the results of which are generally determined by a visual signal, but which is not a complex laboratory test as defined in clause (4).

SECTION 2. Section 2 of said chapter 111D, as so appearing, is hereby amended by adding the following clause:-

(9) to classify, with the advice of the advisory committee

on clinical laboratories, laboratory tests as exempt, simple or complex, for purposes of licensing physician clinical laboratories.

SECTION 3. Said chapter 111D is hereby further amended by striking out sections 3 and 4, as so appearing, and inserting in place thereof the following two sections:–

Section 3. There shall be within the department an advisory committee on clinical laboratories, to advise the department, as provided in section two, on the administration of this chapter. Such committee shall consist of twelve members, to be appointed by the commissioner, as follows: four persons, two physicians and two nonphysicians, who meet the requirements for confirmation as a clinical laboratory director; one other physician not a clinical laboratory director; one medical laboratory technologist; one chief executive officer of a hospital licensed by the department; and five non-providers of health services, one of whom shall be a member of the Massachusetts Bar and one a representative of manufacturers of clinical laboratory technology. Each member of the committee shall serve without compensation for a term of three years, or until his successor is appointed; provided, that no member shall serve more than two consecutive terms. A chairman of the committee shall be elected annually from the membership.

Section 4. No person shall maintain a clinical laboratory in the commonwealth apart from a hospital or clinic licensed under section fifty-one of chapter one hundred and eleven, unless he holds, and there is in effect, a license issued under section five except that the licensing requirement of this section shall not apply to: (a) a clinical laboratory maintained by not more than two licensed physicians exclusively in connection with the diagnosis and treatment of his own patients; (b) a clinical laboratory maintained by three or more licensed physicians exclusively in connection with the diagnosis and treatment of his own patients; provided, however, that (i) the physician or his assistant under the direct supervision of such physician performs all testing; and (ii) the clinical laboratory performs only laboratory tests which the commissioner, with the advice of the advisory committee on clinical laboratories, has determined to be exempt from licensure; or (c) in the case of a clinical laboratory maintained exclusively for research and teaching purposes and not providing reports for diagnosis and treatment of patients or for a public health purpose; or (d) any laboratory with respect to tests or other procedures made by it for any person engaged in the business of insurance if made for purposes of determining whether to write an insurance contract or determining eligibility or continued eligibility thereunder, or for the examination of its employees or officers. No provision of this chapter other than section six shall apply to any agency of the commonwealth; nor shall any provision of this chapter relative to licensing apply to any hospital or clinic licensed under section fifty-one of chapter one hundred and eleven.

Approved July 22, 1986.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, in the event that the annual regional school district budget for the Hampshire Regional School District has not been approved under the provisions of section sixteen B of chapter seventy-one of the General Laws before July first, nineteen hundred and eighty-six, by the member municipalities, the treasurer of each municipality shall pay to the treasurer of said Hampshire Regional School District, on or before July fifteenth, nineteen hundred and eighty-six and on or before the fifteenth of each succeeding month until said budget has been so approved, but in no case beyond October fifteenth, nineteen hundred and eighty-six, a sum equal to one-twelfth of the total amount apportioned and certified to such municipality for the preceding fiscal year. The treasurer of said Hampshire Regional School District is hereby authorized to expend all funds so paid by each member municipality and in addition thereto, all available funds, state receipts and any other funds ordinarily received for the operation of said Hampshire Regional School District, at a level no higher than the annual budget for the fiscal year nineteen hundred and eighty-six.

Upon approval of the annual regional school district budget for the fiscal year nineteen hundred and eighty-seven, by the member municipalities, the treasurer of the Hampshire Regional School District shall deduct from the amounts so certified or recertified to each member municipality, all amounts previously paid to said district on account of said fiscal year nineteen hundred and eighty-seven and the balance payable by each such municipality shall be paid to the Hampshire Regional School District in accordance with the terms of the agreement.

SECTION 2. This act shall take effect as of July first, nineteen hundred and eighty-six.

Approved July 22, 1986.

Chapter 326. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO MAINTAIN CERTAIN LAND IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, for the purpose of maintaining and preserving certain parkland for recreational uses within the jurisdiction of the metropolitan district commission the deputy commissioner of capital planning and operations is hereby authorized to acquire on behalf of said commission, pursuant to the provisions of sections forty H to forty J inclusive, of chapter seven of the General Laws, the following parkland: a certain park located in the Dorchester section of the city of Boston known as Meaney playground; a certain park located in the Dorchester section of the city of Boston known as Richardson park.

ACTS, 1986. – Chap. 327.

The metropolitan district commission is further authorized and directed to take over the care, control and maintenance of that portion of Columbia road from Boston street, also known as Edward Everett Square, to the current boundary of its control on Columbia road in the city of Boston.

Approved July 22, 1986.

Chapter 327. AN ACT RELATIVE TO THE ARREST OF CERTAIN PAROLEES FOR VIOLATION OF A PAROLE PERMIT.

Be it enacted, etc., as follows:

Chapter 127 of the General Laws is hereby amended by striking out section 149, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 149. If a permit to be at liberty has been revoked, the parole board may order the arrest of the holder of such permit by any officer qualified to serve civil or criminal process in any county, and order the return of such holder to the prison or jail to which he was originally sentenced. A prisoner who has been so returned to prison or jail shall be detained therein according to the terms of his original sentence. In computing the period of his confinement, the time between the day of his release upon a parole permit and the day of issuance of a parole violation warrant shall be considered as part of the term of his original sentence. The time between the day after the issuance of the parole violator warrant until the service of said warrant shall not be considered as any part of the term of his original sentence. Service of the parole violation warrant shall be made effective forthwith upon arrest and imprisonment of the parole violator unless he is convicted of commission of a crime or found guilty of violating the conditions of federal or another state's parole or probation, then service of said parole violation warrant shall not be effective until the expiration of any additional sentences by parole or otherwise. If the parolee is found not guilty of the additional crimes charged or not guilty of violating the conditions of parole or probation then service of the warrant on the parolee shall be made effective on the date of this issuance of said warrant and the time served by him as a result of the parole violation warrant lodged as a detainer shall be considered as part of the original sentence. If the disposition of the new criminal charges or charges of violation of probation or parole is without a finding of guilt, the parole board may retroactively serve the parole violation warrant. The provisions of this section shall not be deemed to preclude the board from withdrawing a parole violation warrant at any time. In computing the period of the parolee's confinement, the time between the day after the issuance of the parole violation warrant until the withdrawal of said warrant shall not be considered as any part of the term of the parolee's original sentence.

Approved July 22, 1986.

Chapter 328. AN ACT RELATIVE TO THE ENFORCEMENT OF CERTAIN MARINE FISHERIES LAWS.

Be it enacted, etc., as follows:

Section 2 of chapter 130 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 13, the word "shall" and inserting in place thereof the following word:- may.

Approved July 22, 1986.

Chapter 329. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY TO THE TOWN OF SCITUATE CERTAIN PARCELS OF COASTAL LAND FOR USE AS PASSIVE RECREATION AND CONSERVATION AREAS.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to convey to the town of Scituate, pursuant to the provisions of chapter seven of the General Laws and by deed approved as to form by the attorney general, certain property conveyed to the commonwealth by the Federal Emergency Management Agency pursuant to 42 USC s4001, et seq for use as passive recreation and conservation areas. The property comprising six acres of land, more or less, being located in the town of Scituate in the county of Plymouth. Said land to be delineated on a plan on file with the department of environmental management entitled "town of Scituate," assessor maps #55 and 28.

The deed shall be in such form and contain such provisions as said deputy commissioner shall determine in consultation with the department of environmental management, including such terms and conditions which are necessary to comply with laws relative to the protection of barrier beaches. Said deed shall be granted upon the express conditions that the land be used for recreation or conservation purposes only, that no permanent structures be erected, and if said land ceases to be used as such or if provisions of the deed are not complied with, said property shall revert to the commonwealth.

SECTION 2. In consideration for the land described in section one, the town of Scituate agrees to maintain said parcels as clean, safe and orderly recreation or conservation area open to members of the general public regardless of place of residence.

Approved July 22, 1986.

Chapter 330. AN ACT RELATIVE TO CERTAIN LAND IN AGRICULTURAL OR HORTICULTURAL USE.

ACTS, 1986. – Chap. 331.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 61A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the third sentence the following three sentences:– After a public hearing, said city or town may assign either of said options to a nonprofit conservation organization under such terms and conditions as the mayor or board of selectmen deem appropriate. Such assignment shall be for the purpose of continuing the agricultural or horticultural use of the major portion of the property subject to this assignment. Notice of said public hearing shall be given in accordance with the provisions of section twenty–three B of chapter thirty–nine.

SECTION 2. Said section 14 of said chapter 61A, as so appearing, is hereby further amended by inserting after the sixth sentence the following sentence:– If either option has been assigned to a nonprofit conservation organization as provided in this section, said written notice shall state the name and address of said organization and the terms and conditions of said assignment.

Approved July 22, 1986.

Chapter 331. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT A PERMANENT EASEMENT OVER LAND UNDER THE CONTROL OF THE METROPOLITAN DISTRICT COMMISSION TO WENDY M. BROWN.

Be it enacted, etc., as follows:

The division of capital planning and operations, acting for and on behalf of the commonwealth and in consultation with the metropolitan district commission, is hereby authorized to grant to Wendy M. Brown, her heirs and assigns, and all others who may be lawfully entitled, a permanent easement, approved as to form by the attorney general, on a parcel of land in the city of Boston, under the control of the metropolitan district commission, for access to a certain parcel of land owned by said Wendy M. Brown, shown as "Proposed Easement" on a plan of land entitled "Plan of Proposed Easement, Boston, Mass. (Hyde Park District) Kenneth E. Benkart, R.L.S., Braintree, Mass.", dated April 20, 1985 and on file with the metropolitan district commission.

Said easement shall be granted for such consideration and upon such terms as may be acceptable to the division of capital planning and operations in consultation with the metropolitan district commission.

Approved July 22, 1986.

EMERGENCY LETTER: July 23, 1986 @ 5:00 P.M.

Chapter 332. AN ACT FURTHER REGULATING CERTAIN WATER RECREATIONAL VEHICLES.

Be it enacted, etc., as follows:

Section 11 of chapter 90B of the General Laws, as amended by section 4 of chapter 498 of the acts of 1985, is hereby further amended by striking out clause (j) and inserting in place thereof the following clause:–

(j) Establish speed limits for motorboats on any of the rivers, harbors, lakes or ponds located within the commonwealth or any political subdivision thereof; provided, however, that the maximum speed limit for jet-skis, surf jets and wet bikes shall be twelve miles per hour; and provided, further that such maximum speed limit shall not apply in rivers, harbors, lakes or ponds where there is no speed limit so established.

Approved July 22, 1986.

Chapter 333. AN ACT FURTHER REGULATING THE AMOUNT OF INTEREST CERTAIN INSURANCE COMPANIES MAY CHARGE ON CERTAIN MOTOR VEHICLE INSURANCE.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 193B, as appearing in the 1984 Official Edition, the following section:–

Section 193B 1/2. Any insurance company which accepts payments of motor vehicle insurance premiums in installments shall calculate the interest charge only on the unpaid balance due as of the billing date.

Approved July 22, 1986.

Chapter 334. AN ACT RELATIVE TO CHILDREN BORN OUT OF WEDLOCK.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 46 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 7, the words "an illegitimate child" and inserting in place thereof the following words:– a child born out of wedlock.

SECTION 2. Section 2A of said chapter 46, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Examination of records and returns of children born out of wedlock or abnormal sex births, or fetal deaths, or of the notices of intention of marriage and marriage records in cases where a physician's certificate has been filed under the provisions of section twenty A of chapter two hundred and seven, or those of persons born

out of wedlock, or of copies of such records in the department of public health, shall not be permitted except upon proper judicial order, or upon request of a person seeking his own birth or marriage record, or his attorney, parent, guardian, or conservator, or a person whose official duties, in the opinion of the town clerk or the commissioner of public health, as the case may be, entitle him to the information contained therein, nor shall certified copies thereof be furnished except upon such order, or the request of such person.

SECTION 3. Section 13 of said chapter 46, as so appearing, is hereby amended by striking out, in line 162, the words "an illegitimate child" and inserting in place thereof the words:– a child born out of wedlock.

SECTION 4. Section 24 of said chapter 46, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– In any statement of births or deaths printed by a town the name of a child born out of wedlock or of its parents shall not be printed, but the words "child born out of wedlock" shall be used in place thereof.

SECTION 5. Chapter 190 of the General Laws is hereby amended by striking out section 5, as so appearing, and inserting in place thereof the following section:–

Section 5. A person born out of wedlock is heir of his mother and of any person from whom his mother might have inherited, if living, and the descendants of a person born out of wedlock shall represent such person and take, by descent, any estate which such person would have taken, if living.

SECTION 6. Said chapter 190 is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:–

Section 6. If a person born out of wedlock dies intestate, such estate shall pass in accordance with the law of intestate succession except that the father and his kindred shall not be considered as relatives of the child born out of wedlock unless the child might have inherited from the father as provided in section seven.

SECTION 7. Said chapter 190 is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:–

Section 7. A person born out of wedlock whose parents have intermarried and whose father has acknowledged him as his child or has been adjudged his father under chapter two hundred and seventy-three shall be deemed legitimate and shall be entitled to take the name of his parents to the same extent as if born in lawful wedlock. If a decedent has acknowledged paternity of a person born out of wedlock or if during his lifetime or after his death a decedent has been adjudged to be the father of a person born out of wedlock that person is heir of his father and of any person from whom his father might have inherited, if living, and the descendants of a person born out of wedlock shall represent that person and take by descent any estate which such person would have

taken, if living. A person may establish paternity if, within the period provided under section nine of chapter one hundred and ninety-seven for bringing actions against executors and administrators, such person either (a) delivers to the executor or administrator an authenticated copy of a judgment rendered by a court of competent jurisdiction during a decedent's lifetime adjudging the decedent to be the father of a person born out of wedlock, or (b) commences, in a court of competent jurisdiction, an action in which the executor or administrator is a named party and in which such paternity is ultimately proved.

SECTION 8. Chapter 207 of the General Laws is hereby amended by striking out section 15, as so appearing, and inserting in place thereof the following section:–

Section 15. The issue of a marriage declared void by reason of consanguinity or affinity between the parties shall be a person born out of wedlock.

SECTION 9. Section 6A of chapter 210 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words "is of illegitimate birth" and inserting in place thereof the following words:– has been born out of wedlock.

SECTION 10. Section 1 of chapter 258A of the General Laws, as amended by section 1 of chapter 605 of the acts of 1985, is hereby further amended by striking out the definition of "Dependent" and inserting in place thereof the following definition:–

"Dependent", mother, father, spouse, spouse's mother, spouse's father, child, grandchild, adopted child, child born out of wedlock, brother, sister, niece or nephew, who is wholly or partially dependent for support upon and living with the victim at the time of his injury or death due to a crime alleged in a claim pursuant to this chapter.

SECTION 11. Section 34 of chapter 262 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 12 and 13, the words "an illegitimate child" and inserting in place thereof the following words:– a child born out of wedlock.

SECTION 12. Section 22 of chapter 272 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word "illegitimate" and inserting in place thereof the following words:– a child born out of wedlock.

SECTION 13. Section 23 of said chapter 272, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "illegitimate child" and inserting in place thereof the following words:– child born out of wedlock.

SECTION 14. Section 12 of chapter 273 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "illegitimate child" and inserting in place thereof the following words:– child born out of wedlock.

SECTION 15. Section 15 of said chapter 273, as so appearing, is hereby amended by striking out, in line 1, the words "an illegitimate child" and inserting in place thereof the following words:– a child born out of wedlock.

SECTION 16. Section 16A of chapter 278 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words "an illegitimate child" and inserting in place thereof the following words:– a child born out of wedlock.

Approved July 22, 1986.

Chapter 335. AN ACT PROVIDING FOR THE RECOVERY OF CIVIL DAMAGE IN CERTAIN SHOPLIFTING CASES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 231 of the General Laws is hereby amended by striking out section 85G, as amended by chapter 442 of the acts of 1985, and inserting in place thereof the following section:–

Section 85G. Parents of an unemancipated child under the age of eighteen and over the age of seven years shall be liable in a civil action for any willful act committed by said child which results in injury or death to another person or damage to the property of another, which shall include any damages resulting from a larceny or attempted larceny of property as set forth in section thirty A of chapter two hundred and sixty-six, damage to cemetery property or damage to any state, county or municipal property. This section shall not apply to a parent who, as a result of a decree of any court of competent jurisdiction, does not have custody of such child at the time of the commission of the tort. Recovery under this section shall be limited to the amount of proved loss or damage but in no event shall it exceed five thousand dollars.

SECTION 2. Said chapter 231 is hereby further amended by inserting after section 85R the following section:–

Section 85R 1/2. Whoever causes damage to the property of a person as a result of a larceny or attempted larceny of said property as set forth in section thirty A of chapter two hundred and sixty-six or commits or attempts to commit a larceny of goods for sale on the premises of a merchant or commits or attempts to commit a larceny of the personal property of employees or customers or others present on such premises shall be liable in tort to the merchant for damages for not less than fifty nor more than five hundred dollars in addition to any actual damages incurred. An action for recovery may be commenced under the provisions of sections twenty-one to twenty-five, inclusive, of chapter two hundred and eighteen.

SECTION 3. This act shall take effect on January first, nineteen hundred and eighty-seven.

Approved July 22, 1986.

Chapter 336. AN ACT ESTABLISHING A LIMITATION OF ACTIONS INVOLVING ASBESTOS REMOVAL.

SECTION 1. Chapter 260 of the General Laws is hereby amended by inserting after section 2C the following section:–

Section 2D. Any action brought by or on behalf of any county, city, town, regional school district, housing authority or the commonwealth or any other political subdivision thereof to recover any costs associated with asbestos related corrective actions including, but not limited to, the removal and replacement of asbestos and materials containing asbestos shall be commenced only within six years next after such county, city, town, regional school district, housing authority or the commonwealth or any other political subdivision thereof knew of the presence of and the hazard or damage caused by the presence of such asbestos or material containing asbestos within its buildings.

SECTION 2. Notwithstanding the provisions of section two D of chapter two hundred and sixty of the General Laws, inserted by section one of this act, any county, city, town, regional school district, housing authority, or the commonwealth or any other political subdivision may commence an action to recover any costs associated with asbestos related corrective actions including but not limited to, the removal and replacement of asbestos and materials containing asbestos, which would otherwise be barred as a result of the expiration of the applicable period of limitation of action at any time prior to July first, nineteen hundred and ninety; provided, however, that such action is commenced prior to July first, nineteen hundred and ninety.

Approved July 22, 1986.

Chapter 337. AN ACT RELATIVE TO THE PROTECTION OF ANIMALS.

Be it enacted, etc., as follows:

Section 77 of chapter 272 of the General Laws, as appearing in the 1984 Official Edition, is hereby further amended by adding the following paragraph:–

In addition to any other penalty provided by law, upon conviction for any violation of this section or of sections seventy-seven A, seventy-eight, seventy-eight A, seventy-nine A, seventy-nine B, eighty A, eighty B, eighty C, eighty D, eighty F, eighty-six, eighty-six A, eighty-six B or ninety-four the defendant may, after an appropriate hearing to determine the defendant's fitness for continued custody of the abused animal, be ordered to surrender or forfeit to the custody of any society, incorporated under the laws of the commonwealth for the prevention of cruelty to animals or for the care and protection of homeless or suffering animals, the animal whose treatment was the basis of such conviction.

Approved July 22, 1986.

ACTS, 1986. – Chaps. 338, 339, 340.

Chapter 338. AN ACT AUTHORIZING THE TOWN OF NEW MARLBOROUGH TO REIMBURSE WERNER BUSCH CERTAIN MONIES PAID AS REAL ESTATE TAXES TO SAID TOWN.

Be it enacted, etc., as follows:

The town of New Marlborough is hereby authorized to reimburse Werner Busch the sum of three hundred and forty dollars paid to said town as real estate taxes in error.

Approved July 22, 1986.

Chapter 339. AN ACT RELATIVE TO CERTAIN CREDITABLE SERVICE FOR EUGENE J. HURLEY, A SERGEANT IN THE CAPITOL POLICE.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and nine of the acts of nineteen hundred and eighty-three, as amended by section one of chapter two hundred and nine of the acts of nineteen hundred and eighty-four, is hereby further amended by striking out the first sentence and inserting in place thereof the following:—

Notwithstanding the provisions of any general or special law to the contrary, Eugene J. Hurley, a sergeant in the capitol police, is hereby authorized to continue in such position until and including July thirteenth, nineteen hundred and eighty-nine, provided that he is mentally and physically capable of performing the duties of his office or position.

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

Approved July 23, 1986.

Chapter 340. AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF WINTHROP FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of custodians in the town hall, public library and school department of the town of Winthrop shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding said positions on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

Approved July 23, 1986.

Chapter 341. AN ACT AUTHORIZING THE TREASURER OF THE TOWN OF SHREWSBURY TO TRANSFER CERTAIN FUNDS TO THE PENSION RESERVE FUND.

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the town of Shrewsbury is hereby authorized to transfer, to the pension reserve fund of the Shrewsbury retirement system, the funds appropriated under article thirty-nine of the warrant of the annual town meeting held on May twenty-first, nineteen hundred and eighty-four, including all interest earned thereon.

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

Approved July 23, 1986.

Chapter 342. AN ACT AUTHORIZING THE TOWN OF HULL TO REFUND CERTAIN INDEBTEDNESS.

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the town of Hull with the approval of the board of selectmen is hereby authorized to issue bonds and notes of the town in the total principal amount of seven hundred and eighty-five thousand, one hundred and seven dollars and seventy-four cents and accrued interest, payable in not more than ten years from the date of issue for the purpose of refunding the note of the town issued under the provisions of chapter four hundred and eighty-two of the acts of nineteen hundred and seventy-eight which is payable on October twenty-seventh, nineteen hundred and eighty-eight. The indebtedness incurred under the provisions of this act shall be deemed to be outside of the debt limit as defined in section ten of chapter forty-four of the General Laws; provided, however, all other provisions of said chapter forty-four shall be applicable.

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

Approved July 23, 1986.

Chapter 343. AN ACT RELATIVE TO THE ELECTION OF THE CITY COUNCIL AND SCHOOL COMMITTEE IN THE CITY OF BOSTON.

SECTION 1. Section 3 of chapter 605 of the acts of 1982 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

Said districts shall continue in force until redrawn by the city council as provided for herein. The council shall redraw the districts for the purpose of city council and school committee representation as specified in this section on or before (a) ninety days from the date that the

ACTS, 1986. – Chaps. 344, 345.

nineteen hundred and eighty-five state census, including census figures for the city of Boston, is properly certified by the state secretary; and (b) on or before August first, nineteen hundred and ninety-six and on or before said August first every subsequent tenth year.

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

Approved July 23, 1986.

Chapter 344. AN ACT PROHIBITING SMOKING IN JURY ROOMS.

Be it enacted, etc., as follows:

Chapter 234 of the General Laws is hereby amended by inserting after section 34B the following section:—

Section 34C. (1) As used in this section, "smoking" shall mean the lighting of any cigar, cigarette, pipe or tobacco product or having possession of any lighted cigar, cigarette, pipe or other tobacco product.

(2) No person shall smoke in any room used for any meetings or deliberations of a jury, except as otherwise provided in paragraph (3).

(3) Smoking may be permitted in such rooms if a majority of the members of such jury have given their consent to such smoking.

Approved July 23, 1986.

Chapter 345. AN ACT FURTHER REGULATING CAMPAIGN CONTRIBUTIONS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 2 of chapter 55 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out clauses (1) and (2) and inserting in place thereof the following two clauses:—

(1) the full name and residential address of each person who has made a contribution, in an amount or value in excess of fifty dollars in a reporting period, and such information for each contribution of less than or equal to the sum of fifty dollars, if the aggregate of all contributions received from such contributor within said reporting period is in excess of fifty dollars, and the amount or value and date of the contribution; provided, however, that any contributions resulting from any purchases from a candidate or a person acting on his behalf, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activities, including testimonials, held on behalf of said candidate, regardless of the purpose of said activity, shall not be included with the accounts of those contributions described herein, but shall be included with those accounts of contributions in clauses (2) and (4);

(2) for those contributions resulting from such purchases as

are excluded from clause (1), the full name and residential address of each person who has made such purchases if the amount or value paid in excess of fifty dollars in a reporting period and such information for each amount or value paid for each purchase of less than or equal to the sum of fifty dollars, if the aggregate of all amounts or value paid for such purchases made by said person within said reporting period is in excess of fifty dollars and the amount or value paid and date of the purchase.

SECTION 2. Said section 2 of said chapter 55, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

The candidate shall preserve all receipted bills and accounts relative to all contributions received, expenditures made and any other campaign finance activity, which shall include the full name and residential address of all persons who have made a contribution to said candidate regardless of the amount of said contribution. The candidate shall preserve said receipted bills and accounts for six years from the date of the relevant election.

SECTION 3. The eleventh paragraph of section 18 of said chapter 55, as so appearing, is hereby amended by striking out clauses (2) and (3) and inserting in place thereof the following two clauses:– (2) the full name and residential address, listed alphabetically, of each person who has made a contribution, except for those contributions identified in clauses (5) and (6) of this paragraph and which shall be reported therein, in an amount or value in excess of fifty dollars in the reporting period, and such information for each contribution of less than or equal to the sum of fifty dollars, if the aggregate of all contributions received from such contributor within said reporting period is in excess of fifty, as the case may be, and the amount or value and date of the contribution and the total of all contributions listed; provided, however, that any contributions resulting from any purchases from an individual, candidate, or political committee, or from a person acting on behalf of said individual, candidate, or political committee, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activities, including testimonials, held on behalf of said individual, candidate, or political committee, regardless of the purpose of such activity, shall not be included together with those contributions reportable under the provisions of this clause; but shall be reported in clauses (3) and (7); (3) for those contributions resulting from such purchases as are excluded from clause (2), the full name and residential address, listed alphabetically, of each person who has made such purchases if the amount or value paid is in excess of fifty dollars in the reporting period, and such information for each amount or value paid for such purchase of less than or equal to the sum of fifty dollars, if the aggregate of all amounts or value paid for such purchases made by said person within said reporting period is in excess of fifty dollars and the amount or value paid and date of the purchase and the total of all amounts listed.

ACTS, 1986. – Chap. 345.

SECTION 4. Said section 18 of said chapter 55, as so appearing, is hereby further amended by inserting after the eleventh paragraph the following paragraph:–

In addition, each report required to be filed under the provisions of this section shall also include the name, residential address, and amount contributed in that reporting period, of each person whose contributions in the aggregate exceed more than fifty dollars in the calendar year, for those contributions where said information does not otherwise appear on the report.

SECTION 5. Section 19 of said chapter 55, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:–

(b) Every candidate and the treasurer of every committee required to designate a depository shall, by the end of the third business day after receipt of any contribution deposit it in the form received in the designated depository. No such deposit shall be made or received to the credit of any account designated as provided for in this section unless such deposit shall be accompanied by a deposit slip containing for each contribution in excess of the sum of fifty dollars the name and address of the contributor in the case of an individual or political committee and in addition in the case of a trust, foundation or other association the data required by section ten; provided that such information shall also be listed for each contribution of less than or equal to the sum of fifty dollars if the aggregate of all contributions deposited from such contributor during the preceding fourteen days is in excess of fifty dollars. If any deposits represent the proceeds of borrowings, the deposit slip shall indicate the names and addresses of the lender, those persons liable either primarily or secondarily for any portion of such borrowings and those persons providing collateral, if any, for such borrowings. In addition, each such deposit slip shall include the name and address, together with the amount of the contribution for that reporting period of each person whose contributions in the aggregate exceeds fifty dollars or more in the calendar year, for those contributions where said information does not otherwise appear on said deposit slip.

SECTION 6. For all candidates and political committees required to designate a depository under the provisions of section nineteen of chapter fifty-five of the General Laws, the provisions of this act shall apply to all reports required to be filed September fifth, nineteen hundred and eighty-six and thereafter.

For all other candidates and committees, the provisions of this act shall apply to all reports required to be filed the eighth day preceding the state biennial primary of nineteen hundred and eighty-six and all such subsequent reports required to be filed under the provisions of this act.

Approved July 23, 1986.

EMERGENCY LETTER: July 23, 1986 @ 5:P.M.

Chapter 346. AN ACT RELATIVE TO THE SCHOOL BREAKFAST LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 1G of chapter 15 of the General Laws is hereby amended by striking out the fourteenth paragraph and inserting in place thereof the following paragraphs:–

The board shall establish minimum nutritional standards and regulations for all school food services. The board shall require all public schools operating on a one session day to make lunches available to children. The board shall also require all public schools to make lunches available to children. Standards and regulations of the board promulgated pursuant to this paragraph shall be adopted in the following manner. A copy of such regulations and standards shall be filed by the board with the clerk of the house of representatives and of the senate who shall refer such regulations and standards to the joint committee on education of the general court for review. Within thirty days after such filing, the said committee shall hold a public hearing on the regulations and standards, shall issue a report, and file a copy thereof with the board of education. Said board shall adopt final regulations and standards making such revisions in the interim regulations and standards as it deems appropriate in view of such report and shall forthwith file a copy of the regulations and standards with chairpersons of said committee of the general court and not earlier than thirty days after the date of such filing, the board of education shall file the final regulations and standards with the state secretary and the said regulations shall thereupon take effect.

The board shall further require all public schools which draw their attendance from areas with a high number of needy children, as defined by the bureau of nutrition education and school food services in the department, to make school breakfast programs available to children, and to operate such programs in accordance with the federal laws and regulations pertaining to school breakfast programs. Such breakfast programs shall be made available to children who do not qualify for free or reduced price breakfast under federal income eligibility guidelines at a price to each such child which is not less than the cost to the school of making such breakfast available to such child. The commonwealth shall reimburse each city or town required by this paragraph to make school breakfast programs available to children who qualify for free or reduced price meals pursuant to federal income eligibility guidelines, at a uniform rate determined pursuant to the following paragraph, which rate shall provide for the payment by the commonwealth of the reasonable costs of making breakfast available to such children, reduced by the amount of revenue received by the city or town from federal reimbursements or any other source with respect to the provision of such breakfasts. The department shall make said reimbursements in accordance with the same schedule as federal reimbursements are made to the city or town with respect to such breakfast programs.

The commissioner of administration shall convene a working committee made up of his own designee, a designee of the commissioner of education and a designee of the local government advisory committee

to establish guidelines for purposes of reimbursing cities and towns for the reasonable costs associated with the implementation of school breakfast programs pursuant to the preceding paragraph. Such guidelines shall be filed by the working committee with the house and senate committees on ways and means and shall become effective only upon approval by said committees. Reimbursements of costs made pursuant to such guidelines shall constitute complete satisfaction of the obligation of the commonwealth to assume such costs pursuant to any general or special law.

SECTION 1A. The house of representatives, pursuant to section twenty-seven C of chapter twenty-nine of the General Laws, shall submit written notice to the division of local mandates requesting that the division determine the total annual financial effect for a period of not less than three years of this proposed legislation.

SECTION 2. To provide for supplementing certain items in the general appropriation act and for a certain new activity and project, the sum set forth in section three for the several purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June thirtieth, nineteen hundred and eighty-seven or for such period as may be specified, the sum so appropriated to be in addition to any amounts available for the purpose.

SECTION 3.

DEPARTMENT OF EDUCATION.

Division of School Facilities
and Related Services.

7053-1906 For the reimbursement to cities and towns for the furnishing of breakfasts to school children, provided that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven

\$360,000

Local Aid Fund

100.0%

SECTION 4. Nothing in this act is intended to contravene any provision in chapter five hundred and eighty of the acts of nineteen hundred and eighty relative to the state mandates on local and regional government, and for that purpose provision has been made in this act for complete satisfaction of the commonwealth's obligation to assume the reasonable costs of making breakfast available to qualifying children, reduced by the amount of revenues received from federal reimbursements or otherwise, at a uniform rate determined pursuant to the provisions of this act.

SECTION 5. Section one of this act shall take effect on September first, nineteen hundred and eighty-six or on the date thirty days after the commissioner of education certifies to the secretary of the

ACTS, 1986. – Chaps. 347, 348.

commonwealth that the guidelines required under section one of this act have been promulgated, and approved, whichever date first occurs.

Approved July 23, 1986.

Chapter 347. AN ACT RELATIVE TO THE TEMPORARY CUSTODY OF PAROLEES AND ISSUANCE OF THE WARRANT FOR SUCH TEMPORARY CUSTODY.

Be it enacted, etc., as follows:

Section 149A of chapter 127 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the second sentence the following two sentences:– The parole board shall have the right to withdraw said warrant for temporary custody and such withdrawal shall not affect the validity of any subsequent warrants issued. Upon the withdrawal of said warrant, the time from the issuance of the warrant until the withdrawal shall be considered as part of the original sentence.

Approved July 23, 1986.

Chapter 348. AN ACT RELATIVE TO THE COASTAL PROTECTION OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 91 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the definition of "Private tidelands" the following two definitions:–

"Substantial change in use", a use for a continuous period of at least one year of ten per cent or more of the surface area of the authorized or licensed premises or structures for a purpose unrelated to the authorized or licensed use or activity.

"Substantial structural alteration", a change in the dimensions of a principal building or structure which increases by more than ten per cent the height or ground coverage of the building or structure specified in the authorization or license, or an increase by more than ten per cent of the surface area of the fill specified in the authorization or license.

SECTION 2. Said chapter 91 is hereby further amended by striking out section 15, as so appearing, and inserting in place thereof the following section:–

Section 15. Every authority or license granted since eighteen hundred and sixty-eight or hereafter granted by the commonwealth to any person to build a structure or do other work in, over and under the Connecticut River or the nontidal part of the Merrimack River or in, over or under the waters of any great pond or at any outlet thereof below high water

mark, or upon ground over which the tide ebbs and flows, or to fill up or to enclose the same, whether such ground is above or below low water mark, or within or beyond one hundred rods from high water mark, or whether private property or property of the commonwealth, shall be subject to the following conditions, whether expressed in the act, resolve or license granting the same or not. Said authority or license shall be revocable at the discretion of the general court, or by the department for noncompliance with the terms and conditions set forth therein. The license shall expire as to all work authorized or licensed not completed within five years from the date of such authorization or license or such other period of time specified therein; provided, however, that for good cause shown the department may extend, without public hearing or notice, the construction period of the authorization or license for one or more one-year periods. Revocation by the general court of licenses issued after January first, nineteen hundred and eighty-four shall be treated as a taking of real property requiring payment of just compensation in accordance with the provisions of chapter seventy-nine for valuable structures, fillings, enclosures, uses or other improvements built, made or continued in compliance with said authorization or license. Except as provided herein, the grant of a license pursuant to this chapter shall not convey a property right, nor authorize any injury to property or invasion of rights of others. A license issued pursuant to this chapter is hereby made a mortgageable interest lawful for investment by any banking association, trust company, savings bank, cooperative bank, investment company, insurance company, executor, trustee, or other fiduciary, and any other person who is now or may hereafter be authorized to invest in any mortgage or other obligation of a similar nature.

SECTION 3. Section 18 of said chapter 91, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following three paragraphs:–

Upon or prior to applying for a license pursuant to this section, the applicant shall submit to the planning board of the city or town where the work is to be performed, except in case of a proposed bridge, dam or similar structure across a river, cove, or inlet, the application containing the proposed use, the location, dimensions and limits and mode of work to be performed.

Said planning board may conduct a public hearing within thirty days of receipt of license application. Within fifteen days of conducting said public hearing or within forty-five days of receipt of license application, the planning board shall submit a written recommendation to the department. Said recommendation shall state whether said planning board believes the development would serve a proper public purpose and would not be detrimental of the public's rights in these tidal lands. The department shall take into consideration the recommendation of the local planning board in making its decision whether to grant a license.

Every license granted under this chapter shall be signed by the department, shall state the conditions on which it is granted, including, but not limited to the specific use to which the licensed structure or fill

is restricted, and shall specify by metes, bounds and otherwise the location, dimensions, and limits and mode of performing the work authorized thereby. Any changes in use or structural alteration of a licensed structure or fill, whether said structure or fill first was licensed prior to or after the effective date of this section, shall require the issuance by the department of a new license in accordance with the provisions and procedures established in this chapter. Any unauthorized substantial change in use or unauthorized substantial structural alteration shall render the license void. Licenses granted by the department pursuant to this chapter shall be revocable by the department for noncompliance with the conditions set forth therein. The department shall not revoke any license until it has given written notice of the alleged noncompliance to the licensee and those persons who have filed a written request for such notice with the department and afforded them a reasonable opportunity to correct said noncompliance. The department may promulgate regulations for implementation for its authority under this chapter.

The department shall submit any regulations promulgated under the provisions of this chapter to the joint legislative committee on natural resources and agriculture, to the senate committee on ways and means and to the house committee on ways and means, for their review within sixty days prior to the effective date of said regulations.

SECTION 4. The last paragraph of section 18 of said chapter 91, as so appearing, is hereby amended by inserting after the word "tidelands", in lines 56 and 57, the word:– if.

SECTION 5. Section 22 of said chapter 91, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– The department shall by regulation provide for a method for determination of such compensation which may in the department's discretion be based on either a schedule of rates per square yard of commonwealth tidelands occupied or on an appraisal of the fair market value of the rights granted by the commonwealth, and which may in the department's discretion be assessed either as a lump sum payable in full prior to issuance of the license or as a series of annual payments which shall be required as a condition of the license.

SECTION 6. Section 2 of chapter 183A of the General Laws, as amended by section 3 of chapter 788 of the acts of 1985, is hereby further amended by adding the following sentence:– For purposes of this section, the holder of a license granted by the department of environmental quality engineering under the provisions of chapter ninety-one for development of commonwealth tidelands shall be deemed the owner of the land, and the licensee shall be deemed the holder of a sufficient interest in real estate to be submitted to and governed by the provisions of this chapter.

Approved July 23, 1986.

Chapter 349. AN ACT PROVIDING FOR THE DEVELOPMENT OF FACILITIES WITHIN BOSTON HARBOR FOR THE LOBSTER FISHING INDUSTRY AND FURTHER PROVIDING FOR THE REVITALIZATION OF THE EAST BOSTON PIERS PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. It is hereby found that:

(1) The waterfront property known as East Boston Piers 1 through 5 is a component of the port properties owned and operated by the Massachusetts Port Authority pursuant to chapter four hundred and sixty-five of the acts of nineteen hundred and fifty-six.

(2) Title to the piers was vested in the authority in February 1959, at which time the authority assumed responsibility for the operation and maintenance of said facility.

(3) The piers are currently underutilized and require extensive repair before a more productive use can be implemented.

(4) The piers are a potentially valuable resource to the Boston harbor community, the East Boston community, and the commonwealth to facilitate commerce in East Boston, including public access to the harborfront.

(5) Absent public investment, the private sector will be unable to stimulate economic activity sufficient to provide appropriate redevelopment of the piers and abutting land consistent with community and regional needs, to fully utilize potential resources of the piers and harborfront, to prevent further deterioration of the piers, and to be able to do so in a financially self-sustaining manner.

(6) The lobster fishing industry is in need of a permanent facility in Boston harbor in order to continue operation; the East Boston harborfront, including portions of the piers, can accommodate uses for a lobster facility and water front park, which uses are determined to be in furtherance of the interests of the citizens of the commonwealth in accordance with the provisions herein and are further determined to be consistent with the ongoing examination and implementation by the authority of alternate uses for the remaining portions of the piers.

(7) Other sites within the Boston Harbor area may also be suitable for development of lobster pier facilities.

SECTION 2. The following words as used in this act shall, unless the context clearly requires otherwise, have the following meanings:-

"Authority", the Massachusetts Port Authority.

"Board", the advisor board, established by section five of this act.

"Commissioner", the commissioner of the department of the metropolitan district commission.

"Department", the department of the metropolitan district commission.

"Division", the division of capital planning and operations.

"East Boston", the East Boston section of the city of Boston.

"PAC", the East Boston Project Advisory Committee, Incorporated established in accordance with an agreement between the authority and

the Boston Redevelopment Authority to provide community based advisory assistance to planning activities for revitalization of the piers.

"Piers", Piers 1 through 5 located in the East Boston section of the city of Boston which constitute a part of the port properties as defined in chapter 465 of the acts of 1956 as amended.

"Plan", the plan involving a certain segment of the piers and entitled "Land in the East Boston section of the city of Boston to be developed by the department of the metropolitan district commission and Massachusetts Port Authority for use as a lobster pier and terminal and as a waterfront park", which plan is on file at the authority and the department of environmental management and which, on the effective date of this act, shall be on file at the department of the metropolitan district commission, and which may be amended from time to time by an agreement between the authority and the department.

SECTION 3. The division, on behalf of the commonwealth and in consultation with the department, is hereby authorized and empowered:

(a) to enter into an agreement or agreements with the authority concerning the lease, planning, design, construction, use, operation and maintenance of a lobster facility and park at the piers in general accordance with the plan; and setting out the financial responsibilities of both the department, and the authority relative to these facilities and consistent with the purposes and provisions of this act, provided however that any such agreement shall require that the authority reimburse the commonwealth in the amount of any state funds expended for the planning, design and construction of a lobster facility located at the piers prior to conveying title to said piers or facility to any other party.

(b) to lease for a term which may not exceed twenty-five years, develop, improve, maintain, and operate the lobster pier facilities, including associated facilities, at the piers but only to the extent set forth in the agreement between the division and the authority and subject to the provisions of section seven;

(c) to fix and revise from time to time and to charge and collect such fees, rentals or other charges for the use of said lobster facilities, but only to the extent allowed pursuant to the agreement between the division and the authority; and provided, however, that any such fees, rentals or other charges collected hereunder shall be applied as required under section ten; and provided, further, that any lobster pier facilities constructed in accordance with the provisions of this act shall be available to prospective users of the facilities, upon payment of a reasonable fee, in a nondiscriminatory manner;

(d) to lease for a term which may exceed ten years, acquire upon completion of construction, develop, improve, maintain, and operate the waterfront park, at the piers, including associated buildings and facilities and improvements thereon, as a public park for the benefit and enjoyment of the general public and to the extent set forth in the agreement between the division and the authority and subject to the provisions of section seven;

(e) to apply for and receive funds from any source, public or private, by gift, grant, bequest, or otherwise, and to expend the same on behalf

of the department to provide for the design, construction and operation of a lobster pier and associated structures, facilities, and improvements thereon, and a waterfront park, pursuant to and in accordance with the plan and agreement between the division and the authority;

(f) to enter into any other agreements with any person or entity or to otherwise act in order to effectuate the development of lobster facilities at any site other than the piers deemed suitable by the division and located in the Boston harbor area. The division shall have the same powers relative to such a site as those granted under clauses (b), (c) and (e) of this section but without the limitations that apply to agreements with the authority with respect to the piers; and

(g) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act; provided, however, that acquisition of any interest in real property pursuant to this act shall be made in accordance with the provisions of sections forty F to forty H, inclusive, of chapter seven of the General Laws and the purposes described in Article XCVII of the Amendments to the Constitution of the Commonwealth; and provided, further, that the deputy commissioner of the division may delegate any authority conferred upon him by this act to the commissioner of the department so long as said delegation conforms with section forty E of said chapter seven.

SECTION 4. In addition to all powers otherwise granted to the authority in act or by law, the authority is hereby authorized and empowered:

(a) to enter into an agreement or agreements with the division concerning the planning, design, construction, use, operation and maintenance of the lobster facility and park at the piers and setting out the financial responsibilities of both the department and the authority relative to these facilities and consistent with the purposes and provisions of this act; provided, however, that any such agreement shall require that the authority reimburse the commonwealth in the amount of any state funds expended for the planning, design and construction of a lobster facility located at the piers prior to conveying title to said piers or facility to any other party;

(b) to lease for a term which may not exceed twenty-five years, design, construct, improve, maintain, and operate the lobster pier facilities, including associated facilities, at the piers, for the use and benefit of persons engaging in the lobstering industry pursuant to a license, lease, use agreement or any other type of authorization that the authority may grant in its discretion;

(c) to fix and revise from time to time and to charge and collect such fees, rentals, or other charges for the use of said piers or associated facilities under the authority's control, provided that any lobster pier facilities constructed in accordance with the provisions of this act shall be available to prospective users of the facilities, upon payment of a reasonable fee, in a nondiscriminatory manner;

(d) to design in consultation with and subject to review by the department, construct, improve, and maintain the waterfront park, including associated buildings, facilities and improvements thereon, at

the piers, as a public park for the benefit and enjoyment of the general public;

(e) to apply for and receive funds from any source, public or private, by gift, grant, bequest, or otherwise, and to expend the same on behalf of the authority to provide for the design, construction and operation of a lobster pier and associated structures, facilities and improvements thereon, and a waterfront park, at the piers, pursuant to and in accordance with the plan;

(f) to convey or lease to the division for no consideration, upon completion of construction of the waterfront park, said park at the piers, including all associated buildings and facilities and improvements thereon, which shall be used by the department as a public park for the benefit and enjoyment of the general public. Any such conveyance or lease may be made upon such terms as may be agreed upon by the authority and division subject to the applicable provisions of sections forty F to forty H, inclusive, of chapter seven of the General Laws; and

(g) to do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act.

SECTION 5. (a) Any planning, acquisition, design, construction, demolition, repair or maintenance undertaken pursuant to this act shall be deemed a "building project" pursuant to the provisions of chapters seven and twenty-nine of the General Laws.

(b) To the extent consistent with agreements authorized by sections three and four of this act, the authority may accomplish such work, or a portion thereof, as lead administering agency so called, in consultation with the division and the department, and on any work undertaken by the authority as such lead administering agency, the department may be deemed the using agency, provided that the certifications required by sections twenty-six A and twenty-six B of chapter twenty-nine of the General Laws shall be the responsibility of the deputy commissioner of the division.

(c) The authority, in cooperation with the department, shall prepare a report on the development of the lobster facility and waterfront park pursuant to this act, and shall file said report with the general court for review. At least thirty days before filing said report, however, the authority, in cooperation with the department, shall submit said report to the Inspector General of the commonwealth, and shall annex the comments, if any, of the said inspector general to said report. Said report shall include, but not be limited to (1) a study or program pursuant to the provisions of section seven K of said chapter twenty-nine; (2) a feasibility study relative to the provision of such facilities as are necessary in order for the lobster fishing industry to continue operation in Boston Harbor; (3) a comparison of the suitability, costs, and benefits of alternative sites, if any, for permanent lobster facilities in Boston Harbor; (4) an inventory of any additional facilities which will continue to be necessary for the operation of the lobster industry in Boston harbor, together with cost and market study projections indicating the capacity of the lobster industry to obtain use of such facilities with public subsidy; (5) operation and major maintenance cost projections, for the first ten years of operation of facilities funded by this act;

(6) a schedule of anticipated fees, rentals or other charges for the use of lobster facilities funded by this, act for the first ten years of operation, including market study projections demonstrating the capacity of the lobster industry to pay such amounts; (7) a review of all relevant public properties in Boston harbor as they relate to their current or potential marine industrial, commercial, and deep water use; (8) evidence that the development of the lobster terminal and waterfront park, as authorized in this act, will not preclude future maritime industrial or commercial activity; (9) certification that the requirements authorized pursuant to the provisions of sections sixty-one to sixty-two H, inclusive, of chapter thirty, chapter ninety-one, and section forty of chapter one hundred and thirty-one of the General Laws and all other applicable general or special laws have been satisfied, (10) evidence that the authority has provided for the share of funding for which it is responsible under terms of the agreement authorized in clause (a) of section 4.

SECTION 6. The department and the authority shall continue to coordinate with the PAC and the Boston Redevelopment Authority for the purpose of obtaining the advisory input of the East Boston community and the city of Boston relative to design and environmental review as required under sections sixty-one to sixty-two H, inclusive, of chapter thirty of the General Laws in the event final agency approval for the lobster facilities and waterfront park is sought at the piers.

The department and the authority shall convene and appoint an advisory board which shall consist of eight members, one of whom shall be the commissioner of the department or his designee, one of whom shall be the executive director of the authority or his designee, one of whom shall be the commissioner of the department of environmental quality engineering or his designee, one of whom shall be the director of the Boston Redevelopment Authority or his designee, one of whom shall be the president of the Boston Harbor Lobstermen's Cooperative or his designee, one of whom shall be a representative of the PAC and two of whom shall be residents of Marginal Street in East Boston and be designated by the PAC. The executive director of the authority or his designee shall serve as chairperson of the board. Upon completion of construction at the piers, the commissioner or his designee and the executive director of the authority or his designee shall serve as co-chairpersons of said board.

Said board shall assist in the planning, design, and construction of the lobster facilities and the waterfront park. Upon completion of construction at the piers said board shall provide consultation to the department and the authority in operating the lobster pier and waterfront park.

The members of said board shall serve without compensation. Said board shall meet from time to time to review the operation and maintenance of said facilities and waterfront park and may advise the department and the authority with the respect to their respective duties as provided in this act. Said board shall also advise the department and the authority concerning relationships between and among users of said pier and waterfront park, residents of the East Boston community, and other development projects on the East Boston Piers.

SECTION 7. The provisions of chapter ninety-one of the General Laws shall apply in full to any development undertaken on the piers, including the projects authorized hereunder. The provisions of sections sixty-one to sixty-two H, inclusive, of chapter thirty of the General Laws shall also apply for all projects proposed at the piers, including the lobster facility and waterfront park to the extent applicable to projects of the authority. For the purposes of compliance with said sections 61 through 62H, the authority shall be deemed to be lead agency project proponent.

SECTION 8. The department is hereby authorized to expend a sum not exceeding fifteen million dollars for the purpose of development of a waterfront park at the piers pursuant to and in accordance with the plan, and lobster pier facilities either at the piers pursuant to and in accordance with the plan or at any alternate site that the department may deem suitable; provided, however, that no funds authorized by this act shall be expended, except for the necessary costs related to the environmental review, preliminary design, and report required by section five unless notice of such expenditures, together with said report is filed with the clerks of the house and senate while the general court is in session and the general court has failed to pass a resolve disapproving of such proposed action and report within the next thirty days after such filing.

SECTION 9. To meet the expenditure necessary in carrying out the provisions of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, registered or with the interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of fifteen million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Boston Harbor Improvements Loan, Act of 1986, and shall be on the serial payment plan for such maximum term of years, not exceeding twenty-five years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate or rates as the state treasurer, with the approval of the governor, shall fix. The initial maturity of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, two thousand and eleven.

SECTION 10. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments authorized by section eight and may issue and renew from time to time notes of the commonwealth therefore, bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments

to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-six.

Notes and interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

SECTION 11. Any and all revenues received by the authority from the lobster facility and waterfront park at the piers from rentals, fees, or any other charge or source other than grants made for specific purposes relating to the lobster facility and park, shall be deposited with the authority and applied as required by any applicable indenture or indentures of trust to which the authority is subject. To the extent allowable under such trust indenture or indentures the authority shall make annual payments to the commonwealth by deposit to the fund established hereunder of all such revenues, which revenues shall in turn be applied toward the operating and maintenance expenses of the lobster facility and waterfront park and for the establishment of reserve accounts for working capital, maintenance and repairs.

There shall be established and set up on the books of the commonwealth a separate fund to be known as the East Boston Piers Fund and which shall consist of all revenues received by the commonwealth from the authority relative to the lobster facility and waterfront park and all other monies credited or transferred thereto from any other fund or source pursuant to the law. Said funds shall be expended by the department, subject to appropriation and the laws relating to state finances, for the operation, maintenance or other expenses relative to the lobster facility and waterfront park.

The commissioner shall file with the state treasurer and state auditor an annual report of the fund based upon the status of the fund on June thirtieth of the preceding fiscal year. The fund shall be subject to an annual audit by the state treasurer.

Approved July 23, 1986.

Chapter 350. AN ACT RELATIVE TO THE NORFOLK COUNTY JAIL AND HOUSE OF CORRECTION.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, within ninety days of the opening of a new Norfolk county jail and house of correction, the existing facility located on Village avenue in the town of Dedham shall be closed and shall not be reopened, in whole or in part, as a jail, correctional institution or facility, house of correction or other facility of a similar nature. The commonwealth shall not by eminent domain, purchase, gift, or otherwise take an ownership interest for the purposes of maintaining any such correctional facility in any buildings or lands comprising the existing Norfolk county jail and house of correction.

Approved July 23, 1986.

Chapter 351. AN ACT RELATIVE TO MEDICAL MALPRACTICE.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 6A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "therein", in line 8, the words:– the board of registration in medicine.

SECTION 2. Section 32 of said chapter 6A, as so appearing, is hereby amended by inserting after the fourth paragraph the following four paragraphs:–

In determining rates to be paid to providers of health care services, by governmental units, and by insurers under chapter one hundred and fifty-two, the commission shall adjust such rates effective July first, nineteen hundred and eighty-seven and each July first thereafter through and including July first, nineteen hundred and ninety-one, for changes in medical malpractice insurance premiums fixed and established pursuant to section five A of chapter one hundred and seventy-five A for such providers of health care services.

The total adjustments shall be sufficient to generate, over a twelve-month period, additional payments to physicians or dentists equal to the total dollar increase in medical malpractice insurance premium charges over the charges which were in effect prior to the decision to fix and establish new premium charges, multiplied by the following fraction: (a) The numerator shall be the per cent of total revenues for physicians, or dentists, which are paid by governmental units as to which the rates of payment are fixed and established by the rate setting commission pursuant hereto, plus the per cent of total revenues for physicians, or dentists, which are paid by insurers under chapter one hundred and fifty-two; and (b) The denominator shall be one hundred per cent minus the per cent of total revenues for physicians, or dentists, paid by medical service corporations under policies providing supplemental coverage to health insurance under Title XVIII of the Social Security Act. The per cent amounts specified for the numerators and denominators above, and the amount of the total dollar increase in medical malpractice insurance premium charges shall be the amounts determined by the commissioner of insurance pursuant to section five B of chapter one hundred and seventy-five A. In the event that medical malpractice insurance premium charges decrease, negative adjustments shall be made pursuant to the same formula.

The adjustments shall take effect with the next routinely-scheduled change in payments or rates following the change in medical malpractice insurance premiums. The commission shall make available a list of the adjustments, by procedure or procedure code, that have been made pursuant to this paragraph.

Whenever the premiums or rates of worker's compensation insurance are subject to regulation of the commissioner of insurance, the commissioner shall allow such insurer to include within its premiums, rates or subscription charges such adjusted payments, effective as of the date that such adjusted payments were first implemented.

SECTION 3. Chapter 13 of the General Laws is hereby amended by inserting after section 10 the following section:–

Section 10A. The secretary of consumer affairs and business regulation shall have authority to review and approve rules and regulations proposed by the board of medicine. Such regulations will be deemed approved unless disapproved within fifteen days of submission to the secretary; provided, however, that any such disapproval shall be in writing setting forth the reasons for such disapproval.

SECTION 4. Chapter 26 of the General Laws is hereby amended by inserting after section 8H the following section:–

Section 8I. There shall be established within the division of insurance a medical malpractice analysis bureau which will analyze and collect data and advise the commissioner of insurance on requests filed by the medical malpractice joint underwriting association for changes in premiums or rates, on matters relating to the adjustment of payments made by medical service corporations for changes in medical malpractice premium charges and any resulting increases or decreases in premiums, rates or subscription charges collected by the medical service corporations. The medical malpractice analysis bureau shall employ at least the following persons: an actuary, an attorney, a person with expertise in the area of health care systems and policies, two senior actuarial assistants and such secretarial and clerical assistance as shall be necessary to carry out the purposes of this section. The commissioner shall appoint all the employees of the bureau. The employees of the bureau shall be exempt from the provisions of section nine A of chapter thirty and chapter thirty-one and shall serve at the pleasure of the commissioner.

The commissioner of insurance is hereby authorized to make an assessment against the medical malpractice joint underwriting association to pay for the expenses of the bureau. Said assessment shall be made at a rate sufficient to produce five hundred thousand dollars annually; provided, however, that if the commissioner of insurance shall fail to expend for the costs and expenses of the medical malpractice analysis bureau in any fiscal year the total amount of five hundred thousand dollars for the purposes set forth in this section, any amount unexpended in such fiscal year shall be credited against the assessment to be made in the following year, and the assessment in the following year shall be reduced by such unexpended amount. Assessments under this section may be credited to the normal operating costs of the joint underwriting association. The funds produced by said assessments shall be expended by the division of insurance, in addition to any other funds which may be appropriated, to assist in defraying the general operating expenses of the medical malpractice analysis bureau and may be used to compensate consultants retained by the bureau. The assessments shall be collected by the commissioner of insurance, and the joint underwriting association shall pay the amount assessed against it within thirty days after the date of the notice of assessment from the commissioner of insurance.

SECTION 5. Section 1 of chapter 111 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the definition of "Farming" or "Agriculture" the following definition:–

"Health care provider", any doctor of medicine, osteopathy, or dental science, or a registered nurse licensed under the provisions of chapter one hundred and twelve, or an intern, or a resident, fellow, or medical officer licensed under section nine of said chapter one hundred and twelve, or a hospital, clinic or nursing home licensed under the provisions of chapter one hundred and eleven and its agents and employees.

SECTION 6. Said section 1 of said chapter 111, as so appearing, is hereby further amended by inserting after the definition of "Inland waters" the following definition:–

"Medical peer review committee" or "committee", a committee of a state or local professional society of health care providers or of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written by-laws that have been approved by the governing board of the hospital or nursing home, which committee has as its function the evaluation or improvement of the quality of health care rendered by providers of health care services, the determination whether health care services were performed in compliance with the applicable standards of care, the determination whether the cost of health care services were performed in compliance with the applicable standards of care, determination whether the cost of health care services rendered was considered reasonable by the providers of health services in the area, the determination of whether a health care provider's actions call into question such health care provider's fitness to provide health care services, or the evaluation and assistance of health care providers impaired or allegedly impaired by reason of alcohol, drugs, physical disability, mental instability or otherwise.

SECTION 7. Section 53B of said chapter 111, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:– Any person licensed under section fifty-one shall report to the board of registration in medicine when the licensee denies, restricts, revokes, or fails to renew staff privileges, or accepts the resignation of, any physician registered with the board as qualified to practice medicine in the commonwealth for any reason related to the registrant's competence to practice medicine or for any reason related to a complaint or allegation regarding any violation of law or regulation, or hospital, health care facility or professional medical association by-laws, whether or not the complaint or allegation specifically cites violation of a specific law, regulation or by-law.

SECTION 8. Said section 53B of said chapter 111, as so appearing, is hereby further amended by adding the following paragraph:–

Any licensee subject to the reporting requirements set forth above shall file an annual disciplinary summary with the board of registration in medicine. The annual disciplinary summary shall be filed no later than January thirty-first for each previous calendar year. The annual disciplinary summary shall summarize the reports submitted for the previous calendar year. The annual disciplinary summary shall be sent by certified or registered mail, and it shall be under oath. If

the licensee submitted no reports for the previous calendar year, then the annual disciplinary summary shall state that no reports were required. The board of registration in medicine shall promulgate such regulations as are necessary to carry out the intent of this section.

Upon a finding of violation of this section, the board of registration in medicine may assess a fine not in excess of one thousand dollars.

SECTION 9. Said chapter 111 is hereby further amended by adding the following two sections:–

Section 203. (a) The by-laws of every licensed hospital and nursing home and the by-laws of all medical staffs shall contain provisions for reporting conduct by a health care provider that indicates incompetency in his specialty or conduct that might be inconsistent with or harmful to good patient care or safety. Said by-laws shall direct a procedure for investigation, review and resolutions of such reports.

(b) Whenever, following review by a medical peer review committee of a licensed hospital or nursing home, a determination is reached that a health care provider's privileges should be suspended in the best interests of patient care, such committee shall immediately forward the recommendation to the executive committee of the medical staff and the institution's board of trustees for action. A provider whose privileges are suspended shall be entitled to notice and a prompt hearing following suspension, in accordance with the institution's medical staff by-laws.

(c) No individual or institution reporting, providing information, opinion, counsel or services to a medical peer review committee, or participating in the procedures required by this section, shall be liable in a suit for damages by reason of having furnished such information, opinion, counsel or services or by reason of such participation, provided that such individual or institution acted in good faith and with a reasonable belief that said actions were warranted in connection with or in furtherance of the functions of said committee or the procedures required by this section.

(d) Every licensed hospital and nursing home shall, as a condition of licensure be required to participate in risk management programs established by the board of registration in medicine pursuant to section five of chapter one hundred and twelve of the General Laws; provided that licensed hospitals and nursing homes which participate in pre-existing risk management programs may be exempted by regulations of the board from the requirements of this paragraph.

Section 204. (a) Except as otherwise provided in this section, the proceedings, reports and records of a medical peer review committee shall be confidential and shall not be subject to subpoena or discovery, or introduced into evidence, in any judicial or administrative proceeding, except proceedings held by the board of registration in medicine, and no person who was in attendance at a meeting of a medical peer review committee shall be permitted or required to testify in any such judicial or administrative proceeding, except proceedings held by the board of registration in medicine, as to the proceedings of such committee or as to any findings, recommendations, evaluations, opinions, deliberations or other actions of such committee or any members thereof.

(b) Documents, incident reports or records otherwise available from original sources shall not be immune from subpoena, discovery or use in any such judicial or administrative proceeding merely because they were presented to such committee in connection with its proceedings. Nor shall the proceedings, reports, findings and records of a medical peer review committee be immune from subpoena, discovery or use as evidence in any proceeding against a member of such committee to establish a cause of action pursuant to section eighty-five N of chapter two hundred and thirty-one; provided, however, that in no event shall the identity of any person furnishing information or opinions to the committee be disclosed without the permission of such person. Nor shall the provisions of this section apply to any investigation or administrative proceeding conducted by the board of registration in medicine.

(c) A person who testifies before such committee or who is a member of such committee shall not be prevented from testifying as to matters known to such person independent of the committee's proceedings, provided that, except in a proceeding against a witness to establish a cause of action pursuant to section eighty-five N of chapter two hundred and thirty-one, neither the witness nor members of the committee may be questioned regarding the witness' testimony before such committee, and further provided that committee members may not be questioned in any proceeding about the identity of any person furnishing information or opinions to the committee, opinions formed by them as a result of such committee proceedings, or about the deliberations of such committee.

(d) A court or administrative body may place reasonable restrictions on the use which may be made of the information obtained hereunder so as to maintain, so far as necessary or practicable, the confidentiality of such information.

SECTION 10. Section 1 of chapter 112 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "examination", in line 2, the words:- with the exception of the board of registration in medicine.

SECTION 11. Section 2 of said chapter 112, as so appearing, is hereby amended by striking out the fifth paragraph, and inserting in place thereof the following paragraph:-

The board shall require that all physicians registered in the commonwealth renew their certificates of registration with the board at two year intervals. Effective nineteen hundred and eighty-seven, every physician registered in the commonwealth shall renew his or her certificate of registration with the board on or before his or her birthday in nineteen hundred and eighty-seven and in every second year thereafter; provided that if a birthday of any physician who shall be registered hereunder shall occur within three months after original registration, such person need not renew his or her registration until the birthday in the second year following the birthday aforesaid. For the purposes of this section, the birthday of a person born on February twenty-nine shall be deemed to be February twenty-eight. The renewal application shall be accompanied by a fee determined under the

aforementioned provision and shall include the physician's name, license number, home address, office address, his or her specialties, the principal setting of his practice, and whether he or she is an active or inactive practitioner.

SECTION 12. Said section 2 of said chapter 112, as so appearing, is hereby further amended by inserting after the fifth paragraph the following paragraph:–

The board is authorized to promulgate regulations requiring physicians to obtain professional malpractice liability insurance or a suitable bond or other indemnity against liability for professional malpractice in such amounts as may be determined by the board. The board shall participate in any national data reporting system which provides information on individual physicians.

SECTION 13. Said chapter 112 is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:–

Section 5. The board shall investigate all complaints relating to the proper practice of medicine by any person holding a certificate of registration under sections two to twelve A, inclusive, or of section sixty-five so far as it relates to medicine and report the same to the proper prosecuting officers.

There shall be established within the board of registration in medicine a disciplinary unit which will be responsible for investigating complaints and prosecuting disciplinary actions against licensees, pursuant to this section. The executive director of the board shall hire such attorneys and investigators as are necessary to carry out the responsibilities of the disciplinary unit.

There shall also be established within the board of registration in medicine a risk management unit. Said risk management unit shall provide technical assistance and quality assurance programs designed to reduce or stabilize the frequency, amount and costs of claims against physicians and hospitals licensed or registered in the commonwealth. The board shall promulgate regulations requiring physicians to participate in risk management programs as a condition of licensure; provided that such regulations shall provide for an exemption from such requirements for physicians who are participating in pre-existing risk management programs that have been approved by the board.

There shall be established within the board of registration in medicine a data repository which will be responsible for the compilation of all data required under sections five A to five J, inclusive, and any other law or regulation which requires that information be reported to the board.

The board may, after a hearing pursuant to chapter thirty A, revoke, suspend, or cancel the certificate of registration, or reprimand, censure, impose a fine not to exceed ten thousand dollars for each classification of violation, require the performance of up to one hundred hours of public service, in a manner and at a time and place to be determined by the board, require a course of education or training or otherwise discipline a physician registered under said sections upon proof satisfactory to a majority of the board that said physician:–

- (a) fraudulently procured said certificate of registration;
- (b) is guilty of an offense against any provision of the laws of the commonwealth relating to the practice of medicine, or any rule or regulation adopted thereunder;
- (c) is guilty of conduct which places into question the physician's competence to practice medicine, including but not limited to gross misconduct in the practice of medicine or of practicing medicine fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated occasions;
- (d) is guilty of practicing medicine while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
- (e) is guilty of being habitually drunk or being or having been addicted to, dependent on, or a habitual user of narcotics, barbituates, amphetamines, hallucinogens, or other drugs having similar effects;
- (f) is guilty of knowingly permitting, aiding or abetting an unlicensed person to perform activities requiring a license for purposes of fraud, deception or personal gain, excluding activities permissible under any provision of the laws of the commonwealth relative to the training of medical providers in authorized health care institutions and facilities;
- (g) has been convicted of a criminal offense which reasonably calls into question his ability to practice medicine;
- (h) is guilty of violating any rule or regulation of the board, governing the practice of medicine.

The board shall, after proper notice and hearing, adopt rules and regulations governing the practice of medicine in order to promote the public health, welfare, and safety and nothing in this section shall be construed to limit this general power of the board.

No person filing a complaint or reporting or providing information pursuant to this section or assisting the board at its request in any manner in discharging its duties and functions shall be liable in any cause of action arising out of the receiving of such information or assistance, provided the person making the complaint or reporting or providing such information or assistance does so in good faith and without malice. The board, including but not limited to the data repository and the disciplinary unit, shall keep confidential any complaint, report, record or other information received or kept by the board in connection with an investigation conducted by the board pursuant to this section; provided, however, that, except to the extent that disclosures of records or other information may be restricted as otherwise provided by law, or by the board's regulations, investigative records or information of the board shall not be kept confidential after the board has disposed of the matter under investigation by issuing an order to show cause, by dismissing a complaint or by taking other final action nor shall the requirement that investigative records or information be kept confidential at any time apply to requests from the person under investigation, the complainant, or other state or federal agencies, boards or institutions as the board shall determine by regulations. Any employee of the board who is found to be in violation of the confidentiality provisions of this section or any other confidentiality law or regulation which is applicable to the

board shall be subject to a fine of not more than five hundred dollars. Said fine shall be assessed and collected by said board.

If a physician is found not guilty the board shall forthwith order a dismissal of the charges and the exoneration of the accused. If the board finds that there is reason to believe that a physician committed a criminal offense, the board shall notify the district attorney having jurisdiction over such individual or occurrence; provided, however, that the board need not notify the appropriate district attorney if the board has reason to believe that the criminal offense in question involves violation of chapter ninety-four C of the General Laws or other law concerning controlled substances as defined in said chapter ninety-four C and that said offense may be related to an addiction to, dependence on or habitual use of a controlled substance on the part of the physician. In such case the board shall notify the appropriate district attorney only when, after evaluation of the physician, the board has determined that the physician has not been rehabilitated and that it is unlikely that said physician can be rehabilitated without endangering the public health, safety or welfare, or the board has determined that the criminal offense in question was not related to an addiction to, dependence on or habitual use of a controlled substance on the part of the physician.

Upon request of the board's complaint counsel for the production of evidence at any stage of an investigation, pursuant to this chapter and regulations of the board promulgated thereunder, witnesses may be summoned and document production may be compelled by subpoenas or subpoenas duces tecum issued at the direction of the chairman of the board or his designee. Where appropriate, testimony may be taken within or without the commonwealth by deposition. So far as practicable, a stenographic record, electronic voice recording or videotape recording of all testimony shall be made and preserved for a reasonable time. Service of any subpoena may be made by (a) delivering a duly executed copy thereof to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service or process on behalf of such a person; (b) delivering a duly executed copy thereof to the principal place of business in the commonwealth of the person to be served; or (c) mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business.

SECTION 14. Said chapter 112, as appearing, is hereby further amended by inserting after section 5 the following eleven sections:–

Section 5A. The board shall have the authority, after a hearing pursuant to chapter thirty A, to impose restrictions on a physician's license prohibiting the physician from performing certain medical procedures or operations, or from performing procedures except under certain conditions. The board shall by regulations specify the bases for such restrictions.

Section 5B. Any professional medical association, society, body, professional standards review organization, or similarly constituted

professional organization, whether or not such association, society, body, or organization is local, regional, state, national, or international in scope, shall report to the board of registration in medicine any disciplinary action taken against any of the board's licensees. Such report of disciplinary action, shall be filed with the board within thirty days of such disciplinary action, shall be in writing, and shall be mailed to the board by certified or registered mail. "Disciplinary action" includes, but is not limited to, revocation, suspension, censure, reprimand, restriction, nonrenewal, denial, or restriction of privileges, or resignation. A denial or restriction of privileges or a resignation shall be reported only when the resignation or the denial or restriction of privileges is related in any way to (a) the applicant's competence to practice medicine, or (b) a complaint or allegation regarding any violation of law or regulation, including but not limited to the regulations of the board, or hospital, health care facility or professional medical association by-laws, whether or not the complaint or allegation specifically cites violation of a specified law, regulation, or by-law.

Section 5C. Every insurer or risk management organization which provides professional liability insurance to a registered physician shall report to the board any claim or action for damages for personal injuries alleged to have been caused by error, omission, or negligence in the performance of such physician's professional services where such claim resulted in:

- (a) A final judgment in any amount,
- (b) A settlement in any amount, or
- (c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be filed with the board no later than thirty days following the occurrence of any event listed in paragraph (a), (b), or (c).

Such reports shall be in writing on a form prescribed by the board and shall contain the following information:

- (a) the name, address, specialty coverage, and policy number of the physician against whom the claim is made; and
- (b) name, address and age of the claimant or plaintiff; and
- (c) nature and substance of the claim; and
- (d) date when and place at which the claim arose; and
- (e) the amounts paid, if any, and the date and manner of disposition, judgment, settlement, or otherwise; and
- (f) the date and reason for final disposition, if no judgment or settlement; and
- (g) such additional information as the board shall require. No insurer or its agents or employees shall be liable in any cause of action arising from reporting to the board as required in this section.

Section 5D. Any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof which is engaged in the provision or oversight of medical or health services, shall report to the board of registration in medicine any person who there is reasonable basis to believe is in violation of section five, or any of the regulations of the board except as otherwise prohibited by law.

Section 5E. Any registered physician who does not possess

professional liability insurance shall report to the board every settlement or arbitration award of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or the unauthorized rendering of professional services by such physician. Such report shall be made within thirty days after any such settlement agreement has been reduced to writing thereto or thirty days after service of such arbitration award on the parties and signed by all the parties. Failure of the physician to comply with the provisions of this section is an offense punishable by a fine of not more than five hundred dollars. Knowing and intentional failure to comply with the provisions of this section, or conspiracy or collusion not to comply with the provisions of this section, or to hinder or impede any other person in such compliance is an offense punishable by a fine of not less than five thousand dollars nor more than fifty thousand dollars.

Section 5F. Any health care provider, as defined in section one of chapter one hundred and eleven, shall report to the board any person who there is reasonable basis to believe is in violation of section five, or any of the regulations of the board, except as otherwise prohibited by law.

No employer or duly authorized agent of an employer shall discharge, refuse to hire or in any other manner discriminate against an employee because the employee has made a report to the board as required under this section, or has testified or in any manner cooperated with an inquiry or proceeding pursuant to this chapter, unless the employee knowingly participated in a fraudulent proceeding. Any person claiming to be aggrieved by a violation of this section may initiate proceedings in the superior court department of the trial court for the county in which the alleged violation occurred. An employer found to have violated this paragraph shall be exclusively liable to pay to the employee lost wages, shall grant the employee suitable employment, and shall reimburse such reasonable attorney fees incurred in the protection of rights granted by this section. The court may grant whatever equitable relief it deems necessary to protect rights granted by this section.

Section 5G. (a) No person or health care provider who communicates with a peer review committee, administrative subcommittee, ethics committee or other similar committee of a health care provider, professional society of health care providers or entity which pays professional liability claims on behalf of any health care provider shall be liable in any cause of action arising out of the providing or receiving of such communication provided that such person or health care provider acts in good faith and with a reasonable belief that such communication was warranted in connection with or in furtherance of the functions of such committee.

(b) No person who reports information to the board as required in section five A through section five F inclusive, or as required in any other law or regulation shall be liable in any cause of action arising out of such report provided that such person acts in good faith and with a reasonable belief that such report was required. If such an action is instituted against a person who reports to the board as required in sections five A to five F, inclusive, and such action is determined by the court to be insubstantial, frivolous and not advanced in good faith, then such person defending such action may be awarded reasonable counsel

fees and other costs and expenses incurred in defending against such action pursuant to section six F of chapter two hundred and thirty-one.

Section 5H. Whenever it appears that any physician licensed in the commonwealth may be incompetent or unable to practice medicine with reasonable skill and safety because such physician's ability to practice is impaired due to mental illness or physical illness, the board may order such physician to be examined by one or more physicians and surgeons designated by the board and at the board's expense.

If said physician fails or refuses to comply with an order by the board for such examination, and upon reasonable notice to said physician, the board may apply to the superior court for an order compelling said physician to submit to such examination. If the board's application is granted, the court may, after opportunity for hearing, require such physician to pay to the board its reasonable expenses incurred in obtaining the order, including attorney's fees, unless the court finds an award of expenses unjust. The physician's failure to comply with a court order issued under this section shall constitute grounds for disciplinary action under section five.

The report of the examiners shall be made available to such physician and may be received as direct evidence in proceedings conducted pursuant to section five. Said report shall remain confidential except to the extent it is disclosed in such proceedings.

Section 5I. The board shall have authority to require hospitals, physicians, health maintenance organizations and other medical service providers to provide data to it as to the results of specific surgical and other procedures performed by physicians on a physician by physician basis. Any information provided to the board pursuant to this section shall be subject to the confidentiality provisions set forth in section five of this chapter.

Section 5J. The board shall file annually, but not later than March first of each succeeding year after the effective date of this section, a report of all matters referred to the board under section five to five H, inclusive, to the special commission on medical malpractice established under section twelve of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five and the clerks of both branches of the general court.

Section 5K. The board is authorized to promulgate rules and regulations relative to the prioritization of investigation of complaints and reports received by the board, and the establishment of timelines for the investigation and resolution of such complaints or reports. In promulgating such rules and regulations, the board shall take into account the frequency and severity of the various types of complaints or reports, the possible threat to public health and safety posed by such complaints or reports and the degree of difficulty in investigating and resolving such complaints and reports.

SECTION 15. The first paragraph of section 5A of chapter 175A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following three sentences:– The commissioner shall, annually on or before March first with respect to each twelve month period

commencing on the following July first, after due hearing and investigation, fix and establish fair and reasonable classification of risks and adequate, just, reasonable and nondiscriminatory premium charges on claims made and occurrence basis to be used and charged by companies in connection with the issue or execution of medical malpractice insurance during the twelve month period commencing July first in said calendar year or any part of said twelve month period. In connection with any such hearing, the advisory filing of the Joint Underwriting Association established pursuant to section six of chapter three hundred sixty-two of the acts of nineteen hundred and seventy-five and any insurance company shall be filed with the commissioner on or before April first of the calendar year preceding the calendar year in which the decision is to be issued, advisory filings of any other parties to the hearing shall be filed on or before May fifteenth of such calendar year, and the hearing shall be commenced on or before July first of such calendar year; provided, however, that the advisory filing for said association for the twelve month period beginning July first, nineteen hundred and eighty-seven shall be filed with the commissioner on or before September first, nineteen hundred and eighty-six and other advisory filings for said period shall be filed on or before October first, nineteen hundred and eighty-six. The commissioner shall consider whether it is advisable to and establish limited practice classification of risks within each classification of risk established pursuant to this section.

SECTION 16. The third paragraph of section 5A of said chapter 175A, as so appearing, is hereby amended by adding the following sentence:— A copy of all such memoranda shall be sent to the Special Commission on Medical Malpractice established pursuant to chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five.

SECTION 17. Said section 5A of said chapter 175A, as so appearing, is hereby further amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:—

If, for any reason, classifications of risks and premium charges fixed and established as aforesaid on or before March first in any year for the ensuing twelve month period are not effective for said year, the commissioner shall establish the classifications of risks and premium charges requested by one of the interested parties for the ensuing year as an interim rate until classifications of risks and premium charges for said ensuing twelve month period are finally fixed and established. Classifications of risks and premium charges when finally fixed and established for said ensuing calendar year shall become effective as of July first of said twelve month period, and all premium charges affected by any change thereby made which have been paid or incurred prior to the time when such charges are finally fixed and established shall be adjusted in accordance with such change, as of said July first.

SECTION 18. Said chapter 175A is hereby further amended by inserting after section 5A the following section:—

Section 5B. On or before September first of the calendar year preceding the date by which the commissioner shall fix and

establish classifications of risks and premium charges pursuant to section five A of chapter one hundred and seventy-five A, each medical service corporation shall file with the commissioner of insurance such data as will show the percentage of total revenues for physicians and for dentists in Massachusetts, which is attributable to payments by it which are subject to the limitations on charges and collections in section seven of chapter one hundred and seventy-six B, and the percentage of such total revenues which is attributable to payments by it under policies providing supplemental coverage to health insurance provided under Title XVIII of the Social Security Act. Any interested party, including, without limitation, organizations of physicians or dentists and agencies of the commonwealth or of the United States, may file, within the same time period, data relating to the total revenues for physicians or dentists in Massachusetts and the percentage share thereof paid by:

(a) medical service corporations for services which are subject to the limitations on charges and collections in section seven of chapter one hundred and seventy-six B;

(b) governmental units as to which the rates of payment for professional services to physicians or dentists are fixed and established by the rate setting commission pursuant to section thirty-two of chapter six A;

(c) insurers under chapter one hundred and fifty-two;

(d) health insurance under Title XVIII of the Social Security Act;

(e) medical service corporations under policies providing supplemental coverage to health insurance provided under Title XVIII of the Social Security Act; and

(f) all other payors, including, without limitation, medical service corporations to the extent their payments are not included in items (a) to (e), inclusive.

The commissioner of insurance may require any insurer, health maintenance organization or other payor making payments to physicians or dentists in the commonwealth for medical or dental services, to file such data as will show that payor's total payments to physicians or dentists in the commonwealth during such prior time period as the commissioner of insurance shall specify, and such other or further data as may be necessary to carry out the provisions of this section.

No later than November first, the commissioner shall hold a hearing to determine, based on the data filed by medical service corporations or any other party, or on other data or reasonable estimates available to him and introduced into the record in the said hearing, the percentage share of total revenues for physicians and the percentage share of total revenues for dentists, in Massachusetts, paid by the following:

(a) medical service corporations for services which are subject to the limitations on charges and collections in section seven of chapter one hundred and seventy-six B;

(b) governmental units as to which the rates of payment for professional services to physicians or dentists are fixed and established by the rate setting commission pursuant to section thirty-two of chapter six A;

(c) insurers under chapter one hundred and fifty-two;

(d) health insurance under Title XVIII of the Social Security Act;

(e) medical service corporations under policies providing supplemental coverage to health insurance under Title XVIII of the Social Security Act; and

(f) all other payors, including, without limitation, medical service corporations to the extent their payments are not included in items (a) to (e), inclusive. Said determination shall be made no later than March first of the succeeding calendar year.

Any interested party, which has filed data relating to the said percentages of total revenues for physicians and dentists and the medical malpractice analysis bureau, shall be entitled to participate in the hearing thereon, to present oral and written evidence, to examine and cross-examine witnesses, to review all information and materials filed with or relied on by the commissioner of insurance, and to submit briefs or position papers to any determination by the commissioner of insurance.

Any interested party which has participated in the said hearing and which is aggrieved by any action, order, finding or decision of the commissioner of insurance under this section may, within twenty days from the filing of his decision thereof in his office, file a complaint in the supreme judicial court for the county of Suffolk for a review of such action, order, finding or decision, and serve a copy thereof upon the commissioner of insurance and the attorney general. Within twenty days after the service of said complaint, the complaint shall be assigned for a speedy and summary hearing on the merits. The action, order, finding or decision of the commissioner of insurance shall remain in full force and effect pending the final decision of the court. The court shall have jurisdiction to modify, amend, annul, reverse or affirm such action, order, finding or decision, but such action, order, finding or decision shall not be modified, amended, annulled or reversed, unless the court finds that the commissioner of insurance erred as a matter of law, or that the decision was unsupported by any evidence in the record, with every reasonable inference in support of the decision made therefrom. The decision of the court shall be final and conclusive on the parties. The court shall make such rules or orders as it deems proper governing proceedings under this section to secure prompt and speedy hearings and to expedite final decisions thereon. In the event that the court modifies, amends, annuls or reverses such action, order, finding or decision, the decision of the court shall be implemented by the commissioner in the next hearing, commenced pursuant to this section, following said decision.

Payment made by any medical service corporation relating to services subject to the limitations on charges and collections in section seven of chapter one hundred and seventy-six B which are rendered by participating physicians or dentists covered by policies of medical malpractice insurance shall be adjusted for changes in medical malpractice premium charges fixed and established pursuant to section five A of chapter one hundred and seventy-five A. The medical service corporations payment shall be the amount of the total malpractice adjustment for that procedure code in addition to the amount paid to the physician for that procedure.

The total adjustments shall be sufficient to generate, over a twelve-month period, additional payments to physicians or

dentists equal to the total dollar increase in medical malpractice insurance premium charges over the charges which were in effect prior to the decision to fix and establish new premium charges, multiplied by the following fraction: (a) The numerator shall be the per cent of total revenues for physicians, or dentists, which the medical service corporation's payments for services subject to the limitations of section seven of chapter one hundred and seventy-six B constitute, plus one-half of the per cent of total revenues for physicians, or dentists, paid by health insurance under Title XVIII of the Social Security Act; and (b) The denominator shall be one hundred per cent minus the per cent of total revenues for physicians, or dentists, paid by the medical service corporation under policies providing supplemental coverage to health insurance under Title XVIII of the Social Security Act. In the event that medical malpractice insurance premium charges decrease, negative adjustments shall be made pursuant to the same formula.

Any participating physician or participating dentist, when filing a request for payment based on a procedure code with said corporation, shall be allowed to include the dollar amount of the total adjustment allocated for that procedure code; provided, however, that said dollar amount shall not be separately stated. Upon submission of such dollar amount by the physician, the medical service corporation shall include all of that dollar amount in the amount paid to the physician for that procedure code. No change in medical malpractice insurance premium charges shall be approved by the commissioner of insurance until he has determined the percentage shares of total revenues for physicians or dentists paid by the medical service corporations and others as provided above. The adjustment to payments by the medical service corporation shall take effect with the next regularly scheduled change in payments following the change in medical malpractice insurance premiums. The medical service corporation shall make available to participating physicians and dentists a list of the adjustments by the procedure code that have been made prior to the next regularly scheduled change in payments. The medical service corporation shall also provide said list to the division of insurance, which shall make available such list upon request.

In determining the total adjustment that shall be made to participating physicians and participating dentists for the twelve month period beginning July first, nineteen hundred and eighty-seven, the commissioner shall include in the calculation of total adjustment increases in medical malpractice insurance premium charges made for the twelve month period beginning July first, nineteen hundred and eighty-six; provided, further, that in calculating the total adjustment to be made by the medical service corporation for the twelve month period beginning July first, nineteen hundred and eighty-seven, the commissioner shall allow a credit for the aggregate amount of physician reimbursements made pursuant to increases in medical malpractice premiums by the Joint Underwriters Association made by said medical service corporation effective July first, nineteen hundred and eighty-six.

Whenever the premiums, rates or subscription charges of a medical service corporation are subject to regulation by the commissioner of insurance, the commissioner of insurance shall allow

such corporation to include within its premiums, rates or subscription charges such adjusted payments to participating physicians and participating dentists, effective as of the date that such adjusted payments were first implemented. Nothing in this paragraph or the preceding paragraph shall be construed to affect the responsibilities and authority of the commissioner of insurance under chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-four. This paragraph shall not apply to payments made for charges regulated by chapter three hundred and ten of the acts of nineteen hundred and eighty-four.

The provisions of this section shall terminate upon the completion of the rate period ending June thirtieth, nineteen hundred and ninety-two.

The commissioner shall determine the methodology pursuant to which each medical service corporation shall allocate the total adjustments among procedure codes in order that payments to physicians and dentists are apportioned among the risk classifications established by the commissioner under section five A. The methodology will provide for application of the adjustments to usual charge levels for each physician or dentist and to customary charge levels, in each instance separately stated by procedure code for purpose of this section the commissioner shall make this determination on a biannual basis provided however that upon the motion of any party at any future hearing under this section. The commissioner shall review the methodology previously approved by him and approve such changes as may be necessary in order that the allocation methodology apportion such payments in accordance with this paragraph.

The provisions of this section shall terminate upon the completion of the rate period ending June thirtieth, nineteen hundred and ninety-two.

SECTION 20. Section 6F of chapter 231 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:–

In proceedings under this section in any action which has been heard by the medical malpractice tribunal established pursuant to section sixty B, the decision of the tribunal may be introduced as evidence relevant to whether a claim was wholly insubstantial, frivolous and not advanced in good faith.

SECTION 21. The sixth paragraph of section 60B of said chapter 231, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– If a finding is made for the defendant or defendants in the case the plaintiff may pursue the claim through the usual judicial process only upon filing bond in the amount of six thousand dollars in the aggregate secured by cash or its equivalent with the clerk of the court in which the case is pending, payable to the defendant or defendants in the case for costs assessed, including witness and experts fees and attorneys fees if the plaintiff does not prevail in the final judgment.

SECTION 22. Said section 60B of said chapter 231, as so appearing, is hereby further amended by adding the following two paragraphs:–

Whenever the tribunal makes a finding, the clerk of the court shall, no later than fifteen days after such finding, send a copy of the complaint and finding to the board of registration in medicine.

Upon entry of judgment, settlement, or other final disposition at trial court level, the clerk shall, no later than fifteen days after such entry, send a copy of the judgment, settlement or other final disposition, to the board of registration in medicine. The terms of such judgment, settlement, or other final disposition shall not be sealed by agreement of the parties or by any other means and shall be available for public inspection, except, however, the identity of the plaintiff may be kept confidential by the board.

SECTION 23. Said chapter 231 is hereby further amended by striking out section 60D, as so appearing, and inserting in place thereof the following section:–

Section 60D. Notwithstanding the provisions of section seven of chapter two hundred and sixty, any claim by a minor against a health care provider stemming from professional services or health care rendered, whether in contract or tort, based on an alleged act, omission or neglect shall be commenced within three years from the date the cause of action accrues, except that a minor under the full age of six years shall have until his ninth birthday in which the action may be commenced, but in no event shall any such action be commenced more than seven years after occurrence of the act or omission which is the alleged cause of the injury upon which such action is based except where the action is based upon the leaving of a foreign object in the body.

SECTION 24. Said chapter 231 is hereby further amended by inserting after section 60E the following section:–

Section 60F. (a) In every action for malpractice, negligence, error, omission, mistake or the unauthorized rendering of professional services against a provider of health care which is tried to a jury, the court shall instruct the jury that if the jury awards damages to the plaintiff or plaintiffs it shall specify the total amount of damages, as well as the applicable elements of special and general damages upon which the award of damages is based and the amount of the total damages assigned to each element, including, but not limited to:

(1) Amounts intended to compensate the plaintiff for reasonable expenses which have been incurred, or which will be incurred, for necessary medical, surgical, X-ray, dental, or rehabilitative services, including prosthetic devices; necessary ambulance, hospital, and nursing services; drugs; and therapy;

(2) Amounts intended to compensate the plaintiff for lost wages or loss of earning capacity and other economic losses which have been incurred or will be incurred; and

(3) Amounts intended to compensate the plaintiff for pain and suffering, loss of companionship, embarrassment, and other items of general damages, which have been incurred or will be

incurred in the future, and whether there is a substantial or permanent loss or impairment of a bodily function, or substantial disfigurement, or other special circumstances in the case which warrant a finding that imposition of the limitation specified in section sixty I would deprive the plaintiff of just compensation for the injuries sustained.

Each element shall be further itemized into amounts intended to compensate for damages which have been incurred prior to the verdict and amounts intended to compensate for damages to be incurred in the future. In itemizing amounts intended to compensate for future damages, the jury shall set forth the period of weeks, months or years over which such amounts are intended to provide compensation. The court shall apply to each element of past and future damages any rules of law applicable to the review of jury verdicts, including without limitation the sufficiency of the evidence to support the verdict, any set-offs or credits, and appropriate additurs or remittiturs.

(b) In every action for malpractice, negligence, error, omission, mistake or the unauthorized rendering of professional services against a provider of health care which is tried without a jury, if the court awards damages to the plaintiff or plaintiffs, it shall find the total amount of damages, and specify the applicable elements of special and general damages upon which the award of damages is based and the amount of the total damages assigned to each element, including, but not limited to:

(1) Amounts intended to compensate the plaintiff for reasonable expenses which have been incurred, or which will be incurred, for necessary medical, surgical, X-ray, dental, or rehabilitative services, including prosthetic devices; necessary ambulance, hospital and nursing services; drugs; and therapy;

(2) Amounts intended to compensate the plaintiff for lost wages or loss of earning capacity and other economic losses which have been incurred or will be incurred; and

(3) Amounts intended to compensate the plaintiff for pain and suffering, loss of companionship, embarrassment, and other items of general damages, which have been incurred or will be incurred in the future, and whether there is a substantial or permanent impairment of a bodily function, or substantial disfigurement, or other special circumstances in the case which warrant a finding that imposition of the limitation specified in section sixty I would deprive the plaintiff of just compensation for the injuries sustained.

Each element shall be further itemized into amounts intended to compensate for damages which have been incurred prior to the verdict and amounts intended to compensate for damages to be incurred in the future. In itemizing amounts intended to compensate for future damages, the court shall set forth the period of weeks, months or years over which such amounts are intended to provide compensation.

SECTION 25. Said chapter 231 is hereby further amended by inserting after section 60F, inserted by section 24 of this act, the following section:–

Section 60G. (a) In every action for malpractice, negligence, error, omission, mistake, or the unauthorized rendering of professional services

against a provider of health care in which the plaintiff seeks to recover for the costs of medical care, custodial care or rehabilitation services, loss of earnings or other economic loss, if the jury returns a verdict specifying the type and amount of such damages under subsection (a) of section sixty F of this chapter, or the court finds the type and amount of such damages as required under subsection (b) of section sixty F of this chapter, on motion by a defendant or upon its own motion, the court shall hear evidence of any amount of such damages incurred prior to the judgment which the defendant or defendants claim was replaced, compensated or indemnified pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, any accident insurance that provides health benefits or income disability coverage, any contract or agreement of any group, organization, partnership, or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services, any contract or agreement to continue to pay, in whole or in part, the plaintiff's wages or income, or any other collateral source of benefits whatsoever, except for gratuitous payments or gifts. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount the plaintiff himself paid or contributed to secure his right to the benefits concerning which the defendant has introduced evidence.

(b) If the court finds that any such cost or expense was replaced, compensated, or indemnified from any collateral source, it shall reduce the amount of the award by such finding, minus an amount equal to the premiums or other amounts paid by the plaintiff for such benefits for the one-year period immediately preceding the accrual of such action.

(c) Notwithstanding the provisions of section seventy A of chapter one hundred and eleven of the General Laws, no entity which is the source of the collateral benefits by which the court has reduced the award to the plaintiff hereunder shall recover any amount against the plaintiff, nor shall it be subrogated to the rights of the plaintiff against the defendant, nor shall it have a lien against the plaintiff's judgment, on account of its payment of the benefits by which the court has reduced the amount of the plaintiff's judgment; provided that, if the plaintiff has received compensation or indemnification from any collateral source whose right of subrogation is based in any federal law, the court shall not reduce the award by the amounts received prior to judgment from such collateral source and such amounts may be recovered in accordance with such federal law.

(d) During the pendency of any such action, if a plaintiff has a policy of insurance which provides health benefits or income disability coverage, and the plaintiff is unwilling or unable to pay the costs of renewing or continuing that policy of insurance in force, the defendant or defendants may tender to the plaintiff the cost of maintaining the said policy in force. Upon receipt of such tender, the plaintiff shall continue such policy of insurance in force. Nothing in this subsection shall be construed to compel a plaintiff to renew or maintain any policy of insurance in force prior to receipt of the said tender, or to interfere in any way with the plaintiff's choice of physician or course of medical treatment.

SECTION 26. Said chapter 231 is hereby further amended by inserting after section 60G, inserted by section 25 of this act, the following section:–

Section 60H. In any action for malpractice, negligence, error, omission, mistake or the unauthorized rendering of professional services, other than actions brought under section two of chapter two hundred and twenty-nine, against a provider of health care, the court shall instruct the jury that in the event they find the defendant liable, they shall not award the plaintiff more than five hundred thousand dollars for pain and suffering, loss of companionship, embarrassment and other items of general damages unless the jury determines that there is a substantial or permanent loss or impairment of a bodily function or substantial disfigurement, or other special circumstances in the case which warrant a finding that imposition of such a limitation would deprive the plaintiff of just compensation for the injuries sustained. In any such action which is tried without a jury, the court shall not award the plaintiff more than five hundred thousand dollars for pain and suffering, loss of companionship, embarrassment and other items of general damages unless the aforesaid findings are made specially by the court and stated separately in the judgment entered by the court. Except in those cases where the aforesaid findings are made, if two or more plaintiffs have received verdicts or findings of such damages in a total amount, for all plaintiffs claiming damages from a single occurrence, transaction, act of malpractice, or injury which exceeds five hundred thousand dollars, the amount of such damages recoverable by each plaintiff will be reduced to a percentage of five hundred thousand dollars proportionate to that plaintiff's share of the total amount of such damages for all plaintiffs. Such limit shall apply, except in those cases where the aforesaid findings are made, regardless of the number of persons liable jointly or severally for the said damages.

SECTION 27. Said chapter 231 is hereby amended by inserting after section 60H, inserted by section 26 of this act, the following section:–

Section 60I. Attorney fees for services rendered on behalf of a claimant or defendant in a medical negligence case shall be fair and reasonable. An attorney representing a claimant may charge a client a contingency fee, which shall be subject to the rules and guidelines of the supreme judicial court. No contingent fee agreement, shall be enforced, and no attorney shall recover a fee thereunder, as a result of services rendered in an action against a provider of health care for malpractice, negligence, error, omission, mistake, or the unauthorized rendering of professional services if, at the time of judgment, the court determines that the amount of the recovery paid or to be paid to the plaintiff, after deduction of the attorney's reasonable expenses and disbursements for which the plaintiff is liable and the amount of the attorney's fee, is less than the total amount of the plaintiff's unpaid past and future medical expenses included in the recovery, unless the contingent attorney's fee: (a) is twenty per cent or less of the plaintiff's recovery; (b) is reduced to twenty per cent or less of the plaintiff's recovery; or (c) is reduced to a level which permits the plaintiff to be paid his unpaid past and future medical expenses included in the recovery.

An attorney shall not contract for or collect a contingent fee for representing any person seeking damages in connection with an action for malpractice, negligence, error, omission, mistake, or the unauthorized rendering of professional services against a provider of health care in excess of the following limits:

(1) Forty per cent of the first one hundred and fifty thousand dollars recovered;

(2) Thirty-three and one-third per cent of the next one hundred and fifty thousand dollars recovered;

(3) Thirty per cent of the next two hundred thousand dollars recovered;

(4) Twenty-five per cent of any amount by which the recovery exceeds five hundred thousand dollars.

The limitations shall apply regardless of whether the recovery is by settlement, arbitration or judgment. Nothing herein shall preclude any attorney from contracting to represent a client for less than the above limits, nor shall anything herein preclude a court from assessing reasonable attorney's fees at any amount below the above limits or from determining that attorney's fees below such limits are unreasonably high in a particular case.

SECTION 28. Section 85N of said chapter 231, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "hospital", in line 3, the words:– or a health maintenance organization licensed under the provisions of chapter one hundred and seventy-six G.

SECTION 29. Section 4 of chapter 260 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 to 3, inclusive, the words "of contract or tort for malpractice, error or mistake against physicians, surgeons, dentists, optometrists, hospitals and sanatoria, actions".

SECTION 30. Said section 4 of said chapter 260, as so appearing, is hereby further amended by inserting after the first paragraph the following paragraph:–

Actions of contract or tort for malpractice, error or mistake against physicians, surgeons, dentists, optometrists, hospitals and sanatoria shall be commenced only within three years after the cause of action accrues, but in no event shall any such action be commenced more than seven years after occurrence of the act or omission which is the alleged cause of the injury upon which such action is based except where the action is based upon the leaving of a foreign object in the body.

SECTION 31. The second paragraph of section 6 of chapter 362 of the acts of 1975 is hereby further amended by adding the following sentence:– Upon approval of the commissioner, the association may for all purposes consider the business of each category of health care provider as a separate line of business.

SECTION 32. The third paragraph of said section 6 of said chapter 362 is hereby amended by striking out, in lines 6 to 10, inclusive, the words "one million dollars for each claimant under one policy and three million

dollars for all claimants under one policy in any one year, or ten million dollars for all claimants under one policy in any one year, provided the applicant is a hospital" and inserting in place thereof the words:– two million dollars for each claimant under one policy and six million dollars for all claimants under one policy in any one year, or twenty million dollars for all claimants under one policy in any one year, provided the applicant is a hospital.

SECTION 33. Said section 6 of said chapter 362 is hereby amended by striking out the tenth paragraph, inserted by chapter 431 of the acts of 1978, and inserting in place thereof the following paragraph:–

The association shall be governed by a board of fifteen directors, eight of whom shall be elected by cumulative voting by the members of the association, whose votes in such election shall be weighted in accordance with each member's net direct premium written during the preceding calendar year. Five directors shall be appointed by the commissioner as representatives of the medical profession, one of whom shall be a representative of licensed hospitals. One director shall be appointed by the commissioner as a representative of insurance producers and one director shall be appointed by the commissioner as a representative of the public.

SECTION 34. Said section 6 of said chapter 362 is hereby further amended by inserting after the twelfth paragraph the following two paragraphs:–

There shall be established within the association, a data repository for the purpose of compiling and maintaining the information required to be reported pursuant to section five C of chapter one hundred and twelve of the General Laws.

The association shall undertake an investigation so as to determine and compile the information required to be reported in section five C of chapter one hundred and twelve of the General Laws. The subject matter of said investigation shall be limited to those judgments, settlements, dispositions, names, nature and substance of claims, dates and such other information as required pursuant to section five C of chapter one hundred and twelve of the General Laws arising out of contractual obligations incurred as the result of medical malpractice insurance policies issued in the five policy years immediately prior to January first, nineteen hundred and eighty-seven.

SECTION 35. The thirteenth paragraph of said section 6 of said chapter 362 is hereby amended by inserting after the second sentence the following two sentences:– In determining whether any rate increase recommended by the association shall be established, the commissioner shall make a finding as to whether the risk management techniques established by the board of registration in medicine pursuant to section five of chapter one hundred and twelve of the General Laws have had or are expected to have a demonstrated impact on the reduction or stabilization of the frequency, amount and costs of claims against the association. The association shall, subject to the commissioner's approval, impose a system of discounts for physicians or other insureds who participate in risk management activities.

SECTION 36. Said section 6 of said chapter 362 is hereby further amended by adding the following paragraph:–

Effective January first, nineteen hundred and eighty-seven, the commissioner is authorized to establish a system of surcharges and credits for all physicians insured by the association. Said system shall provide for surcharges to be imposed on all physicians insured by the association whose claims in the previous five years exceed in number the average number of claims asserted against physicians in their specialty. Such surcharges each year for a physician shall be calculated on an actuarially sound basis to reflect the increased cost of defending physicians with more claims asserted against them than the average in their specialty. A physician who does not renew his policy with the association for any year will not be liable for any surcharges for the year of nonrenewal, except that a physician who would otherwise be liable for a surcharge and purchases from the association coverage for occurrences which took place during a period in which he was covered under a claims-made policy may be charged in the premium for such additional coverage a surcharge calculated on an actuarially sound basis. Said system shall further provide for credits to be given to all physicians insured by the association who have not had a civil action commenced against them for malpractice, error or mistake in the provision or failure to provide medical or surgical services during their practice in the commonwealth over a time period which the commissioner by regulation shall determine. The credit or credits will be calculated by specialty on an actuarially sound basis to reflect any decreased likelihood of such physicians incurring liability for claims for which the association will be liable.

SECTION 37. Said chapter 362 is hereby further amended by striking out section 13, as most recently amended by chapter 650 of the acts of 1985, and inserting in place thereof the following section:–

Section 13. Sections four, six and twelve of this act shall take effect upon their passage, and all other sections of this act shall take effect on January first, nineteen hundred and seventy-six. Section six of this act shall terminate on July first, nineteen hundred and ninety-two.

SECTION 38. (1) As used in this section, the following terms shall have the following meanings:–

"Total deferred premium liability", an amount equal to the difference between the amount of premium charges payable with respect to all policies issued on or after July first, nineteen hundred and eighty-three and before July first, nineteen hundred and eighty-six for medical malpractice insurance for physicians in the commonwealth insured by the medical malpractice joint underwriting association, created pursuant to section six of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five, as finally established with respect to such policies pursuant to the provisions of section five A of chapter one hundred and seventy-five A of the General Laws, and the amount of premium charges which were payable with respect to such policies during said period, as established by the commissioner of insurance in his decision dated May eighteenth, nineteen hundred and eighty-four.

"Individual deferred premium liability", an amount equal to the difference between the amount of premium charges payable with respect to policies issued on or after July first, nineteen hundred and eighty-three and before July first, nineteen hundred and eighty-six for medical malpractice insurance for an individual physician in the commonwealth insured by the medical malpractice joint underwriting association, as finally established with respect to such policies pursuant to the provisions of section five A of chapter one hundred and seventy-five A of the General Laws, and the amount of premium charges which were payable with respect to such policies during said period, as established by the commissioner of insurance in his decision dated May eighteenth, nineteen hundred and eighty-four.

(2) Notwithstanding any general or special law to the contrary, with respect to policies issued on or after July first, nineteen hundred and eighty-three and before July first, nineteen hundred and eighty-six for medical malpractice insurance for physicians in the commonwealth insured by the medical malpractice joint underwriting association, no premium charges shall be recovered, except as provided in paragraph (4) of this section, prior to July first, nineteen hundred and eighty-seven in excess of the premium charges established by the commissioner of insurance in his decision dated May eighteenth, nineteen hundred and eighty-four. Nothing contained in this section shall be construed to prevent or interfere with the final establishment of premium charges with respect to such policies by the commissioner of insurance pursuant to the provisions of section five A of chapter one hundred and seventy-five A of the General Laws, provided that the total deferred premium liability or any individual deferred premium liability accruing with respect to such policies shall be recovered only in accordance with the provisions of paragraphs (3) and (4), respectively, of this section.

(3) Commencing on July first, nineteen hundred and eighty-seven, the total deferred premium liability shall be recovered by the joint underwriting association as follows. The commissioner of insurance shall annually determine the portion of the total deferred premium liability then outstanding which is attributable to each risk classification of premium charges for policies of medical malpractice insurance. In making such determinations, the commissioner shall attribute to each such classification that portion of the total deferred premium liability then outstanding which accrued with respect to policies of medical malpractice insurance issued on or after July first, nineteen hundred and eighty-three and before July first, nineteen hundred and eighty-six for physicians engaging in the practice or specialty included in such classification as of the date of such determination. In making such determination, the commissioner shall also deduct from the portion of the total deferred premium liability then outstanding which would otherwise be attributable to each such classification any amounts of individual deferred premium liability which have been recovered pursuant to paragraph (4) of this section. With respect to policies of medical malpractice insurance issued by the joint underwriting association on or after July first, nineteen hundred and eighty-seven and before July first, nineteen hundred and ninety-two, the commissioner

shall, in addition to the rates established for such policies pursuant to section five A of chapter one hundred and seventy-five A of the General Laws, establish a separate rate for each risk classification which shall be sufficient to permit the recovery by the association of the following amounts, plus interest on the amount then outstanding calculated at the rate of eleven per cent per year, commencing as of July first, nineteen hundred and eighty-seven: twenty per cent of the total deferred premium liability outstanding as of July first, nineteen hundred and eighty-seven for each such classification, such rate to apply to policies issued on or after July first, nineteen hundred and eighty-seven and before July first, nineteen hundred and eighty-eight; twenty-five per cent of the total deferred premium liability outstanding as of July first, nineteen hundred and eighty-eight for each such classification, such rate to apply to policies issued on or after July first, nineteen hundred and eighty-eight and before July first, nineteen hundred and eighty-nine; thirty-three and one-third per cent of the total deferred premium liability outstanding as of July first, nineteen hundred and eighty-nine, such rate to apply to policies issued on or after July first, nineteen hundred and eighty-nine and before July first, nineteen hundred and ninety; fifty per cent of the total deferred premium liability outstanding as of July first, nineteen hundred and ninety, such rate to apply to policies issued on or after July first, nineteen hundred and ninety and before July first, nineteen hundred and ninety-one; and one hundred per cent of the total deferred premium liability outstanding as of July first, nineteen hundred and ninety-one, such rate to apply to policies issued on or after July first, nineteen hundred and ninety-one and before July first, nineteen hundred and ninety-two. Such separate rates may be assessed and recovered with respect to policies of medical malpractice insurance issued during said periods by the Joint Underwriting Association in the same manner as rates established pursuant to section five A of chapter one hundred and seventy-five A of the General Laws are assessed and recovered.

(4) Notwithstanding the provisions of paragraph (2) of this section, any physician who was covered by a policy of medical malpractice insurance issued by the Joint Underwriting Association on or after July first, nineteen hundred and eighty-three and before July first, nineteen hundred and eighty-six and who ceases to practice medicine in the commonwealth, unless such cessation is caused by the death of the physician, the retirement of the physician due to disability or after attainment of age sixty-five, or the relocation of the physician outside of the commonwealth immediately upon completion of a residency or internship, shall be liable as of the date of such cessation of practice for the amount of individual deferred premium liability which has accrued with respect to such policies; provided that if such cessation of practice occurs after July first, nineteen hundred and eighty-seven, said individual deferred premium liability shall be reduced by the amount of total deferred premium liability recovered from said physician pursuant to paragraph (3) of this section. The joint underwriting association shall report to the commissioner of insurance no later than April first of each year, commencing in nineteen hundred and eighty-seven and

until nineteen hundred and ninety-one, of the amounts recovered from physicians in each risk classification who are subject to recovery of individual deferred premium liability pursuant to this paragraph. Failure by the association to report any amount recovered from a physician pursuant to this paragraph shall constitute an unfair and deceptive insurance act punishable under chapter one hundred and seventy-six D of the General Laws; provided that each such failure to report shall constitute a separate act or practice for the purpose of imposition of penalty under that chapter.

SECTION 39. The special commission on medical malpractice established in chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five is hereby authorized and directed to conduct an investigation and study of the legal, tax, reimbursement, and regulatory status of nonprofit hospital service corporations and nonprofit medical service corporations, as established pursuant to chapters one hundred and seventy-six A and one hundred and seventy-six B of the General Laws. Said study shall also include a review of the standing of said corporations in relationship to other health care insurers and nonprofit medical service corporations within and without the commonwealth, to government programs of health insurance and to competing and alternative forms of health care financing. Particular attention shall be paid to the corporations' rights to contract with professional and other noninstitutional providers of health care services, the system of payments made by said corporation, including the impact of the prohibition on the practice of balance billing, so-called, the process by which the fees paid by said corporations to participating physicians are set, the extent to which said fees are reflective of the costs of providing medical services, including but not limited to, the cost of medical malpractice premiums, the adequacy and efficacy of existing dispute resolution mechanisms available to said corporations and professional providers, the financial and accounting procedures of said corporations and their impact on the quality and cost of health care services.

Said commission is further directed to conduct an investigation and study into the feasibility of establishing a patient compensation fund, so-called. Said study shall include a review of the operation of such funds in other states, an analysis of various funding mechanisms, and an estimate of the administrative cost of such a fund and its potential impact on medical malpractice premiums.

Said commission is further directed to conduct an investigation and study relative to the viability of a system which would provide for early tender of compensation to victims of medical malpractice, the economic ramifications of such a system upon such victims, the potential effect such a system might have upon premiums for medical malpractice insurance, the ability of the joint underwriting association to administer a system of early tender of compensation, a comparison of an early tender system of compensation to the existing medical malpractice procedure, the question of whether or not a system of early tender of compensation would have a negative effect on the ability of this commonwealth to effectively oversee and, where necessary, to discipline

practicing physicians and such other matters as may help in determining whether the implementation of an early tender of compensation system to victims of medical malpractice is feasible.

The commissioner of insurance is hereby authorized to make an annual assessment against the insurance companies licensed to write health and accident insurance policies and personal injury liability insurance policies covering residents of Massachusetts and regulated under paragraph six of section forty-seven of chapter one hundred and seventy-five, fraternal benefit societies regulated under section thirteen A of chapter one hundred and seventy-six, hospital service corporations regulated under chapter one hundred and seventy-six A, medical service corporations regulated under chapter one hundred and seventy-six B, nonprofit medical service plans regulated under chapter one hundred and seventy-six C, dental service corporations regulated under chapter one hundred and seventy-six E, optometric service corporations regulated under chapter one hundred and seventy-six F, and health maintenance organizations regulated under chapter one hundred and seventy-six G an amount not to exceed four hundred thousand dollars. Said assessment shall be apportioned among such companies on a fair and reasonable basis. Said assessment shall be used, in addition to such other funds as may be appropriated, to defray the expenses of conducting the studies required by this section and may be expended for such expert, legal, investigative, clerical and other assistance as may be required.

The result of the studies together with any recommendations of the commission, shall be filed with the joint committee on insurance and the house and senate committees on ways and means no later than July first, nineteen hundred and eighty-seven.

The provisions of this section shall expire on December thirty-first, nineteen hundred and eighty-seven.

SECTION 40. The board of registration in medicine is hereby authorized and directed to promulgate regulations relative to the participation of physicians in risk management programs pursuant to section five of chapter one hundred and twelve of the General Laws, the requirement that physicians obtain professional malpractice liability insurance pursuant to section two of chapter one hundred and twelve of the General Laws and the prioritization and establishment of timelines for investigation of complaints and reports pursuant to section five K of chapter one hundred and twelve of the General Laws. The board shall file said rules and regulations with the clerk of the house of representatives for transmittal to the joint committee on insurance, no later than January first, nineteen hundred and eighty-seven. Such regulations shall take effect no sooner than sixty days after the date of such filing.

SECTION 40A. The secretary of consumer affairs and business regulation shall from time to time review and evaluate the implementation of this act, and shall recommend annually, on July first, to the general court whether to include the practice of podiatry and podiatric medical malpractice insurance premiums within its provisions.

SECTION 41. Sections four, eighteen, thirty-one, thirty-two,

ACTS, 1986. – Chaps. 352, 353.

thirty-seven, thirty-eight, thirty-nine and forty of this act shall take effect as of July first, nineteen hundred and eighty-six. Section two shall take effect as of July first, nineteen hundred and eighty-six, provided that rates set pursuant to section thirty-two of chapter six A of the General Laws for workers compensation benefits shall not be adjusted for changes in medical malpractice premium charges effective prior to July first, nineteen hundred and eighty-eight. Sections one, three, five, six, seven, eight, nine, ten, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, twenty-eight and thirty-three shall take effect on October first, nineteen hundred and eighty-six. Sections twenty and twenty-one shall take effect on November first, nineteen hundred and eighty-six and shall apply to actions commenced on or after that date. Section twenty-two shall take effect on November first, nineteen hundred and eighty-six and shall apply to findings, judgments and other dispositions entered on or after that date. Sections twenty-three, twenty-six, twenty-seven, twenty-nine and thirty shall take effect and apply to all claims arising from acts of malpractice, negligence, error, omission, mistake, or the unauthorized rendering of professional services by a provider of health care which acts occur on or after November first, nineteen hundred and eighty-six. Sections eleven, thirty-four, thirty-five and thirty-six shall take effect on January first, nineteen hundred and eighty-seven. Sections twenty-four and twenty-five shall take effect on November first, nineteen hundred and eighty-six and apply to all judgments, findings and other dispositions entered on or after that date.

Approved July 23, 1986.

EMERGENCY LETTER: July 23, 1986 @ 5:00 P.M.

Chapter 352. AN ACT PROVIDING COMPENSATION TO THE MEMBERS OF THE BOSTON SCHOOL COMMITTEE.

Be it enacted, etc., as follows:

SECTION 1. Section 20 of chapter 452 of the acts of 1948, as appearing in section 1 of chapter 376 of the acts of 1951, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:– The members of the school committee shall serve with compensation. Said compensation shall be a sum as may from time to time be fixed by ordinance.

SECTION 2. This act shall take effect as of July first, nineteen hundred and eighty-six.

Approved July 23, 1986.

Chapter 353. AN ACT RELATIVE TO THE ABATEMENTS OF TAXES ON CERTAIN ABANDONED REALPROPERTY.

ACTS, 1986. – Chaps. 354, 355.

Be it enacted, etc., as follows:

The second paragraph of section 8 of chapter 58 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 34, the words "abandoned residential" and inserting in place thereof the words:– primarily residential abandoned.

Approved July 23, 1986.

Chapter 354. AN ACT RELATIVE TO THE AMOUNT OF CERTAIN RETIREMENT OR DEATH BENEFITS WHICH MAY BE PAID BY THE WESTON POLICE RELIEF ASSOCIATION, INCORPORATED.

Be it enacted, etc., as follows:

SECTION 1. The Weston Police Relief Association, Incorporated, a corporation duly established under the laws of the commonwealth, is hereby authorized to pay an amount not exceeding ten thousand dollars to a member of the association in good standing upon said member's retirement or separation with twenty or more years of service as a permanent officer of the police department of the town of Weston. Any member of the association in good standing with less than twenty years of service upon retirement or separation shall receive one-twentieth of said ten thousand dollars for every year served as a member of said Weston Police Relief Association, Incorporated.

SECTION 2. The Weston Police Relief Association, Incorporated is hereby authorized to pay, in lieu of retirement or separation benefit, an amount not exceeding ten thousand dollars to the designated beneficiary of a retired, separated or nonretired member of the association upon the death of said member.

SECTION 3. This act shall take effect as of December twelfth, nineteen hundred and eighty-four.

Approved July 23, 1986.

Chapter 355. AN ACT FURTHER REGULATING PUBLIC EDUCATION.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 13 of chapter 188 of the acts of 1985 is hereby amended by adding the following sentence:– Educational collaboratives, formed under the provisions of section four E of chapter forty of the General Laws, may accept the provisions of this section by a majority vote of the collaborative board and approval by a vote majority of the appropriating authorities of member cities and towns.

ACTS, 1986. – Chaps. 356, 357.

SECTION 2. Section 40 of chapter 71 of the General Laws, as amended by section 16 of chapter 188 of the acts of 1985, is hereby further amended by adding the following sentence:– Educational collaboratives, formed under the provisions of section four E of chapter forty, may accept the provisions of this section by a majority vote of the collaborative board and the approval by a vote of the majority of the appropriating authorities of the member cities and towns.

SECTION 3. The provisions of the ninth paragraph of section four E of chapter forty of the General Laws shall not apply to a person employed by an educational board as an instructor of children with severe special needs, teacher of children with special needs, teacher, guidance counselor or school psychologist as of May eighth, nineteen hundred and eighty-one as long as said person continues to be employed in the same position by such collaborative board.

Approved July 23, 1986.

Chapter 356. AN ACT RELATIVE TO THE USE OF FREE CASH IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

The second paragraph of section 23 of chapter 59 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– Such amounts of available funds so certified by the director of accounts as available on the July first immediately preceding shall be reported by the assessors to the board of selectmen in a town; to the town council in a town without a town meeting, and the city council in a city, as part of the annual budget and shall be subject to appropriation.

Approved July 23, 1986.

Chapter 357. AN ACT FURTHER REGULATING LOCAL SURPLUS OVERLAY ACCOUNTS IN MUNICIPALITIES.

Be it enacted, etc., as follows:

Chapter 59 of the General Laws is hereby amended by striking out section 25, as amended by chapter 156 of the acts of 1985, and inserting in place thereof the following section:–

Section 25. The assessors in any city or town, except Boston, may add to the amount to be assessed not more than five per cent thereof, or such larger amount as the commissioner may approve, although the limit of taxation as fixed in any city may by such overlay be exceeded, such amount to be used only for avoiding fractional divisions of the amount to be assessed in the apportionment thereof and for abatements granted on account of property assessed for the fiscal year for which the

ACTS, 1986. – Chaps. 358, 359.

overlay is made or of taxes in the warrant of which the overlay is a part, but any balance in the overlay account, in excess of the amount of the warrant remaining to be collected or abated, as certified by the board of assessors, shall be transferred by the board of assessors, with written notice of the transfer to the chief executive officer, to a reserve fund to be used for extraordinary or unforeseen expenses or the Pension Reserve Fund, established pursuant to section five D of chapter forty. This section shall apply to fire, water and improvement districts.

Approved July 23, 1986.

Chapter 358. AN ACT AUTHORIZING THE TOWN OF HULL TO LEASE CERTAIN PROPERTY FOR A PERIOD NOT TO EXCEED TWENTY-FIVE YEARS.

Be it enacted, etc., as follows:

The town of Hull acting by and through its town meeting is hereby authorized to lease certain town property known as the Nantasket pier for a term not to exceed twenty-five years, provided that the proposed development shall be subject to the approval of town meeting.

Approved July 23, 1986.

Chapter 359. AN ACT DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF NATICK.

Be it enacted, etc., as follows:

The division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized, in consultation with the metropolitan district commission and the water resources authority, to convey with quitclaim covenants, to Theresa Elizabeth Dowd all right, title and interest of the commonwealth may have in a certain parcel of land located in the town of Natick, except the "proposed easement" as hereinafter set forth, for the consideration that the grantee herein relinquishes all right, title and interest to said existing easement and shown on a plan referred to in the second paragraph of this act, as a "proposed easement," and for the further consideration that the said grantee shall have signed an agreement relinquishing any and all rights that she or her heirs, successors or assigns may have in said easement and may be or may have been entitled to for compensation, including interest accrued thereon, either from the commonwealth or the said town of Natick for reimbursement for any or all back taxes which the said grantee and her predecessors in title have paid on said parcel from the time of its taking by the city of Boston in the year eighteen hundred and seventy-six to the present.

ACTS, 1986. – Chap. 360.

Said parcel of land is located in said town, with the buildings thereon, situated on the southerly side of Union street, and shown on a plan entitled "Plan of Land in Natick, Massachusetts owned by Francis E. and Theresa Elizabeth Dowd, drawn by MacCarthy and Sullivan, Engineering, Inc.", and dated November 7, 1985, and recorded in the southern district registry of deeds in the county of Middlesex, and being more particularly described as follows:

Beginning at a point on the sideline of Union Street, a public way, nineteen and 77/100 (19.77) feet from a found stone bound, which is the assumed center of the Sudbury Aqueduct so called;

Then running along the easterly sideline of Union Street S 69% 20'00"E, eighty-four and 27/100 (84.27) feet to a point;

Then the line turns and runs S 33% 34'00"W, two hundred and 07/100 (200.07) feet to a found stone bound (Old Country Marker) as shown on said plan;

Then the line turns and runs N 56% 56'57"W seventy-nine and 09/100 (79.09) feet to a found stone bound which is the assumed center of the Sudbury Aqueduct so called;

Then the line turns and runs N 32% 36'10"E, one hundred and eighty-one and 99/100 (181.99) feet to the point of beginning.

Said parcel contains 10.454 square feet, more or less, according to said plan.

Said parcel shall be conveyed subject to the restriction that no buildings, foundations or structures shall be erected or maintained on or over that portion of said parcel which is shown on said plan as

"Existing Easement, Commonwealth of Massachusetts, Metropolitan District Commission, (Sudbury Aqueduct)" without the prior written approval of the said water resources authority or its successor and assigns.

Any interest the commonwealth has or may have in and to said property is derived under a taking against James Sweeney by the city of Boston through the agency of the Cochituate water board authority dated September 28, 1876 and recorded with the southern district registry of deeds in the county of Middlesex at 27 EX 103, Book of Partitions.

A copy of the agreement referred to in the first paragraph shall be filed with the water resources authority and recorded with the said southern district registry of deeds.

Approved July 23, 1986.

Chapter 360. AN ACT AUTHORIZING ANATOMICAL GIFTS TO TAKE EFFECT PRIOR TO DEATH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 113 of the General Laws is hereby amended by striking out section 7, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:—

Section 7. In sections eight to fourteen, inclusive, unless the context otherwise requires, the following words shall have the following meanings:

"Acute hospital", any hospital licensed under section fifty-one of chapter one hundred and eleven, and the teaching hospital of the University of Massachusetts medical school, which contain a majority of medical-surgical, pediatric, obstetric, and maternity beds as defined by the department of public health.

"Bank or storage facility", a facility licensed, accredited or approved by the department of public health.

"Commissioner", the commissioner of the department of public health.

"Decedent", a deceased individual and includes a stillborn infant or fetus.

"Department", the department of public health.

"Donor", an individual who makes a gift of all or part of his body.

"Hospital", a hospital licensed, accredited or approved under the laws of any state and includes a hospital operated by the United States government, a state or a subdivision thereof, although not required to be licensed under state laws.

"Part", includes organs, tissues, skin, eyes, bones, arteries, blood, other fluids and other portions of a human body and "part" includes "parts".

"Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

"Physician" or "surgeon", a physician or surgeon licensed or authorized to practice under the laws of any state.

"State", includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

SECTION 2. Said chapter 113 is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:—

Section 8. (a) A person of sound mind and who is eighteen years of age or older may make a gift of all or any part of his body for any purposes specified in section nine, said gift to take effect upon his death, or in the case of a living donor at such time prior to his death as he may specify in accordance with the requirements of subsection (b) of section ten, so long as such donation does not jeopardize in any way the life and health of the donor.

(b) On or before the occurrence of death in an acute hospital, the director or other person in charge of such hospital, or his designated representative, including, but not limited to, the physician responsible for the care of the patient, shall inform any of the persons listed below in the order of priority stated, when persons in prior classes are not available, of the opportunity of authorizing a gift of all or part of the decedent's body for purposes of organ and tissue transplantation as specified in section nine; provided, however, that (1) no actual notice of contrary intentions by such persons has been received, (2) such information shall not cause undue emotional stress to the next of kin and (3) consent to such transplantation would yield an organ or tissue donation suitable for use in accordance with medical criteria as defined by physicians engaged in clinical transplantation therapy and as established by rules and regulations promulgated by the

department which shall contain standards consistent with the standards set forth in the Manual of the New England Organ Bank. The order of priority of such persons shall be:

- (1) the spouse,
- (2) an adult son or daughter,
- (3) either parent,
- (4) an adult brother or sister,
- (5) a guardian of the person of the decedent at the time of his death,
- (6) any other person authorized or under obligation to dispose of the body.

(c) The director or person in charge of such hospital or his designated representative shall record in a book kept for such purpose

(1) the names of those patients for whom consent to an anatomical gift had been granted, (2) the organs or tissues donated, (3) the name of the person granting consent, and (4) the relationship of such person to the decedent.

(d) If the donee has actual notice of contrary indications by the decedent, or that a gift authorized by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection (b) may make the gift after death or immediately before death.

(e) A gift of all or part of a body authorizes premortem tests, and any other examination necessary to assure medical acceptability of the gift for the purposes intended by the donor.

(f) The rights of the donee created by the gift are paramount to the rights of others except as provided by subsection (d) of section thirteen.

(g) The commissioner shall issue an annual report summarizing and evaluating the data collected pursuant to subsection (c).

SECTION 3. Section 10 of said chapter 113, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) A gift of all or part of the body under subsection (a) of section eight may also be made by a document other than a will. Such gift shall become effective upon the death of the donor.

In the case of a gift of a living donor intended for transplantation, the donor shall authorize such gift in a document signed by the donor and also by at least two of the physicians who are to participate in the transplantation operation and who shall have previously examined the donor in connection with his gift. In all cases other than those involving the gift of a living donor, the document may be a card designed to be carried on the person which shall be signed by the donor in the presence of two competent witnesses who shall attest to and subscribe the document in said donor's presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence, and in the presence of two witnesses who must sign the document in his presence. Delivery of such document during the donor's lifetime is not necessary to make the gift valid.

SECTION 4. The commissioner of public health shall establish rules

ACTS, 1986. – Chaps. 361, 362.

and regulations in order to implement the provisions of this act. Said rules and regulations shall be promulgated and take effect on or before January first, nineteen hundred and eighty-seven.

Approved July 24, 1986.

Chapter 361. AN ACT RELATIVE TO THE BENEFITS FOR SURVIVING SPOUSES AND SURVIVING MINOR CHILDREN OF POLICE OFFICERS AND FIREFIGHTERS KILLED IN THE LINE OF DUTY.

Be it enacted, etc., as follows:

SECTION 1. Clause forty-second of section 5 of chapter 59 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended, in lines 890 through 892, by striking out the following words:– to the amount of eight thousand dollars of the taxable valuation of real property or the sum of seven hundred dollars, whichever would result in an abatement of the greater amount of actual taxes due.

SECTION 2. Said section 5 of said chapter 59 is hereby further amended by striking out, in clause forty-third, in lines 899 through 902, the following words:– to the amount of eight thousand dollars of the taxable valuation of real property or the sum of seven hundred dollars, whichever would result in an abatement of the greater amount of actual taxes due.

Approved July 23, 1986.

EMERGENCY LETTER: September 10, 1986 @ 2:06 P.M.

Chapter 362. AN ACT RELATIVE TO GIFTS OF SECURITIES AND MONEY TO MINORS.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter 201A, as appearing in the 1984 Official Edition, and inserting in place thereof the following chapter:–

**CHAPTER 201A.
UNIFORM GIFTS TO MINORS ACT.**

Section 1. Definitions. As used in this chapter the following words shall, unless the context requires otherwise, have the following meanings:–

"Adult", an individual who has attained the age of twenty-one years.

"Broker", a person lawfully engaged in the business of effecting transactions in securities or commodities for the person's own account or for the account of others.

"Court", means the probate and family court.

"Custodian", a person so designated under section nine or a successor

or substitute custodian designated under section eighteen.

"Custodial property", (i) any interest in property transferred to a custodian under this chapter and (ii) the income from and proceeds of that interest in property.

"Financial institution", a bank, trust company, savings institution, or credit union, chartered and supervised under state or federal law.

"Guardian", a person appointed or qualified by a court to act as guardian of a minor's property or a person legally authorized to perform substantially the same functions.

"Legal representative", an individual's personal representative or guardian.

"Member of the minor's family", the minor's parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt, whether of the whole or half blood or by adoption.

"Minor", an individual who has not attained the age of twenty-one years.

"Person", an individual, corporation, organization, or other legal entity.

"Personal representative", an executor, administrator, successor, personal representative, or voluntary administrator of a decedent's estate or a person legally authorized to perform substantially the same functions.

"State", includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

"Transfer", a transaction that creates custodial property under section nine.

"Transferor", a person who makes a transfer under this chapter.

"Trust company", a financial institution, corporation, or other legal entity, authorized to exercise general trust powers.

Section 2. Scope and Jurisdiction. (a) Except as otherwise provided in section twenty-two, this chapter shall apply to a transfer that refers to this chapter in the designation under subsection (a) of section nine by which the transfer is made if, at the time of the transfer, the transferor, or the minor, or the custodian is a resident of the commonwealth or the custodial property is located in the commonwealth. The custodianship so created remains subject to this chapter despite a subsequent change in residence of a transferor, the minor, or the custodian, or the removal of custodial property from the commonwealth.

(b) A person designated as custodian under this chapter is subject to personal jurisdiction in the commonwealth with respect to any matter relating to the custodianship.

(c) A transfer that purports to be made and which is valid under the Uniform Transfers to Minors Act, the Uniform Gifts to Minors Act, or a substantially similar act of another state, is governed by the law of the designated state and may be executed and is enforceable in the commonwealth if at the time of the transfer, the transferor, the minor, or the custodian is a resident of the designated state or the custodial property is located in the designated state.

Section 3. Nomination of Custodian. (a) A person having the right to designate the recipient of property transferable upon the occurrence of a

future event may revocably nominate a custodian to receive the property for a minor beneficiary upon the occurrence of the event by naming the custodian followed in substance by the words: "as custodian for _____ (name of minor) under the Massachusetts Uniform Transfers to Minors Act". The nomination may name one or more persons as substitute custodians to whom the property must be transferred, in the order named, if the first nominated custodian dies before the transfer or is unable, declines, or is ineligible to serve. The nomination may be made in a will, a trust, a deed, an instrument exercising a power of appointment, or in a writing designating a beneficiary of contractual rights which is registered with or delivered to the payor, issuer, or other obligor of the contractual rights.

(b) A custodian nominated under this section must be a person to whom a transfer of property of that kind may be made under subsection (a) of section nine.

(c) The nomination of a custodian under this section does not create custodial property until the nominating instrument becomes irrevocable or a transfer to the nominated custodian is completed under said section nine. Unless the nomination of a custodian has been revoked, upon the occurrence of the future event the custodianship becomes effective and the custodian shall enforce a transfer of the custodial property pursuant to said section nine.

Section 4. Transfer by Gift or Exercise of Power of Appointment. A person may make a transfer by irrevocable gift to, or the irrevocable exercise of a power of appointment in favor of, a custodian for the benefit of a minor pursuant to section nine.

Section 5. Transfer Authorized by Will or Trust. (a) A personal representative or trustee may make an irrevocable transfer pursuant to section nine to a custodian for the benefit of a minor as authorized in the governing will or trust.

(b) If the testator or settlor has nominated a custodian under section three to receive the custodial property, the transfer shall be made to such custodian.

(c) If the testator or settlor has not nominated a custodian under said section three, or all persons so nominated as custodian die before the transfer or are unable, decline, or are ineligible to serve, the personal representative or the trustee, as the case may be, shall designate the custodian from among those eligible to serve as custodian for property of that kind under subsection (a) of section nine.

Section 6. Other Transfer by Fiduciary. (a) Subject to subsection (c), a personal representative or trustee may make an irrevocable transfer to another adult or another trust company as custodian for the benefit of a minor pursuant to section nine, in the absence of a will or under a will or trust that does not contain an authorization to do so.

(b) Subject to subsection (c), a guardian may make an irrevocable transfer to another adult or another trust company as custodian for the benefit of the minor pursuant to section nine.

(c) A transfer under subsection (a) or (b) may be made only if (i) the personal representative, trustee, or guardian considers the transfer to

be in the best interest of the minor, (ii) the transfer is not prohibited by or inconsistent with provisions of the applicable will, trust agreement, or other governing instrument, and (iii) the transfer is authorized by the court if it exceeds ten thousand dollars in value.

Section 7. Transfer by Obligor. (a) Subject to subsections (b) and (c), a person not subject to section five or section six who holds property of or owes a liquidated debt to a minor not having a guardian may make an irrevocable transfer to a custodian for the benefit of the minor pursuant to section nine.

(b) If a person having the right to do so under section three has nominated a custodian under said section three to receive the custodial property, the transfer shall be made to such custodian.

(c) If no custodian has been nominated under said section three or all persons so nominated as custodian die before the transfer or are unable, decline, or are ineligible to serve, a transfer under this section may be made to an adult member of the minor's family or to a trust company unless the property exceeds ten thousand dollars in value.

Section 8. Receipt for Custodial Property. A written acknowledgment of delivery of a custodian constitutes a sufficient receipt and discharge for custodial property transferred to the custodian pursuant to this chapter.

Section 9. Manner of Creating Custodial Property and Effecting Transfer; Designation of Initial Custodian; Control. (a) Custodial property is created and a transfer is made whenever:

(1) an uncertificated security or a certificated security in registered form is either (i) registered in the name of the transferor, an adult other than the transferor or a trust company, followed in substance by the words: "as custodian for _____(name of minor) under the Massachusetts Uniform Transfers to Minors Act", or (ii) delivered if in certificated form, or any document necessary for the transfer of an uncertificated security is delivered, together with any necessary endorsement to an adult other than the transferor or to a trust company as custodian, accompanied by an instrument in substantially the form set forth in subsection (b);

(2) money is paid or delivered to a broker or financial institution for credit to an account in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for _____(name of minor) under the Massachusetts Uniform Transfers to Minors Act";

(3) the ownership of a life or endowment insurance policy or annuity contract is either (i) registered with the issuer in the name of the transferor, an adult other than the transferor, or a trust company, followed in substance by the words: "as custodian for _____(name of minor) under the Massachusetts Uniform Transfers to Minors Act", or (ii) assigned in a writing delivered to an adult other than the transferor or to a trust company whose name in the assignment is followed in substance by the words, "as custodian for _____(name of minor) under the Massachusetts Uniform Transfers to Minors Act";

(4) an irrevocable exercise of a power of appointment or an irrevocable present right to future payment under a contract is the subject of a written notification delivered to the payor, issuer, or other

obligor that the right is transferred to the transferor, an adult other than the transferor, or a trust company, whose name in the notification is followed in substance by the words, "as custodian for _____ (name of minor) under the Massachusetts Uniform Transfers to Minors Act";

(5) an interest in real property is recorded or registered in the name of the transferor, an adult other than the transferor or a trust company followed in substance by the words, "as custodian for _____ (name of minor) under the Massachusetts Uniform Transfers to Minors Act";

(6) a certificate of title issued by a department or agency of a state or of the United States which evidences title to tangible personal property is either (i) issued in the name of the transferor, an adult other than the transferor or a trust company followed in substance by the words, "as custodian for _____ (name of minor) under the Massachusetts Uniform Transfers to Minors Act", or (ii) delivered to an adult other than the transferor or to a trust company, endorsed to that person followed in substance by the words:

"as custodian for _____ (name of minor) under the Massachusetts Uniform Transfers to Minors Act"; or

(7) an interest in any property not described in paragraphs (1) to (6), inclusive, is transferred to an adult other than the transferor or to a trust company by a written instrument in substantially the form set forth in subsection (b).

(b) An instrument in the following form satisfies the requirements of clause (ii) of paragraphs (1) and (7) of subsection (a):

"TRANSFER UNDER THE MASSACHUSETTS UNIFORM TRANSFERS TO MINORS ACT

I, _____ (name of transferor or name and representative capacity if a fiduciary) hereby transfer to _____ (name of custodian), as custodian for _____ (name of minor) under the Massachusetts Uniform Transfers to Minors Act, the following: (insert a description of the custodial property sufficient to identify it).

Date: _____

(Signature)

_____ (name of custodian) acknowledges receipt of the property described above as custodian for the minor named above under the Massachusetts Uniform Transfers to Minors Act.

Dated: _____

"

(Signature of Custodian)

(c) A transferor shall place the custodian in control of the custodial property as soon as practicable.

Section 10. Single Custodianship. A transfer may be made only for one minor, and only one person may be the custodian. All custodial property held under this chapter by the same custodian for the benefit of the same minor constitutes a single custodianship.

Section 11. Validity and Effect of Transfer. (a) The validity of a transfer made in a manner prescribed in this chapter is not affected by:

(1) failure of the transferor to comply with subsection (c) of section nine concerning possession and control;

(2) designation of an ineligible custodian, except designation of the transferor in the case of property for which the transferor is ineligible to serve as custodian under subsection (a) of said section nine; or

(3) death or incapacity of a person nominated under section three or designated under said section nine as custodian or the disclaimer of the office by that person.

(b) A transfer made pursuant to said section nine is irrevocable, and the custodial property is indefeasibly vested in the minor, but the custodian has all the rights, powers, duties, and authority provided in this chapter and neither the minor nor the minor's legal representative has any right, power, duty or authority with respect to the custodial property except as provided in this chapter.

(c) By making a transfer, the transferor incorporates in the disposition all the provisions of this chapter and grants to the custodian, and to any third person dealing with a person designated as custodian, the respective powers, rights, and immunities provided in this chapter.

Section 12. Care of Custodial Property. (a) A custodian shall:

(1) take control of custodial property;

(2) register or record title to custodial property if appropriate; and

(3) collect, hold, manage, invest, and reinvest custodial property.

(b) In dealing with custodial property, a custodian shall observe the standard of care that would be observed by a prudent person dealing with property of another and is not limited by any other statute restricting investments by fiduciaries. Subject to such standard, custodial property may include undivided interests in any kind of real or personal property, so long as the minor's interest is that of a tenant in common and is fixed; provided, however, that a custodian, in the custodian's discretion and without liability to the minor or the minor's estate, may retain any custodial property received from a transferor.

(c) A custodian may invest in or pay premiums on life insurance or endowment policies on (i) the life of the minor only if the minor or the minor's estate is the sole beneficiary, or (ii) the life of another person in whom the minor has an insurable interest only to the extent that the minor, the minor's estate, or the custodian in the capacity of custodian, is the beneficiary.

(d) A custodian at all times shall keep custodial property separate and distinct from all other property in a manner sufficient to identify it clearly as custodial property of the minor. Custodial property subject to recordation is so identified if it is recorded, and custodial property subject to registration is so identified if it is either registered, or held in an account designated, in the name of the custodian, followed in substance by the words, "as a custodian for _____ (name of minor) under the Massachusetts Uniform Transfers to Minors Act".

(e) A custodian shall keep records of all transactions with respect to custodial property, including information necessary for the preparation of the minor's tax returns, and shall make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor if the minor has attained the age of fourteen years.

Section 13. Powers of Custodian. (a) A custodian, acting in a custodial capacity, has all the rights, powers, and authority over custodial property that unmarried adult owners have over their own property, but a custodian may exercise those rights, powers, and authority in that capacity only.

(b) This section does not relieve a custodian from liability for a breach of section twelve.

Section 14. Use of Custodial Property. (a) A custodian may deliver or pay to the minor or expend for the minor's benefit so much of the custodial property as the custodian considers advisable for the use and benefit of the minor, without court order and without regard to (i) the duty or ability of the custodian personally or of any other person to support the minor, or (ii) any other income or property of the minor which may be applicable or available for that purpose.

(b) On petition of an interested person or the minor if the minor has attained the age of fourteen years, the court may order the custodian to deliver or pay to the minor or expend for the minor's benefit so much of the custodial property as the court considers advisable for the use and benefit of the minor.

(c) A delivery, payment, or expenditure under this section is in addition to, not in substitution for, and shall not affect any obligation of a person to support the minor.

Section 15. Custodian's Expenses, Compensation, and Bond.

(a) A custodian is entitled to reimbursement from custodial property for reasonable expenses incurred in the performance of the custodian's duties.

(b) Except for one who is a transferor under section four, a custodian has a noncumulative election during each calendar year to charge reasonable compensation for services performed during that year.

(c) Except as provided in paragraph (f) of section eighteen, a custodian need not give a bond for the faithful performance of his duties.

Section 16. Exemption of Third Person From Liability. A third person in good faith and without court order may act on the instructions of or otherwise deal with any person purporting to make a transfer or purporting to act in the capacity of a custodian and, in the absence of knowledge, shall not be responsible for determining:

(1) the validity of the purported custodian's designation;

(2) the propriety of, or the authority under this chapter for, any act of the purported custodian;

(3) the validity or propriety under this chapter of any instrument or instructions executed or given either by the person purporting to make a transfer or by the purported custodian; or

(4) the propriety of the application of any property of the minor delivered to the purported custodian.

Section 17. Liability to Third Persons. (a) A claim based on (i) a contract entered into by a custodian acting in a custodial capacity, (ii) an obligation arising from the ownership or control of custodial property, or (iii) a tort committed during the custodianship, may be

asserted against the custodial property by proceeding against the custodian in the custodial capacity, whether or not the custodian or the minor is personally liable therefor.

(b) A custodian shall not be personally liable:–

(1) on a contract properly entered into in the custodial capacity unless the custodian fails to reveal that capacity and to identify the custodianship in the contract; or

(2) for an obligation arising from control of custodial property or for a tort committed during the custodianship unless the custodian is personally at fault.

(c) A minor shall not be personally liable for an obligation arising from ownership of custodial property or for a tort committed during the custodianship unless such minor is personally at fault.

Section 18. Renunciation, Resignation, Death, or Removal of Custodian; Designation of Successor Custodian. (a) A person nominated under section three or designated under section nine as custodian may decline to serve in a writing delivered to the person who made the nomination or to the transferor or the transferor's legal representative. If the event giving rise to a transfer has not occurred and no substitute custodian able, willing, and eligible to serve was nominated under said section three, the person who made the nomination may nominate a substitute custodian under said section three, otherwise the transferor or the transferor's legal representative shall designate a substitute custodian at the time of the transfer, in either case from among the persons eligible to serve as custodian for the kind of property under subsection (a) of section nine. The custodian so designated has the rights of a successor custodian.

(b) A custodian at any time may designate a trust company or an adult other than a transferor under section four as successor custodian by will or by executing and dating an instrument of the designation before a subscribing witness other than the successor. If the instrument of designation does not contain or is not accompanied by the resignation of the custodian, the designation of the successor is revocable and does not take effect until the custodian resigns, dies, becomes incapacitated, or is removed.

(c) A custodian may resign at any time by delivering written notice to the minor if the minor has attained the age of fourteen years and to the successor custodian and by transfer of possession or control of the custodial property to the successor custodian.

(d) If a custodian is ineligible, dies, or becomes incapacitated without having effectively designated a successor and the minor has attained the age of fourteen years, the minor may designate as successor custodian, in the manner prescribed in paragraph (b), an adult member of the minor's family, a guardian of the minor, or a trust company. If the minor has not attained the age of fourteen years or fails to act within sixty days after the ineligibility, death, or incapacity, the guardian of the minor becomes successor custodian. If the minor has no guardian or the guardian declines to act, the transferor, the legal representative of the transferor or of the custodian, an adult member of the minor's family, or any other interested person may petition the court to designate a successor custodian who may serve without bond.

(e) A custodian who declines to serve under paragraph (a) or resigns under paragraph (c), or the legal representative of a deceased or incapacitated custodian, as soon as practicable, shall put the custodial property and records in the possession or control of the successor custodian. The successor custodian by action may enforce the obligation to transfer possession or control of the custodial property and records and becomes responsible for each item as received.

(f) A transferor, the legal representative of a transferor, an adult member of the minor's family, a guardian of the minor, or the minor if the minor has attained the age of fourteen years may petition the court to remove the custodian for cause and to designate a successor custodian other than a transferor under section four or to require the custodian to give appropriate bond.

Section 19. Accounting by and Determination of Liability of Custodian. (a) A minor who has attained the age of fourteen years, the minor's guardian, an adult member of the minor's family, a transferor, or a transferor's legal representative may petition the court (i) for an accounting by the custodian or the custodian's legal representative; or (ii) for a determination of responsibility, as between the custodial property and the custodian personally, for claims against the custodial property unless the responsibility has been adjudicated in an action under section seventeen to which the minor or the minor's legal representative was a party.

(b) A successor custodian may petition the court for an accounting by the predecessor custodian.

(c) The court, in a proceeding under this chapter or in any other proceeding, may require or permit the custodian or the custodian's legal representative to account.

(d) If a custodian is removed under paragraph (f) of section eighteen, the court shall require an accounting and order transfer of possession or control of the custodial property and records to the successor custodian and the execution of all instruments required for transfer of the custodial property.

Section 20. Termination of Custodianship. The custodian shall transfer in an appropriate manner the custodial property to the minor or to the minor's estate upon the earlier of:

(1) the minor's attainment of twenty-one years of age with respect to custodial property transferred to a custodian nominated as provided in section three or transferred under section four or section five;

(2) the minor's attainment of majority under the laws of the commonwealth, other than this chapter, with respect to custodial property transferred under section six or, except in the case of a transfer to a custodian nominated as provided in section three or section seven; or

(3) the minor's death.

Section 21. Applicability. This chapter applies to a transfer within the scope of section two made after its effective date if:

(1) the transfer purports to have been made under the Massachusetts Uniform Gifts to Minors Act; or

(2) the instrument by which the transfer purports to have been made uses in substance the designation "as custodian under the Uniform Gifts to Minors Act" or "as custodian under the Uniform Transfers to Minors

Act" of any other state, and the application of this chapter is necessary to validate the transfer.

Section 22. Effect on Existing Custodianships. (a) Any transfer of custodial property as now defined in this chapter made at a time when this chapter was entitled the Uniform Gifts to Minors Act is validated notwithstanding that there was no specific authority in the Massachusetts Uniform Gifts to Minors Act for the coverage of custodial property of that kind or for a transfer from that source at the time the transfer was made.

(b) This chapter applies to all transfers made before it became the Uniform Transfers to Minors Act in a manner and form prescribed in the Massachusetts Uniform Gifts to Minors Act except insofar as the application impairs constitutionally vested rights or extends the duration of custodianships in existence on the effective date of this chapter.

(c) Sections one and twenty with respect to the age of a minor for whom custodial property is held under this chapter shall not apply to custodial property held in a custodianship that terminated because of the minor's attainment of the age of majority before the date this chapter became the Uniform Transfers to Minors Act.

Section 23. Uniformity of Application and Construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

Section 24. Short Title. This chapter may be cited as the "Massachusetts Uniform Transfers to Minors Act".

SECTION 2. To the extent that this act, under the provisions of paragraph (b) of section twenty-two does not apply to transfers made in a manner prescribed in chapter two hundred and one A of the General Laws in effect immediately prior to the effective date of this act or apply to the powers, duties, and immunities conferred by transfers in that manner upon custodians and persons dealing with custodians, the provisions of said chapter two hundred and one A in effect prior to the effective date of this shall not affect such transfers or such powers, duties, and immunities.

SECTION 3. This act shall take effect on January thirtieth, nineteen hundred and eighty-seven.

Approved July 24, 1986.

Chapter 363. AN ACT FURTHER REGULATING BUSINESS PRACTICES FOR CONSUMERS' PROTECTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate business practices for consumer's protection, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

ACTS, 1986. – Chap. 364.

SECTION 1. The first paragraph of section 11 of chapter 93A of the General Laws is hereby amended by striking out the words "; provided, however, that both persons shall have a place of business within the commonwealth at the time of said loss", inserted by section 1 of chapter 278 of the acts of 1985.

SECTION 2. The second paragraph of said section 11 of said chapter 93A is hereby amended by striking out the words "; provided, however, that such injunction shall not be obtained unless both parties have a place of business in the commonwealth at the time the unfair method of competition, act or practice is employed", inserted by section 2 of said chapter 278, and inserting in place thereof the word:– property.

SECTION 3. The seventh paragraph of said section 11 of said chapter 93A, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence.

SECTION 4. Said section 11 of said chapter 93A is hereby further amended by striking out the last paragraph, added by section 3 of chapter 278 of the acts of 1985, and inserting in place thereof the following paragraph:–

No action shall be brought or maintained under this section unless the actions and transactions constituting the alleged unfair method of competition or the unfair or deceptive act or practice occurred primarily and substantially within the commonwealth. For the purposes of this paragraph, the burden of proof shall be upon the person claiming that such transactions and actions did not occur primarily and substantially within the commonwealth.

SECTION 5. This act shall apply to all actions brought or maintained on or after December seventeenth, nineteen hundred and eighty-five.

Approved July 28, 1986.

Chapter 364. AN ACT FURTHER REGULATING THE USE OF SEAT BELTS IN SCHOOL BUSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the use of seat belts in school buses, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 7B of chapter 90 of the General Laws, as amended by chapter 136 of the acts of 1985, is hereby further amended by adding the following two paragraphs:–

No school bus having seating accommodations for more than sixteen school pupils equipped with passenger restraint systems shall be operated on the ways of the commonwealth unless said passenger restraint systems meet the requirement of one passenger restraint system for each

ACTS, 1986. – Chap. 366.

authorized to acquire by purchase, grant or taking by eminent domain under chapter seventy-nine of the General Laws, all easements and other rights necessary for the laying out, constructing and originally equipping of said systems?"

If a majority of the votes cast in answer to said ballot question is in the affirmative, then said question shall be deemed approved, as shall the appropriation, borrowing and land takings therein authorized, but not otherwise.

SECTION 2. If said question, as set forth in section one, is not placed on the official ballot to be used in the town of Holden at the biennial state election to be held in the year nineteen hundred and eighty-six, it shall be placed on the official ballot to be used at a regular or special town election to be held in the town of Holden on or before August first, nineteen hundred and eighty-seven as determined by the Board of selectmen of said town.

SECTION 3. Plans showing said systems and sewer easements shall be filed in the office of the town clerk of the town of Holden no later than thirty days prior to any election held under the provisions of this act.

SECTION 4. This act shall take effect upon its passage.

Approved July 28, 1986.

Chapter 366. AN ACT FURTHER AUTHORIZING THE CITY OF BEVERLY TO ENTER INTO A CERTAIN CONTRACT WITH GORDON COLLEGE FOR SEWAGE DISPOSAL.

Be it enacted, etc., as follows:

SECTION 1. Chapter 735 of the acts of 1974 is hereby amended by striking out the first paragraph of section 1 and inserting in place thereof the following paragraph:—

Notwithstanding the provisions of chapter three hundred and thirty-nine of the acts of nineteen hundred and twenty-five and chapter six hundred and forty-three of the acts of nineteen hundred and seventy-two, and any acts in amendment or addition thereto, or any other law to the contrary, the city of Beverly is hereby authorized to enter into a contract with the educational institution presently known as Gordon College located in the town of Wenham for the disposal of sewage emanating from said college and from housing for the elderly which may be constructed on land owned by said College. Said contract shall be subject to the approval of the South Essex sewerage board.

SECTION 2. The third paragraph of said section 1 of said chapter 735 is hereby amended by adding the following clause:— (f) a contribution toward bonded indebtedness as determined by the city of Beverly.

Approved July 28, 1986.

seated passenger; and the minimum requirements of Federal Motor Vehicle Safety Standards for buckles, belts, and seats. Only anchorages and seats installed as original equipment at time of manufacture of the school bus, or retrofitted by the original manufacturer of said school bus shall be used. No school bus manufactured before nineteen hundred and seventy-seven equipped with passenger restraint systems shall be operated on the ways of the commonwealth.

In addition to the requirements of the preceding paragraph, every school bus having seating accommodations for more than sixteen school pupils manufactured or retrofitted with passenger restraint systems after July first, nineteen hundred and eighty-six shall have sets of belts at each seat which are distinctively color coded; and each such belt shall consist of one nonadjustable buckle end no longer than twelve inches and one adjustable end no longer than twenty-nine inches; and each seating position adjacent to an aisle shall have the nonadjustable buckle end mounted on the aisle side; and each passenger restraint system shall comply with the minimum requirements of Federal Motor Vehicle Safety Standards for anchorages.

Approved July 28, 1986.

**Chapter 365. AN ACT PROVIDING FOR A REFERENDUM QUESTION
IN THE TOWN OF HOLDEN RELATIVE TO THE
CONSTRUCTION OF A SANITARY SEWER PROJECT.**

Be it enacted, etc., as follows:

SECTION 1. The state secretary shall, if so requested by the board of selectmen of the town of Holden by the filing of a written request with said secretary on or before September fifteenth, nineteen hundred and eighty-six, provided said request includes the actual dollar amount of the appropriation to be included and provided further said dollar amount does not exceed twelve million dollars, cause the following question to be placed on the official ballot to be used at the town of Holden at the biennial state election to be held in the year nineteen hundred and eighty-six.

"Shall the town hereby authorize the appropriation of \$_____ for the purpose of laying out and constructing sewer systems for sanitary sewage purposes and sewage disposal and for the acquisition by purchase, grant or taking by eminent domain, under the provisions of chapter seventy-nine of the General Laws, of all easements and other rights necessary for the laying out and construction of said systems, said systems to be laid out and constructed as shown on plans on file with the office of the town clerk, said easements being shown on said plans, and to raise said sum by borrowing said amount, subject to receipt of state and federal grants, under the provisions of clause (1) of section seven of chapter forty-four of the General Laws and any other legislation pertaining thereto, and to that end that the treasurer, with the approval of the selectmen, be authorized to issue bonds or notes therefor payable within a period of thirty years, and that the selectmen be hereby

ACTS, 1986. – Chaps. 367, 368, 369.

Chapter 367. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Damon Kieth, as he is a judge in the state of Michigan, in the town of Oak Bluffs on August second, nineteen hundred and eighty-six, between Lani Guinier and Nolan Bowie, and the state secretary shall issue to said Damon Kieth in his capacity as aforesaid, a certificate of such authorization.

Approved July 30, 1986.

Chapter 368. AN ACT RELATIVE TO THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. Section 21 of chapter 240 of the acts of 1899 is hereby amended by striking out, in line 17, the words "and special police officers".

SECTION 2. The chief of the police department of the city of Somerville may, on the application of any corporation or person whom he deems responsible, appoint special police officers. Such special police officers shall not be compensated by said city. Any special police officer, appointed on the application of a person or corporation, shall not be considered an employee or agent of the city of Somerville for the purposes of chapter two hundred and fifty-eight of the General Laws. Said city and its employees shall not be liable for the conduct of any such special police officers.

SECTION 3. This act shall take effect upon its passage.

Approved August 5, 1986.

Chapter 369. AN ACT RELATIVE TO THE JURISDICTION OF THE POLICE DEPARTMENT OF THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, police officers of the city of Somerville shall have authority to exercise their powers, including the power to enforce the ordinances of said city, within any building or structure or any other property to which the public has a right of access which are owned or controlled by the housing authority of the city of Somerville.

The dog control officer of the city of Somerville shall have authority to enforce chapter thirteen of the code of ordinances of said city and any other laws or ordinances relative to the control of dogs, within any building or structure or any other property to which the public has a right of access which are owned or controlled by the housing authority of the city of Somerville.

The housing authority of the city of Somerville may promulgate and amend from time to time, in conformity with section fifty-nine of chapter two hundred and seventy-two of the General Laws, rules and regulations for the government or use of the streets, ways or other property to which the public has a right of access and which are owned or controlled by said housing authority. Any such rule or regulation may include a penalty for the violation thereof and said penalty shall not exceed the maximum amount then prescribed for violation of a general ordinance of the city of Somerville. Violations of rules or regulations promulgated hereunder shall be prosecuted in the same manner as are violations of ordinances of the city of Somerville.

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

Approved August 5, 1986.

Chapter 370. AN ACT DESIGNATING A CERTAIN METROPOLITAN DISTRICT COMMISSION BUILDING AS THE WILLIAM C. PARSONS MEMORIAL POLICE FACILITY.

Be it enacted, etc., as follows:

The metropolitan district commission police building located on Revere Beach Boulevard in the city of Revere shall be designated and known as the William C. Parsons Memorial Police Facility, in memory of William C. Parsons, a former member of the metropolitan district commission police department for thirty-five years. A suitable marker bearing such designation shall be attached thereon by said commission.

Approved August 5, 1986.

EMERGENCY LETTER: August 5, 1986 @ 4:08 P.M.

Chapter 371. AN ACT FURTHER REGULATING THE CONDUCT OF DOG RACING.

Be it enacted, etc., as follows:

ACTS, 1986. – Chap.

SECTION 1. The fourth paragraph of section 48 of chapter 6 of the General Laws, as amended by section 1 of chapter 277 of the acts of 1986, is hereby further amended by striking out, in lines 18 and 19, the words "and a head administrative assistant" and inserting in place thereof the following words:– , one head administrative assistant and one special assistant to the commissioner.

SECTION 2. This act shall take effect on October fourteenth, nineteen hundred and eighty-six.

Approved August 5, 1986.

Chapter 372. AN ACT AUTHORIZING THE TOWN OF NORWOOD TO REGULATE THE HOURS OF OPERATION AT NORWOOD AIRPORT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the town of Norwood is hereby authorized to enact a by-law prohibiting aircraft operations at the Norwood airport between the hours of eleven o'clock postmeridian and seven o'clock antemeridian, except in case of emergency use.

Approved August 5, 1986.

Chapter 373. AN ACT FURTHER REGULATING THE SALE OF ALCOHOLIC BEVERAGES IN CERTAIN TOWNS.

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 of the town of Manchester is hereby authorized to issue to Magnolia Beverages, a license for the sale of all alcoholic beverages, not to be drunk on the premises under the provisions of section fifteen of said chapter one hundred and thirty-eight. 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 licensing authority shall not approve the transfer of said license to any other person, organization, corporation or location; and provided, further, that the granting of this license shall reduce by one any increase in licenses granted due to census reapportionment under section seventeen.

SECTION 2. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Canton is hereby authorized to issue to the Canton Lodge of the Sons of Italy, Inc., a license for the sale of all alcoholic beverages, to be drunk on the premises under the provisions of section twelve of said chapter one hundred and thirty-eight. Said license

ACTS, 1986. – Chaps. 374, 375.

shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen; provided, however, that the licensing authority shall not approve the transfer of said license to any other person, organization, corporation or location; and provided, further, that the granting of this license shall reduce by one any increase in licenses granted due to census reapportionment under section seventeen.

SECTION 3. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the local licensing authority of the town of Middleborough is hereby authorized to grant an all alcoholic beverage license to be issued to David L. Adams and Lewis J. Pierce doing business as the Rock Village Store for a package goods store located at 91 Miller Street, Middleborough, Massachusetts. 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 licensing authority shall not approve the transfer of said license to any other person organization or corporation or location and provided further that the granting of this license shall reduce by one any increase in licenses granted due to census reapportionment under section seventeen.

Approved August 5, 1986.

Chapter 374. AN ACT VALIDATING THE PROCEEDINGS AT THE SPECIAL TOWN MEETING OF THE TOWN OF WARE HELD ON SEPTEMBER THIRTIETH, NINETEEN HUNDRED AND EIGHTY-FIVE.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the town of Ware at the special town meeting held on September thirtieth, nineteen hundred and eighty-five, and all actions subsequently taken pursuant thereto, are hereby ratified, validated and confirmed to the same extent as if there were no defects or errors in the posting of the warrant.

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

Approved August 7, 1986.

Chapter 375. AN ACT AUTHORIZING THE CERTIFICATION AND APPOINTMENT OF WILFRED P. SUOZZO.

Be it enacted, etc., as follows:

SECTION 1. The personnel administrator of the department of personnel administration is hereby authorized to certify Wilfred P. Suozzo of the city of Boston for appointment as a police officer in said city.

ACTS, 1986. – Chaps. 376, 377, 378.

SECTION 2. This act shall take effect upon the affirmative vote of the city council of said city, with the approval of the mayor.

Approved August 7, 1986.

Chapter 376. AN ACT AUTHORIZING A FIRE ALARM REPORTING SYSTEM IN THE TOWN OF RICHMOND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the board of selectmen of the town of Richmond is hereby authorized to enter into a ten year contract with the Richmond Telephone Company for the provision of a fire alarm reporting system to be installed in the homes of the volunteer firefighters of said town.

Approved August 7, 1986.

Chapter 377. AN ACT AUTHORIZING THE TOWN OF NORWELL TO ESTABLISH A GUARANTEED DEPOSIT FUND.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, the town of Norwell may establish in the town treasury a guaranteed deposit fund which the town treasurer of said town shall keep separate and apart from all other monies and in which fund shall be deposited any design review fees or other fees or costs collected by the conservation commission, under the authority of the town's wetland's protection by-law, for plans filed with said commission, requiring design review costs. The principal and interest thereon may be expended at the direction of the conservation commission by said treasurer to pay for all reasonable design review costs incurred by said town in processing said applications, including but not limited to, any professional consulting services. Any such application fees paid in excess of the cost incurred by the town for design review shall be returned to the applicant by said treasurer.

Approved August 7, 1986.

Chapter 378. AN ACT INCREASING THE PENALTY FOR VIOLATION OF SEWER REGULATIONS IN THE TOWN OF WESTBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of clause (6) of section twenty-one of chapter forty of the General Laws or any other provisions of law to the contrary, the town of Westborough is hereby authorized to

establish by by-law a penalty not exceeding five thousand dollars for violation of regulations for the use of sewers in said town.

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

Approved August 14, 1986.

Chapter 379. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said chapter thirty-nine, the solemnization of a marriage by David C. Engel, as he is a Justice of the Peace in Greenland, New Hampshire, in the town of Northampton on August sixteenth, nineteen hundred and eighty-six between Kathleen Christie Engel of said town of Greenland and James Rebitzer of the city of Austin, Texas, and the state secretary shall issue to said David C. Engel in his capacity as aforesaid a certificate of such authorization.

Approved August 14, 1986.

Chapter 380. AN ACT PROVIDING FOR REIMBURSEMENT BY INSURANCE COMPANIES AND OTHERS FOR SERVICES PERFORMED BY CERTIFIED CLINICAL SPECIALISTS IN PSYCHIATRIC AND MENTAL HEALTH NURSING.

Be it enacted, etc., as follows:

SECTION 1. Clause (4) of paragraph (c) of section 47B of chapter 175 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "twelve", in line 43, the words:– or by a clinical specialist in psychiatric and mental health nursing certified under the provisions of said chapter one hundred and twelve; and provided, further, that such services are within the lawful scope of practice for such certified clinical specialist.

SECTION 2. Clause (4) of paragraph (c) of section 8A of chapter 176A of the General Laws, as so appearing, is hereby amended by inserting after the word "twelve", in line 34, the words:– or by a clinical

specialist in psychiatric and mental health nursing certified under the provision of said chapter one hundred and twelve; and provided, further, that such services are within the lawful scope of practice for such certified clinical.

SECTION 3. Paragraph (c) of section 4A of chapter 176B of the General Laws, as so appearing, is hereby amended by striking out clause (4) and inserting in place thereof the following clause:– (4) consultations or diagnostic or treatment sessions, provided that such services under this clause are rendered by a psychotherapist, a psychologist, a licensed independent clinical social worker, or a clinical specialist in psychiatric and mental health nursing, when such services are within the lawful scope of practice for such certified clinical specialist; provided, however, that each provider rendering services under this clause agrees in writing with a medical services corporation pursuant to sections four, seven and thirteen to render mental health services for subscribers and covered dependents and to abide by the by-laws, rules and regulations of such corporation and provided further that each provider is licensed under the provisions of chapter one hundred and twelve. For the purposes of this clause, "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of said chapter one hundred and twelve, who devotes a substantial portion of his time to the practice of psychiatry.

Approved August 14, 1986.

Chapter 381. AN ACT AUTHORIZING THE APPOINTING AUTHORITY OF THE TOWN OF MILTON TO APPOINT POLICE CADETS UNDER CERTAIN CIRCUMSTANCES TO THE POLICE DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty-one of the General Laws, any person who has completed not less than two years of service as a police cadet in the police department of the town of Milton under the provisions of section twenty-one A of chapter one hundred and forty-seven of the General Laws may, subject to a program established by the appointing authority of said town and approved by the personnel administrator of the division of personnel administration and the Massachusetts criminal justice training council, be appointed to fill a vacancy in a position in the lowest grade in the police force of said town, without certification from an eligible list prepared under the provisions of chapter thirty-one of the General Laws; provided, however, that such person either is on a police entrance eligible list prepared under said chapter or passes a qualifying examination to be given by said director. Such program shall include provisions for recruitment of applicants for appointment as police cadets in said town and for appointment from an eligible list prepared after a competitive examination administered under the supervision of the appointing authority of the town of Milton.

SECTION 2. Not more than thirty-three and one-third per cent of the total number of appointments to the regular police force of the town of Milton in any calendar year shall be made under the provisions of this act. The appointing authority of said town shall report in writing to the personnel administrator in said division of personnel administration any appointment made under the provisions of this act.

SECTION 3. The appointing authority of the police department of the town of Milton shall institute appropriate recruitment procedures for such police cadet force in order to effectuate the purposes of relevant court orders, consent decrees, and affirmative action goals. All appointments made to such cadet force or the permanent police force pursuant to this act shall be made in accordance with said court orders and consent decrees and, to the extent practicable, shall be consistent with the provisions of section twenty-six of chapter thirty-one of the General Laws. Said appointing authority within ninety days of the effective date of this act shall file with the personnel administrator, the Massachusetts commission against discrimination, and the clerks of the senate and the house of representatives a recruitment and appointment plan, specifying procedures for recruitment and appointment which are consistent with basic merit principles and which realize the purposes of this paragraph. The administrator shall review said plan and any amendments thereto, to determine their completeness, consistency and conformity in concept with this paragraph. The administrator shall, within ninety days, either approve the proposed plan, proposed amendments thereto, or disapprove said plan. Upon final approval of said plan, and any amendments thereto, the appointing authority shall take such further actions as are necessary to implement said plan.

SECTION 4. This act shall take effect upon its passage.

Approved August 21, 1986.

Chapter 382. AN ACT VALIDATING THE PROCEEDINGS AT THE SPECIAL TOWN MEETING OF THE TOWN OF WEST BOYLSTON HELD ON JUNE TWENTY-THIRD NINETEEN HUNDRED AND EIGHTY-SIX.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the town of West Boylston at the special meeting held on June twenty-third, nineteen hundred and eighty-six, and all actions subsequently taken pursuant thereto, are hereby ratified, validated and confirmed.

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

Approved August 28, 1986.

Chapter 383. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by William T. Munson, as he is an attorney at law in the commonwealth, in the town of Falmouth on September fifth, nineteen hundred and eighty-six between Alice L. DeSouza and Curtis W. Little, both of the city of Manchester, in the state of New Hampshire, and the state secretary shall issue to said William T. Munson in his capacity as aforesaid a certificate of such authorization.

Approved September 3, 1986.

EMERGENCY LETTER: September 4, 1986 @ 9:38 A.M.

Chapter 384. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO CONTRACT WITH OR GRANT FUNDING TO THE CAPE COD MENTAL HEALTH ASSOCIATION INC.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Barnstable county with approval of the advisory board on county expenditures of said county are hereby authorized to pay such funds as may be appropriated therefore to the Cape Cod Mental Health Association Inc. doing business as the Center for Individual and Family Services of Cape Cod or any successor and any like agency providing like public services for the provision of counseling services for individuals and families.

SECTION 2. Quarterly financial reports on forms approved by the county treasurer of said county shall be submitted to said county commissioners by the Cape Cod Mental Health Association Inc. doing business as the Center for Individual and Family Services of Cape Cod documenting the expenditure of all funds provided by said county to carry out the provisions of section one.

SECTION 3. This act shall take effect upon its passage.

Approved September 9, 1986.

Chapter 385. AN ACT FURTHER REGULATING TAX ASSESSMENT PRACTICES.

Be it enacted, etc., as follows:

SECTION 1. Section 24B of chapter 36 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:–

Said register or said assistant recorder shall require from each person who appears before him to record a deed to real property, such information as is determined by the commissioner of revenue to be necessary for the purpose of executing the duties required by section ten of chapter fifty-eight. The information shall be collected on a form approved by the commissioner. A copy of each completed form shall be forwarded to the commissioner of revenue and to the board of assessors in the city or town where the property lies.

SECTION 2. Section 7 of chapter 58A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:–

In the case of an appeal relating to the property classified as residential greater than eight units, commercial or industrial, that are assessed for more than two hundred thousand dollars in the previous fiscal year upon a motion filed by the appellee and granted by the appellate tax board, the appellant shall file with the said board an audited income and expense statement for the most recent year within forty days from the date of taking the appeal.

SECTION 3. Section 8A of said chapter 58A, as so appearing, is hereby amended by adding the following sentence:– At least thirty days prior to the hearing of a petition for the abatement of a tax, upon a motion filed by either party and granted by the appellate tax board, the appellant and appellee shall exchange appraisal reports containing such information about the property as the appellate tax board adjudges necessary.

SECTION 4. Section 38D of chapter 59 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:–

If an owner or lessee of real property fails to submit such information within the time and in the form prescribed, in addition to any other penalties, there shall be added to the real property tax levied upon the property in question for the next ensuing tax year the amount of fifty dollars; provided, however, that the board of assessors informed said owner or lessee that failure to so submit such information would result in said penalty.

SECTION 5. Said chapter 59 is hereby further amended by inserting after section 38E, as so appearing, the following two sections:–

Section 38F. A board of assessors may request the owner or lessee of any personal property to make a written return under oath within sixty days containing such information as may reasonably be required by it to determine the actual fair cash valuation of such property.

Failure of an owner or lessee of personal property to comply with such request within sixty days after it has been made shall bar him from any statutory appeal under this chapter, unless such owner or lessee was unable to comply with such request for reasons beyond his control. If any owner or lessee of personal property in a return made under this

section makes any statement which he knows to be false in a material particular, such false statement shall bar him from any statutory appeal under this chapter.

Section 38G. A board of assessors may require testimony under oath of a taxpayer relative to his written return filed under section thirty-eight F and may also require testimony under oath of any applicant for abatement under section fifty-nine.

SECTION 6. Said chapter 59, as so appearing, is hereby further amended by inserting after section 52A the following two sections:–

Section 52B. All information collected pursuant to sections thirty-eight D, thirty-eight E and sixty-one A of chapter fifty-nine and section eight A of chapter fifty-eight A shall be open to the inspection of the assessors, the commissioner, the deputies, clerks and assistants of either the assessors or the commissioner and such other officials of the commonwealth or of its political subdivisions who have occasion to inspect such information in the performance of their official duties, but to no other person except by order of the appellate tax board or a court, except that if the assessor bases a valuation of an assessed owner's real or personal property, in whole or in part, on a comparable sale, or sales, the assessor shall provide any market data relating to such comparable sale or sales to the assessed owner of the property or his designated representative upon request.

Section 52C. The provisions of section ten of chapter sixty-six shall not be deemed to authorize public access to terminals or other data processing equipment for the purpose of copying, reading, collecting, printing, analyzing or manipulating any data or other information collected under any provision of this chapter and stored in data processing or computing equipment or to authorize the release of the original or copies of tapes, cards, disc files or other methods of electronic storage of such data or information, unless authorized by the commissioner of revenue.

Nothing contained in this section shall restrict the right of a person assessed or his designated representative to inspect at the assessor's office information and records relating to the valuation and assessment of his property or to receive copies of this information.

SECTION 7. Section one of this act shall take effect on January first, nineteen hundred and eighty-seven.

Approved September 9, 1986.

EMERGENCY LETTER: September 9, 1986 @ 12.04: P.M.

**Chapter 386. AN ACT RELATIVE TO LICENSES TO SELL
ALCOHOLIC BEVERAGES IN THE TOWN OF BOLTON.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of chapter one hundred and thirty-eight of the General Laws, the local licensing authority of the town of Bolton, as defined in section

one of said chapter one hundred and thirty-eight, is hereby authorized to issue to Rich House, Inc., a corporation duly established by law in the commonwealth and located in said town, a restaurant license to sell, during the year nineteen hundred and eighty-six, all alcoholic beverages, to be consumed on its premises, as provided in section twelve of said chapter one hundred and thirty-eight and subject to all other provisions of said chapter.

SECTION 2. Notwithstanding the vote of the town of Bolton cast at any previous biennial state election on the questions to have been placed on the ballot for the town for such election under the authority of section eleven of said chapter one hundred and thirty-eight, or the additional subdivisions thereof provided by chapter seven hundred and six of the acts of nineteen hundred and sixty-seven and chapter eight hundred and fifty of the acts of nineteen hundred and sixty-nine, the state secretary shall cause the following question to be placed on the ballot for the town of Bolton at the state election to be held on November fourth, nineteen hundred and eighty-six, and each subsequent biennial state election:

(G) Shall a restaurant license be granted in the town of Bolton to Rich House, Inc., for the sale of all alcoholic beverages, to be consumed on the premises?

If a majority of the votes cast in said town in answer to the above subdivision (G) is in the affirmative, said town shall, irrespective of the results of votes taken in answer to any other subdivision, be taken to authorize for each of the two calendar years next succeeding, the issuance of said restaurant license as defined and limited in section twelve of said chapter one hundred and thirty-eight, for the sale in said town of all alcoholic beverages to be consumed on the premises of Rich House, Inc. subject to all provisions of said chapter one hundred and thirty-eight except as herein otherwise provided. The licensing authority shall not approve the transfer of said license to any other person, organization, or corporation; and provided, further, that the granting of this license shall reduce by one any increase in licenses granted due to census reapportionment under section seventeen.

SECTION 3. This act shall take effect upon its passage.

Approved September 10, 1986.

Chapter 387. AN ACT AUTHORIZING THE TOWN OF REHOBOTH TO RECALL ELECTED OFFICIALS.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Rehoboth may be recalled and removed therefrom by the qualified voters of said town as herein provided.

SECTION 2. Any qualified voter of the town of Rehoboth may file with the town clerk of said town an affidavit containing the name of the

officer sought to be recalled and a statement of the grounds of recall. Said town clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of printed recall petition blanks demanding such recall, a supply of which shall be kept on hand. The petition blanks shall be issued by the town clerk with his signature and official seal attached thereto; they shall be dated and addressed to the selectmen of said town, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be recalled and the office held by such person, the grounds of recall as stated in such affidavit, and shall demand the election of a successor to such office. The affidavit shall be kept in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with said town clerk not later than three o'clock in the afternoon on the twentieth day following the filing of the affidavit and shall be signed by a minimum of fifteen per cent of the registered voters of each precinct in the town of Rehoboth, registered as of the date of the most recent town election, and to every signature shall be added the place of residence of the signer, including the street, number and precinct. The person to whom the petition forms were issued shall make an affidavit on each page that the statements therein contained are true and that each signature appended to the petition is the genuine signature of the person whose name it purports to be. Said town clerk shall, within one work day following the day of such filing in the office of the town clerk, submit the signed petitions to the board of registrars which shall, within five work days, certify in writing thereon the number of signatures on said petition in each precinct which are names of qualified voters as of the date of the most recent town election. Signatures of persons who registered to vote after the date of the most recent town election shall not be certified. The certified petitions shall be returned to the town clerk by the board of registrars as soon as completed, but no later than three o'clock in the afternoon of the fifth work day following receipt of the petitions.

SECTION 3. If the town clerk determines that the certified petitions meet the requirements as described in the previous sections, he shall immediately give notice, in writing by certified mail, to the elected officer whose recall is being sought, a copy of the affidavit and the recall petition form together with a certification as to the number of signatures certified on such petitions. If the officer sought to be removed does not resign within five days, said town clerk shall notify the board of selectmen without delay, and said board of selectmen shall, within seven working days, order an election to be held on a Monday fixed by them not less than sixty and not more than seventy-five days after receipt of the town clerk's notification; provided, however, that if any other town election is to occur within ninety days after the date of said notification said selectmen may, in their discretion, postpone the holding of said election to the date of such other election. If a vacancy occurs in said office for any reason after a recall election has been ordered by the board of selectmen, the recall election shall nevertheless proceed as provided for herein, but only the ballots for candidates need be counted.

SECTION 4. Any officer whose recall is sought may be a candidate to succeed himself and, unless he requests otherwise in writing to the town clerk, said town clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election and conduct of the same, shall be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section seven. If not re-elected in the recall election, he shall be deemed removed upon the qualification of his successor, who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within seven days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Ballots used in a recall election in said town shall submit the following propositions in the order indicated:

For the recall of (name of officer and office held)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square by which the voter by making a cross mark (X) may vote for either of such propositions. Under the propositions shall appear the word "Candidates" and directions to voters as required by the General Laws regulating elections. Beneath the word "Candidates" shall be the names of candidates nominated in accordance with the provisions of law relating to elections. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of the votes cast upon the question of recall is in the negative, the ballots for candidates need not be counted. Ballots shall be prepared in the same manner as those provided for town elections.

SECTION 7. No recall petition shall be filed against an officer of the town within six months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after such recall election.

SECTION 8. No person who has been recalled from an office in said town, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any office within two years after such removal by recall or resignation.

SECTION 9. This act shall take effect upon its passage.

Approved September 10, 1986.

Chapter 388. AN ACT PROVIDING FOR THE ANNUAL APPOINTMENT OF THE CLERK AND THE TREASURER OF THE DIGHTON WATER DISTRICT.

Be it enacted, etc., as follows:

Section 9 of chapter 359 of the acts of 1950 is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:– Said board shall elect annually a clerk and a treasurer.

Approved September 10, 1986.

Chapter 389. AN ACT AUTHORIZING CERTAIN TERMS FOR TEMPORARY BORROWING BY THE CITY OF LAWRENCE FOR COSTS RELATING TO THE NORTH ELEMENTARY SCHOOL PROJECT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections seventeen and seventeen A of chapter forty-four of the General Laws or any other general or special law to the contrary, the city of Lawrence is hereby authorized to refund temporary loans for financing the costs of the North Elementary School project by the issuance of notes; provided, however, that the period from the date of issue of the original loan to the date of maturity of the refunding loan shall not exceed three years; and provided, further, that notes so issued may be converted to a serial loan in the same principal amount.

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

Approved September 12, 1986.

Chapter 390. AN ACT RELATIVE TO THE FILLING OF VACANCIES IN THE OFFICES OF CITY COUNCIL, SCHOOL COMMITTEE AND OTHER ELECTED OFFICERS IN THE CITY OF ATTLEBORO.

Be it enacted, etc., as follows:

SECTION 1. Article 2 of the charter of the city of Attleboro, which is on file in the office of the archivist of the commonwealth as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out section 2-6 and inserting in place thereof the following section:–

Section 2-6. If there be a vacancy on the municipal council by death, resignation, removal from office, failure to elect or otherwise at any time preceding the last nine calendar months of the term for which a councillor was elected, it shall be filled by special election in the following manner:

(a) Notice – Within seven days following the date of the municipal council declaring that the position is vacant, the clerk of the council shall cause notice of the vacancy to be published for three successive days in one or more newspapers having general circulation in the city. The notice shall state the date of the special election and the time within which those voters who wish to be considered as candidates for filling the vacancy shall file papers which time shall not be less than fourteen nor more than twenty-one days following the last day of such publication.

(b) Filing by Candidates – All voters who wish to be considered candidates to fill the vacancy, and who are qualified under section 2-1, shall file with the board of election commissioners nomination papers which bear the same number of signatures of voters as were required for nomination to the office at the preceding preliminary election. All such papers shall be certified by the board of election commissioners within seven days following such submissions and all regulations relating to the certification of such papers at a regular city election shall apply hereto.

(c) Action by Municipal Council – No vacancy which occurs during the last nine calendar months of the term shall be filled unless failure to act would result in less than eight members serving in the office of councilman. In that event all vacancies then existing shall be filled in the manner provided above until the municipal council is returned to its full complement.

Whenever a vacancy exists on the municipal council at the time of the regular city election the person elected at said election to the seat for which the vacancy exists shall forthwith be sworn and shall serve for the balance of the unexpired term in addition to the term for which he was elected. If the vacancy is in the office of councilman at large the seat shall be filled by the person receiving at said regular election the highest number of votes for the office of councilman at large and who is not then serving as a member of the municipal council.

SECTION 2. Article 4 of said charter which is on file in said office of the archivist of the commonwealth is hereby amended by striking out section 4-5 and inserting in place thereof the following section:–

Section 4-5. If there be a vacancy by death, resignation, removal from office, failure to elect or otherwise in the office of school committee member, it shall be filled in the same manner as provided in section 2-6 for Filling of Vacancies in the membership of the municipal council following the school committee's giving notice of any vacancy to the municipal council forthwith. No vacancy which occurs during the last nine calendar months of the term shall be filled unless failure to act would result in less than six members serving in the office of school committeeman. In that event all vacancies then existing shall be filled in the manner provided above until the school committee is returned to its full complement.

Whenever a vacancy exists on the school committee at the time of the regular city election the person elected at said election to the seat for which the vacancy exists shall forthwith be sworn and shall serve for the balance of the unexpired term in addition to the term for which he was elected. If the vacancy is in the office of school committee man at

large the seat shall be filled by the person receiving at said regular election the highest number of votes for the office of school committeeman at large and who is not then serving as a member of the school committee.

SECTION 3. Article 5 of said charter which is on file with said office of the archivist of the commonwealth by striking out section 5-5 and inserting in place thereof the following section:-

Section 5-5. If there be a vacancy in the office of city clerk, city treasurer or city collector by death, resignation, removal from office, failure to elect or otherwise it shall be filled in the same manner as provided in section 2-6 for filling vacancies in the membership of the municipal council. No vacancy which occurs during the last nine calendar months of the term shall be filled. Whenever a vacancy exists at the time of the regular city election the person elected at said election to the vacant office shall serve for the balance of the unexpired term in addition to the term for which he was elected.

SECTION 4. The state secretary shall cause the following question to be placed on the official ballot to be used in the city of Attleboro at the biennial state election to be held in the year nineteen hundred and eighty-six:- "Shall an act passed by the general court in the year nineteen hundred and eighty-six, entitled 'An Act relative to the filling of vacancies in the offices of city council, school committee and other elected officers in the city of Attleboro', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative then the act shall take full effect, but not otherwise.

SECTION 5. This act shall take effect upon its passage.

Approved September 16, 1986.

**Chapter 391. AN ACT AUTHORIZING ESTIMATED TAX PAYMENTS
IN CERTAIN CITIES AND TOWNS.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, any city or town undertaking a general revaluation of its property under a program approved by the commissioner of revenue for completion and implementation for fiscal year nineteen hundred and eighty-seven; provided, however, that the commissioner of revenue is satisfied that full and fair valuations shall be established prior to February first, nineteen hundred and eighty-seven for certification under paragraph (c) of section two A of chapter fifty-nine of the General Laws; and provided, further, that said commissioner certifies in writing that these conditions have been met, is hereby authorized to issue a first half notice of estimated tax in lieu of the actual assessment and issuance of the tax bill, and require the payment of such estimated tax, which shall in no event exceed fifty per cent of the tax payable during the

preceding fiscal year. Upon the completion of such revaluation, but no later than April first, nineteen hundred and eighty-seven, the assessors of such city or town shall establish the tax rate for fiscal year nineteen hundred and eighty-seven. Payment of the balance of such tax bill, after credit is given for the estimated tax payment previously made, shall represent the second payment upon such bill that is payable on or before May first, nineteen hundred and eighty-seven without payment of interest.

All provisions of law regarding the procedures for issuing, mailing and collecting tax assessments upon real and personal property and betterment assessments shall be applicable to the notice of estimated tax provided hereunder, including the payment of interest under section fifty-seven of said chapter fifty-nine. To the extent that any rights or remedies under law accrue from the date that the tax bill is issued, only the tax bill issued upon the establishment of the tax rate for fiscal year nineteen hundred and eighty-seven shall govern such rights or remedies. The provisions of section twenty-one C of said chapter fifty-nine shall apply to the tax rate for fiscal year nineteen hundred and eighty-seven established by such city or town.

SECTION 2. Notwithstanding the provisions of section one of this act, a city or town authorized to issue a notice of estimated tax in lieu of the tax bill for the fiscal year nineteen hundred and eighty-seven may, with the prior written approval of the commissioner of revenue, require the payment of an estimated tax in excess of fifty per cent of the tax payable during fiscal year nineteen hundred and eighty-six to the extent that such excess represents one-half of the amount of tax accruing as a result of the loss of exemption from tax that had been granted in the preceding fiscal year.

Approved September 16, 1986

**Chapter 392. AN ACT RELATIVE TO THE ANNUAL REPORTING
DATE OF THE STATEMENT OF CONDITION OF
CREDIT UNIONS.**

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 167 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 18 and 19, the words "April, a similar report upon the condition, as of the last day of October" and inserting in place thereof the following words:– June, a similar report upon the condition, as of the last day of December.

SECTION 2. Section 12 of chapter 171 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 2, the word "October" and inserting in place thereof the following word:– December.

SECTION 3. Section 27 of said chapter 171, as so appearing, is hereby amended by striking out, in line 1, the word "October" and inserting in place thereof the following word:– December.

Approved September 22, 1986.

EMERGENCY LETTER: September 22, 1986 @ 1:09 P.M.

Chapter 393. AN ACT PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT REGULATIONS AND THE CONTROL OF EVICTIONS IN THE MOBILE HOME PARK ACCOMMODATIONS IN THE TOWN OF WEST BRIDGEWATER.

SECTION 1. The general court finds and declares that a serious public emergency exists with respect to the housing of a substantial number of citizens in the town of West Bridgewater, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of mobile home parks located therein; that unless mobile home park rents and evictions of tenants are regulated and controlled, such emergency will produce serious threats to the public safety, health and general welfare of the citizens of said town, particularly the elderly; that such emergency should be met by the commonwealth immediately and with due regard for the rights and responsibilities of the town of West Bridgewater.

SECTION 2. The town of West Bridgewater may, by the adoption of by-laws, regulate rents for the use or occupancy of mobile home park accommodations in said town, establish a rent board for the purpose of regulating rents, minimum standards for the use or occupancy of mobile home park accommodations and the evictions of tenants therefrom and may, by its by-laws, require registration by owners of the mobile home park accommodations. Such rents, standards and evictions may be regulated by the rent board so as to remove hardships, or correct inequities for both the owner and the tenants of such mobile home park accommodations. Said rent board shall have all powers necessary or convenient to perform its functions, may make rules and regulations, require registration by owners of mobile home park accommodations, information, under penalty of perjury, relating to the mobile home park accommodations, sue and be sued, compel the attendance of persons and the production of papers and information, issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations. Violations of any by-laws adopted pursuant to this act or any order of said rent board shall be punishable by a fine of not more than one thousand dollars for any one offense.

SECTION 3. In regulating such rents, the mobile home rent board established under section two, may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for mobile home park accommodations in the town are established at levels which yield to owners a fair net operating income for such units. Fair net operating income shall be that income which will yield a return, after all reasonable operating expenses, on the fair

market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.

The town in its by-law, or the mobile home rent board by regulation, may establish further standards and rules consistent with this act.

SECTION 4. The provisions of chapter thirty A of the General Laws shall be applicable to the rent board established under the provisions of section two, as if said rent board were an agency of the commonwealth, including those provisions giving agencies the powers to issue, vacate, modify and enforce subpoenas and those provisions relating to judicial review of an agency order.

SECTION 5. The Brockton division of the district court department shall have original jurisdiction, concurrently with the superior court, of all petitions for review brought pursuant to section fourteen of chapter thirty of the General Laws.

The superior court department shall have jurisdiction to enforce the provisions of this act and any by-laws adopted thereunder and may restrain violations thereof.

SECTION 6. The town of West Bridgewater may by its by-laws regulate the evictions of tenants and the rent board, established under the provisions of section two, shall issue orders which may be a defense to an action of summary process for possession and such orders shall be reviewable pursuant to section two and three.

SECTION 7. This act shall take effect upon its passage.

Approved September 23, 1986.

**Chapter 394. AN ACT ESTABLISHING THE OFFICE OF
TREASURER-COLLECTOR IN THE TOWN OF EAST
BRIDGEWATER.**

Be it enacted, etc., as follows:

SECTION 1. The office of treasurer-collector of the town of East Bridgewater is hereby established. Said treasurer-collector shall be appointed by the board of selectmen, the chairman of the finance committee and the moderator of said town for a term of three years and shall perform all the duties hereinbefore performed by the treasurer and collector of said town and shall have such other powers and duties as may from time to time be established. Any vacancy in said office shall be filled in a like manner for the unexpired portion of the term.

ACTS, 1986. – Chaps. 395, 396.

SECTION 2. In the event a vacancy in the office of treasurer or collector of taxes in the town of East Bridgewater prior to the appointment of a treasurer-collector under the provision of section one, the board of selectmen shall fill the vacancy for the remainder of the term.

SECTION 3. The position of treasurer in the town of East Bridgewater shall be abolished as of the date of the annual town election in the year nineteen hundred and eighty-eight, and for the period between the annual town election in said year and the appointment of a treasurer-collector the position of treasurer is deemed vacant for the purposes of section two of this act. The position of collector in the town of East Bridgewater shall be abolished as of the date of the annual town election in the year nineteen hundred and eighty-nine.

SECTION 4. Section one shall take effect as of the date of the annual town election in the year nineteen hundred and eighty-nine.

Approved September 23, 1986.

Chapter 395. AN ACT AUTHORIZING THE MARBLEHEAD POLICE RELIEF ASSOCIATION TO PAY CERTAIN BENEFITS TO ITS MEMBERS UPON THEIR RETIREMENT.

Be it enacted, etc., as follows:

Chapter 399 of the acts of 1973 is hereby amended in lines 8, 9 and 10, by striking out the words "within sixty days after his retirement, or in the case of a member who has retired before the effective date of this act, then within ninety days of said effective date," and further amended by adding at the end thereof the following sentence:— A member electing to receive from the death fund, a retirement payment, will receive a sum equal to the death benefit existing at the time of his retirement.

Approved September 25, 1986.

Chapter 396. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO UTILIZE AN ALTERNATIVE METHOD FOR PROCURING DESIGN AND CONSTRUCTION SERVICES.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of section forty-two B of chapter seven of the General Laws and pursuant to section nineteen of chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five, the deputy commissioner of the division of capital planning and operations is hereby authorized to design and construct the replacement facility for the Charles street jail in accordance with the alternative

method recommended in a report by said deputy commissioner filed with the general court prior to the effective date of this act.

SECTION 2. The division of capital planning and operations is hereby authorized to acquire by eminent domain a certain parcel of land currently owned by the Boston and Maine Railroad, described hereinafter as parcel A, for the purposes described in section five of chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five. Parcel A is bound and described as follows:

PARCEL A

Beginning at the southwesterly corner of the parcel, the point of beginning being along the northerly side of Nashua Street, at the boundary of property owned by the Commonwealth of Massachusetts and controlled by the Department of Public Works, and extending in a northerly direction along the boundary of property controlled by the Department of Public Works a distance of 74.25 feet, more or less; then in a southeasterly direction along the boundary of property owned by the General Hospital Corporation a distance of 71.68 feet, more or less; then in a southerly direction along the boundary of property owned by the General Hospital Corporation to a point on the northerly edge of Nashua Street a distance of 58.0 feet, more or less; then westerly along the northerly edge of Nashua Street a distance of 70 feet, more or less, to the point of beginning.

Said "Parcel A" contains approximately four thousand three hundred and sixty square feet, the precise configuration and area of which shall be described in a land survey, to be prepared prior to the date of acquisition.

Approved September 25, 1986.

Chapter 397. AN ACT FURTHER REGULATING THE APPOINTMENT OF THE AUDITING COMMITTEE OF SAVINGS BANKS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the appointment of the auditing committee of savings banks, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 16 of chapter 168 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— At least once during each twelve-month period, the trustees shall elect an auditing committee of not less than three trustees who shall not be operating officers or members of the board of investment.

Approved October 1, 1986.

Chapter 398. AN ACT AUTHORIZING BARNSTABLE COUNTY TO BORROW MONEY FOR IMPROVEMENTS TO THE REGISTRY AND SUPERIOR COURTHOUSE BUILDINGS IN SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Barnstable county are hereby authorized to raise and expend a sum not exceeding one million dollars to make certain capital improvements to the registry of deeds building and superior courthouse in said county and to provide for more adequate parking at the county complex as they deem necessary and proper including plans and specifications in connection therewith, land acquisition and landscaping. Any sums received from the federal or state governments for the purposes of this act shall be included in, and considered a part of, the total amount authorized to be expended hereunder.

SECTION 2. For the purposes authorized by section one, the treasurer of Barnstable county, with the approval of the county commissioners and with the approval of the advisory board on county expenditures, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, one million dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Registry of Deeds Building and Superior Courthouse Loan, Act of 1986. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 3. The county treasurer of Barnstable county, with the approval of the county commissioners and with the approval of the advisory board on county expenditures, may issue temporary notes of the county, payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes under this act, but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this act. Any notes issued in anticipation of the serial bonds or notes shall be paid from the proceeds thereof.

SECTION 4. This act shall take effect upon its passage.

Approved October 1, 1986.

Chapter 399. AN ACT DIRECTING CITIES AND TOWNS TO DISPLAY THE PRISONER OF WAR AND MISSING IN ACTION FLAG.

ACTS, 1986. – Chaps. 400, 401.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize and direct cities and towns to display the prisoner of war and missing in action flag, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Every city and town is hereby authorized and directed to display the prisoner of war and missing in action flag on one or more of the existing flag poles in such city or town.

SECTION 2. The commonwealth, subject to appropriation, shall expend a sum not exceeding ten thousand dollars for the implementation of this act.

Approved October 1, 1986.

Chapter 400. AN ACT RELATIVE TO ASSESSMENTS REQUIRED BY THE MASSACHUSETTS CREDIT UNION SHARE INSURANCE CORPORATION.

Be it enacted, etc., as follows:

Paragraph (ii) of subsection (b) of section 7 of chapter 294 of the acts of 1961, as appearing in section 4 of chapter 278 of the acts of 1982, is hereby amended by adding the following paragraph:–

In the event that such annual assessments are insufficient to maintain the total assets of the corporation at a level equal to one and one-fourth per cent of the said aggregate insured share and deposit liabilities, the directors, subject to authorization granted by the commissioner, following notice to members and a hearing, may exceed, to the extent and for the duration authorized, the amount limitation set forth in the first paragraph in order to achieve and maintain a ratio of one and one-fourth per cent of total assets of the corporation to aggregate insured share and deposit liabilities.

Approved October 1, 1986.

Chapter 401. AN ACT RELATIVE TO OFFICERS OF THE MASSACHUSETTS CREDIT UNION SHARE INSURANCE CORPORATION.

Be it enacted, etc., as follows:

The first paragraph of section 4 of chapter 294 of the acts of 1961, as appearing in section 2 of chapter 278 of the acts of 1982, is hereby amended by striking out subparagraph (b) and inserting in place thereof the following subparagraph:–

(b) On and after the annual meeting of the corporation to be held in

ACTS, 1986. – Chaps. 402, 403.

the year nineteen hundred and eighty-six, directors may also be elected from excess member credit unions so long as the combined number of regular member and excess member directors, subject to the exception contained in subparagraph (a), does not exceed eleven; provided, however, that no more than two of the eleven directors shall represent excess member credit unions at any one time. Of the total number of directors elected from regular member and excess member credit unions, not more than one-third at any one time shall represent credit unions in any one county of the commonwealth.

Approved October 1, 1986.

Chapter 402. AN ACT RELATIVE TO VOTING LISTS.

Be it enacted, etc., as follows:

Section 58 of chapter 51 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– If a new name is added to the annual register after the voting lists have been posted, registrars shall cause it to be added to the lists posted in their principal office; provided, however, that all registrars shall maintain lists of new names added to the annual registers subsequent to the last posting of the voting lists and such lists shall contain in addition to the names, the addresses, wards and precincts, if any, and party designations, if any, of the newly registered voters; and, provided further, that all registrars shall provide copies of such lists to all duly organized political committees, and to all political candidates for public office in the various districts in which the city or town is located, and, for a reasonable fee, not to exceed the cost of printing or copying such list, to any other person upon request.

Approved October 1, 1986.

Chapter 403. AN ACT PROMOTING ENERGY CONSERVATION THROUGH COORDINATION OF THE FUEL ASSISTANCE AND WEATHERIZATION ASSISTANCE PROGRAMS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 23B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after section 24 the following section:–

Section 24A. Subgrantees of fuel assistance programs shall provide written notice of the existence of weatherization assistance programs when such programs are available to all recipients of fuel assistance, and shall provide written notice of the names of said recipients to weatherization assistance program subgrantees.

Subgrantees of the weatherization assistance program shall provide

ACTS, 1986. – Chaps. 404, 405, 406.

written notice of the existence of said program to all recipients of the fuel assistance program within six months of the receipt of the name of said recipient from the subgrantee providing fuel assistance.

SECTION 2. The secretary of the executive office of communities and development shall make regulations necessary to carry out the provisions of this act.

Approved October 1, 1986.

EMERGENCY LETTER: October 2, 1986 @ 9:40 A.M.

Chapter 404. AN ACT FURTHER REGULATING THE DISPOSITION OF INMATE SAVINGS ACCOUNTS.

Be it enacted, etc., as follows:

Section 48A of chapter 127 of the General Laws, as amended by chapter 444 of the acts of 1985, is hereby further amended by inserting after the second paragraph the following paragraph:–

Said superintendent may also expend on behalf of any inmate such further sums from the money the inmate has earned upon the inmate's written request and in circumstances of compelling need, including, but not limited to, expenses related to family illness or death, legal defense, provision of essential articles of personal use or any other such circumstances of compelling need as determined by the superintendent.

Approved October 1, 1986.

Chapter 405. AN ACT DIRECTING THE TRI-TOWN CONSORTIUM OF BEDFORD, BILLERICA, AND BURLINGTON TO MAKE CERTAIN PAYMENTS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or regulation to the contrary, the town of Bedford, acting as lead town in the consortium consisting of the town of Burlington, the town of Billerica, and the town of Bedford, said consortium being known as the Tri-Town consortium is hereby authorized and directed to make payment in the amount of eighteen thousand eight hundred and sixty dollars from funds available in public works economic development grant agreement number G8341, said grant being made between the department of public works and said consortium, to the North Suburban chamber of commerce for grant related coordination services performed under contract to said consortium in the year nineteen hundred and eighty-two.

Approved October 1, 1986.

Chapter 406. AN ACT RELATING TO THE SALE OF BONDS AND NOTES ISSUED BY CITIES, TOWNS AND DISTRICTS.

Be it enacted, etc., as follows:

Section 16 of chapter 44 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 14, the word "par" and inserting in place thereof the following words:– ninety-eight per cent of their face amount.

Approved October 1, 1986.

**Chapter 407. AN ACT RELATIVE TO THE TAXATION OF
HAZARDOUS WASTE FACILITIES.**

Be it enacted, etc., as follows:

The third paragraph of clause Forty-fourth of section 5 of chapter 59 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– No exemption shall be granted under this clause to any hazardous waste facility sited under the provisions of said chapter twenty-one D, which is maintained principally for the treatment of hazardous waste produced by other persons and transported to the facility for treatment and disposal.

Approved October 1, 1986.

**Chapter 408. AN ACT AUTHORIZING THE CITY OF PEABODY TO
CONVEY AN EASEMENT OVER A CERTAIN PORTION
OF PARK LAND KNOWN AS RADDIN ROAD PARK IN
SAID CITY.**

Be it enacted, etc., as follows:

The city of Peabody is hereby authorized to convey an easement across a certain parcel of park land located in the said city as hereinafter described to Oak Hill Associates for the purpose of developing thereon a drainage facility serving adjacent land. Said easement is shown on an easement plan prepared by Eastern Land Survey Associates, Inc., Christopher R. Mello P.L.S., 40 Lowell Street, Peabody, MA. Scale one inch equals 80 feet, dated January 10, 1985 and prepared for Oak Hill Associates.

Approved October 1, 1986.

**Chapter 409. AN ACT DESIGNATING THE MASSACHUSETTS
TEACHER INCENTIVE PROGRAM AS THE CHRISTA
McAULIFFE TEACHER INCENTIVE PROGRAM.**

Be it enacted, etc., as follows:

The eighth paragraph of section 7 of chapter 15A of the General Laws, added by section 7 of chapter 188 of the acts of 1985, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Said board of regents, subject to appropriation, shall establish a Christa McAuliffe teacher incentive program for the purpose of providing grants for the cost of education, including tuition and fees, for students in institutions of higher education within the commonwealth who agree to teach on a full time basis within a public education system located in the commonwealth for a period to be determined by the board.

Approved October 1, 1986.

**Chapter 410. AN ACT PROHIBITING PERSONS FROM
IMPERSONATING EMERGENCY MEDICAL
TECHNICIANS.**

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 111C of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "thereon", in line 2, the words:– or impersonate, or hold oneself out as, or use the title of emergency medical technician or the acronym, EMT.

SECTION 2. Section 12 of said chapter 111C, as so appearing, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:–

(3) operate an ambulance or serve as an attendant thereon or impersonate, hold oneself out as, or use the title of emergency medical technician or the acronym, EMT in violation of section six.

Approved October 1, 1986.

**Chapter 411. AN ACT FURTHER REGULATING THE ADMISSION OF
MUNICIPALITIES TO A VOCATIONAL REGIONAL
SCHOOL DISTRICT.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section fourteen B of chapter seventy-one of the General Laws or any other general or special law, rule, regulation, or provision of any vocational regional school district agreement to the contrary, the member cities and towns of any vocational regional school district may, by an affirmative vote of two-thirds of the member cities and towns comprising such district, change the terms of the vocational regional school district agreement relating to application of another city or town for admission to the vocational regional school district.

Approved October 1, 1986.

ACTS, 1986. – Chaps. 412, 413, 414.

Chapter 412. AN ACT RELATIVE TO CLASS SIZE IN COLLECTIVE BARGAINING.

Be it enacted, etc., as follows:

Section 6 of chapter 150E of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "employment", in line 5, the words:–, including without limitation, in the case of teaching personnel employed by a school committee, class size and workload.

Approved October 1, 1986.

Chapter 413. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO CONVEY CERTAIN PARK LAND IN SAID TOWN.

Be it enacted, etc., as follows:

The town of Winchester is hereby authorized to convey a certain parcel of park and recreational land in said town to the Winchester housing authority.

Said parcel is located on the southeasterly side of Lockeland Road and is bounded and described as follows:–

Northwesterly by Lockeland Road, 120'+;

Northeasterly by land now or formerly Julia F. Sullivan and Arthur L. Murray and land now or formerly Dorothy H. Matheson, 167'+

Southeasterly by land of Town of Winchester, 120'+; and

Southwesterly by land of said Town of Winchester, 167'+.

Said parcel contains twenty thousand square feet more or less.

Said parcel is to be used for the purpose of public housing.

Approved October 1, 1986.

Chapter 414. AN ACT IMPROVING THE PUBLIC SCHOOLS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 51 of chapter 15 of the General Laws, as appearing in section 6 of chapter 188 of the acts of 1985, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:–

At each school the expenditure of said funds shall be determined exclusively by a council consisting of the school principal who shall serve as chairman; and for the first two thousand five hundred students or part thereof, three teachers, elected annually by the teachers of the building, three parents of children attending said school building chosen in elections held annually by the local parent–teacher organization under the direction of the principal of such school or, if none exists chosen by the school committee; one person appointed by the school committee;

and, for school buildings containing any of the grades nine to twelve, inclusive, one male secondary student and one female secondary student attending said school building elected annually by the students of said grades. For schools with more than two thousand five hundred students there shall be one teacher, one parent, and, at school buildings containing any of the grades nine to twelve, one secondary student representative for each additional five hundred students selected in the manner above to serve on the council.

SECTION 2. Chapter 188 of the acts of 1985 is hereby amended by striking out section 21 and inserting in place thereof the following section:–

Section 21. Notwithstanding the provisions of section thirty-eight G of chapter seventy-one of the General Laws, the commissioner shall be authorized to designate as apprentice teachers qualified individuals who have been awarded a bachelor's degree from an accredited undergraduate institution but do not meet existing certification requirements. Such qualified individuals shall be authorized to teach in the public schools for a period not exceeding two years. Said service may be credited towards teacher certification.

SECTION 3. Said chapter 188 is hereby further amended by striking out section 27 and inserting in place thereof the following section:–

Section 27. There is hereby established a special commission, to consist of four members of the senate, one of whom shall be the chairman of the joint committee on education, five members of the house of representatives, one of whom shall be the chairman of the joint committee on education, and six persons to be appointed by the governor, for the purpose of making an investigation and study relative to the conditions of teaching in the commonwealth. Said commission shall include, but not be limited to, an analysis of teacher salaries incentives and levels of responsibility, class size, teacher education, teacher certification, length of school year, length of school day, the relationship between student performance and professional advancement for teachers and any other aspects of teaching which the commission deems appropriate. Said commission shall report to the house of representatives the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the fourth Wednesday of April, nineteen hundred and eighty-seven.

Approved October 1, 1986.

Chapter 415. AN ACT AUTHORIZING THE REIMBURSEMENT OF CALL FIRE AND CALL AMBULANCE PERSONNEL IN THE TOWN OF SHERBORN FOR CERTAIN MEDICAL EXPENSES.

Be it enacted, etc., as follows:

ACTS, 1986. – Chaps. 416, 417.

SECTION 1. Notwithstanding the provisions of section one hundred of chapter forty-one of the General Laws, the town of Sherborn is hereby authorized to assume medical expenses and to compensate the call fire and the call ambulance personnel of the fire department in the event of injury, disability or death while in the line of duty and to purchase a policy or policies of insurance for said purpose. Such compensation shall be in accordance with a schedule approved by the board of selectmen and such schedule may exceed any statutory limits provided for in section eighty-five H of chapter thirty-two of the General Laws.

SECTION 2. Notwithstanding the provisions of any general or special law or regulation to the contrary, the town of Sherborn is hereby authorized to appropriate in any year money to establish a fund, which shall be kept separate and apart from all other monies by the treasurer, for the purpose of making medical and disability payments for call fire and call ambulance personnel of the town of Sherborn who are injured in the line of duty and to pay the costs of any policy or policies of insurance purchased for said purpose. Said fund may be deposited or invested in such manner as may be legal for the town.

SECTION 3. This act shall take effect upon its passage.

Approved October 8, 1986.

Chapter 416. AN ACT PROHIBITING THE EXPLOITATION OF WILD ANIMALS.

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by inserting after section 77A the following section:–

Section 77B. No person shall exhibit or sponsor an exhibition of any wild animal for the purpose of attracting trade at or for any place of amusement, recreation or entertainment. This section shall not be deemed to prevent the exhibition of any wild animal by any educational institution or in a zoological garden or in connection with any theatrical exhibition or circus. Whoever violates the provisions of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days.

Approved October 8, 1986.

Chapter 417. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER THE CARE, CUSTODY AND CONTROL OF A CERTAIN PARCEL OF PUBLIC LAND IN THE TOWN OF FLORIDA FROM THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

The deputy commissioner of capital planning and operations is hereby authorized to transfer the care, custody and control of the following parcel of public land located along River road in the town of Florida which is presently part of the Mohawk Trail State Forest, from the division of forests and parks of the department of environmental management to the department of public works for highway and slope stabilization purposes. Said parcel of land is more particularly described as follows:

A certain parcel of land located in the town of Florida, at its town lines with the town of Charlemont and the town of Rowe, on the westerly side of the Deerfield river, along River road, being a part of the Mohawk Trail State Forest, under the care, custody and control of the division of forests and parks of the department of environmental management, and containing approximately four acres of land, more or less.

The above described parcel of land is shown on a plan entitled "Town of Florida – River Road Mohawk Trail State Forest (DEM) Slope Stabilization Area Massachusetts Department of Public Works District One Sept. 10, 1985", which plan shall be on file with the chief engineer of the said department of public works.

Approved October 8, 1986.

Chapter 418. AN ACT RELATIVE TO REIMBURSEMENTS TO THE MEMBER TOWNS OF TANTASQUA REGIONAL SCHOOL DISTRICT FOR CERTAIN TRANSPORTATION COSTS.

Be it enacted, etc., as follows:

Chapter 657 of the acts of 1983 is hereby amended by adding the following section:–

Section 3. This act shall further apply to reimbursements paid to the towns of Brimfield, Brookfield, Holland, Sturbridge and Wales as member towns of the Tantasqua Regional School District for the fiscal year commencing July first, nineteen hundred and eighty-six.

Approved October 8, 1986.

Chapter 419. AN ACT RELATIVE TO CONSUMER LEASES.

Be it enacted, etc., as follows:

SECTION 1. Section seventy-seven of chapter ninety-three of the General Laws is hereby repealed.

SECTION 2. Said chapter 93 is hereby further amended by adding after section 89, added by chapter 237 of the acts of 1986, the following four sections:–

Section 90. For the purposes of sections ninety to ninety-three, inclusive, the following words shall, unless the context requires otherwise, have the following meanings:–

"Consumer lease", a contract in the form of a lease or bailment for the use of personal property by a natural person for a period of time of four months or less, and for a total contractual obligation not exceeding twenty-five thousand dollars, primarily for personal, family, or household purposes, whether or not the lessee has the option to purchase or otherwise become the owner of the property at the expiration of the lease, except that such term shall not include any of the following:

(1) a lease or agreement which constitutes a credit sale as defined in section one of chapter one hundred and forty D;

(2) any lease for agricultural, business, or commercial purposes;

(3) any lease made to the commonwealth or any political subdivisions thereof, including, but not limited to, any agencies, boards, departments or other such instrumentalities of the commonwealth or any political subdivisions thereof;

(4) any lease made to an organization;

(5) a lease or agreement which constitutes a retail installment transaction as defined in section one of chapter two hundred and fifty-five D;

(6) any lease or rental of motor vehicles, as defined in section one of chapter ninety or tools or garden equipment; and

(7) any lease or rental of an item of personal property that is leased or rented for fewer than seven consecutive days, including all renewals and extensions of the lease or rental agreement.

"Lessee", a natural person who leases or is offered a consumer lease.

"Lessor", a person who is regularly engaged in leasing, offering to lease, or arranging to lease under a consumer lease.

"Security" and "security interest", any interest in property which secures payment or performance of an obligation.

Section 91. Each lessor shall give to the lessee prior to the execution of the lease a dated written statement on which the lessor and lessee are identified, setting out accurately and in a clear and conspicuous manner the following information with respect to such lease, as applicable:

(a) a brief description or identification of the leased property, including whether the property is new or used;

(b) the amount of any payment required by the lessee at or before the execution of the lease;

(c) the amount paid or payable by the lessee for fees or taxes;

(d) the amount and description of other charges payable by the lessee and not included in the periodic payments;

(e) a statement of the amount or method of determining the amount of any liabilities the lease imposes upon the lessee at the end of the term of the lease and whether or not the lessee has the option to purchase the leased property and the price at which the leased property may be purchased at the end of the lease, and if an ongoing option to purchase shall exist, the method of determining the purchase price at any point in time;

(f) a statement identifying all express warranties and guarantees made by the manufacturer or lessor with respect to the leased property, and identifying the party responsible for maintaining or servicing the leased property together with a description of the responsibility;

(g) a brief description of insurance provided or paid for by the lessor or required of the lessee, including the types and amounts of the coverages and costs;

(h) a description of any security interest held or to be retained by the lessor in connection with the lease and a clear identification of the property to which the security interest relates;

(i) the number, amount and due dates or periods of payments under the lease and the total amount of such periodic payments; and

(j) a statement of the conditions under which the lessee or lessor may terminate the lease prior to the end of the term, or that no such right to terminate exists, and the amount or method of determining the amount of any penalty or other charge for delinquency, default, late payments, or early termination.

The disclosures required under this section may be made in the lease contract to be signed by the lessee, or may be made in a separate written document which shall be attached to the lease contract. Any of the information required to be disclosed under this section may be given in the form of estimates where the lessor is not in a position to know the exact information.

Section 92. (a) If an advertisement for a consumer lease states the amount of any payment or states that any or no initial payment is required, the advertisement shall also clearly and conspicuously state the following items, as applicable:

(1) that the transaction advertised is a lease;

(2) the total of initial payments required at or before execution of the lease or delivery of the property, whichever is later;

(3) that a security deposit is required, if applicable;

(4) the number, amounts, and timing of scheduled payments;

(5) for a lease in which the liability of the lessee at the end of the lease term is based on the anticipated residual value of the property, that an extra charge may be imposed at the end of the lease term.

(b) If an advertisement for a consumer lease refers to or states the amount of any payment and that the lessee has the right to acquire ownership of any particular item, the advertisement shall further clearly and conspicuously state the following items, as applicable:

(1) the total of payments necessary to acquire ownership if ownership is acquired through the accumulation of periodic payments, or the price at which the leased property may be purchased at the end of the lease, and if an ongoing option to purchase shall exist, the method of determining the purchase price at any point in time if acquired through the exercise of the option to purchase;

(2) that the consumer acquires no ownership rights if the total amount necessary to acquire ownership is not paid or the option to purchase is not exercised by payment of the purchase price.

(c) Any owner or the agents or employees of any owner of any medium in which an advertisement appears or through which it is disseminated shall not be liable under this section.

Section 93. (a) Any lessee who suffers harm due to the lessor's failure to comply with any requirement imposed under section ninety-one or section ninety-two shall be entitled to recover from such lessor:

(1) any actual damage sustained by the lessee as a result of such failure;

(2) twenty-five per cent of the total amount of monthly payments under the lease, except that the liability imposed under this subsection shall not be less than one hundred nor more than one thousand dollars; and

(3) in case of any successful action to enforce the foregoing liability, the costs of such action, together with a reasonable attorney's fee as determined by the court.

(b) Such actions alleging a failure to disclose or otherwise comply with the requirements of section ninety-one or section ninety-two shall be brought within one year of the termination of the lease agreement.

(c) A lessor shall not be held liable in any action brought under this section if he shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adopted to avoid any such error. A bona fide error shall include, but shall not be limited to, clerical, calculation, computer malfunction and programming and printing errors; provided, however, that an error of legal judgment with respect to a person's obligations under section ninety-one or section ninety-two shall not be a bona fide error.

(d) A lessor shall not be deemed liable under subsection (a) of this section for a violation of the provisions of section ninety-one if within sixty days after discovering the error, and before an action is filed in accordance with the provisions of this section or written notice of the error is received from the consumer, the lessor notifies the consumer of the error and makes whatever adjustments in the account necessary to assure that the consumer shall not be required to pay an amount in excess of the amounts actually disclosed. This provision shall apply whether the discovery of the error was made through the lessor's own procedures, or otherwise.

(e) When there is more than one lessee in a consumer lease, there shall be no more than one recovery of damages under said subsection (a) for a violation of section ninety-one or section ninety-two.

(f) The continued or repeated failure to disclose to any person any information required under section ninety-one or section ninety-two to be disclosed in connection with a consumer lease, shall entitle the person to a single recovery under said subsection (a); provided, however, that continued failure to disclose after a recovery has been granted shall give rise to rights to additional recoveries.

(g) A person may not take any action to offset any amount for which a lessor is potentially liable to such person under said subsection (a) against any amount owed by such person, unless the amount of the lessor's liability under sections ninety-one to ninety-three, inclusive, has been determined by judgment of a court of competent jurisdiction in an action in which such person was a party. This subsection does not bar a consumer then in default on the obligation from asserting a violation of section ninety-one or section ninety-three as an original action, or as a defense or counterclaim to an action to collect amounts owed by the consumer brought by a person liable under said section ninety-one or said section ninety-three.

Approved October 8, 1986.

Chapter 420. AN ACT RELATIVE TO RIGHTS AFFORDED CERTAIN VICTIMS; WITNESSES OR FAMILY MEMBERS IN CRIMINAL CASES.

Be it enacted, etc., as follows:

Section 3 of chapter 258B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out clause (h) and inserting in place thereof the following clause:-

(h) for a victim to have the opportunity to inform the court of the impact of the crime pursuant to section four B of chapter two hundred and seventy-nine and to request the court to submit such information to the parole board for inclusion in its records regarding the perpetrator of the crime against such victim.

Approved October 8, 1986.

Chapter 421. AN ACT RELATIVE TO THE TRAFFIC COMMISSION OF THE CITY OF WALTHAM.

Be it enacted, etc., as follows:

SECTION 1. Chapter 93 of the acts of 1965 is hereby amended by striking out section 1, as most recently amended by chapter 143 of the acts of 1976, and inserting in place thereof the following section:-

Section 1. There is hereby established in the city of Waltham, hereinafter called the city, a traffic commission, hereinafter called the commission, to consist of the chief of police, who shall be chairman, the wires inspector, the public works director, the chief of the fire department, the city clerk, the planning director and the civil defense director.

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

Approved October 10, 1986.

Chapter 422. AN ACT AUTHORIZING THE TOWN OF CONCORD TO USE CERTAIN LAND FOR HOUSING PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The town of Concord acting through the housing authority of said town, is hereby authorized to use approximately seventy thousand square feet of land off Bedford street, a portion of parcel 1213 on the Assessors Map, for housing purposes, notwithstanding that said land may have been acquired for cemetery purposes.

SECTION 2. The town of Concord acting through the housing authority of said town, is hereby authorized to use approximately three acres of land off Strawberry Hill road, a portion of parcel 1986-6 on the

Assessors Map, for housing purposes, notwithstanding that the said land may have been acquired for school purposes.

Approved October 10, 1986.

Chapter 423. AN ACT RELATIVE TO THE ADMINISTRATIVE PROVISIONS APPLICABLE TO ROOM OCCUPANCY AND LOCAL OPTION TAXES.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 62C of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:–

(g) Every operator, as defined in section one of chapter sixty-four G, subject to taxation under chapter sixty-four G, shall file a return with the commissioner for each calendar month. The commissioner may by regulation require returns under this section to be filed on a quarterly rather than a monthly basis or on such other basis as he may determine and to have different filing periods for different groups of operators. Every such return shall be filed within twenty days after the expiration of the period covered thereby.

SECTION 2. The first paragraph of section 3A of chapter 64G of the General Laws, as appearing in section 6 of chapter 145 of the acts of 1985, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:– The provisions of this section shall take effect on the first day of the calendar quarter following thirty days after such acceptance, or on the first day of such later calendar quarter as the city or town may designate. The city or town, in accepting the provisions of this section, may not revoke or otherwise amend the applicable local tax rate more often than once in any twelve month period.

SECTION 3. Section 13 of chapter 64J of the General Laws, as appearing in section 7 of said chapter 145, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– The provisions of this chapter shall take effect on the first day of the calendar quarter following thirty days after such acceptance, or on the first day of such later calendar quarter as the city or town may designate.

SECTION 4. The provisions of section three A of chapter sixty-four G and section thirteen of chapter sixty-four J of the General Laws, relative to the effective date of the local acceptance, shall apply to local acceptances enacted on or after October first, nineteen hundred and eighty-six.

Approved October 10, 1986.

Chapter 424. AN ACT RELATIVE TO STUDENT TRUSTEES OF THE BOARD OF REGENTS.

Be it enacted, etc., as follows:

The first paragraph of section 9 of chapter 15A of the General Laws, as amended by chapter 100 of the acts of 1985, is hereby further amended by striking out the fifth and sixth sentences and inserting in place thereof the following two sentences:– The student member shall be eligible for re-election for as long as said student remains a full-time undergraduate student and maintains satisfactory academic progress as determined by the policy of the institution at which the student is enrolled. If at any time during the elected term of office said student member ceases to be a full-time undergraduate student or fails to maintain satisfactory academic progress, the membership of said student on the board shall be terminated and the office of the elected student member shall be deemed vacant, provided, however, that if the elected student member vacates his position upon graduation from the institution prior to July first, the elected successor may assume the position of student member on the board effective from the date of graduation of his predecessor, provided further that the statutory time limit of one year of the successor student trustee shall commence to run on July first notwithstanding any taking of office prior to the commencement of said term.

Approved October 10, 1986.

Chapter 425. AN ACT RELATIVE TO VEHICULAR BRIDGES MAINTAINED BY THE DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 634 of the acts of 1971, as most recently amended by chapter 92 of the acts of 1978, is hereby further amended by striking out the first paragraph and inserting in place thereof the following two paragraphs:–

The department of public works, hereinafter called the department, acting on behalf of the commonwealth, is hereby authorized and directed to accept the transfer of title to all vehicular bridges carrying public ways over the tracks or right-of-way of railroads and adjacent spans which form part of the same structure within the commonwealth title to which is now vested in cities, towns, counties or railroads, and after such transfer, such bridges shall be state highways and the department shall assume all responsibility for the maintenance, repair, reconstruction, replacement or removal of any such bridges as may be necessary for the public safety and convenience.

In the event that a vehicular bridge so transferred is removed and replaced with fill and roadway by the department, title to said fill and roadway shall, upon completion of said roadway, vest in the city, town, county or other public entity which controls the public way at the approaches to the removed bridge and said fill and roadway shall then no longer be a state highway.

ACTS, 1986. – Chaps. 426, 427.

SECTION 2. This act is effective for all bridges transferred to the department of public works in accordance with the provisions of chapter six hundred and thirty-four of the acts of nineteen hundred and seventy-one, which have been removed and filled since the effective date of said chapter six hundred and thirty-four.

Approved October 10, 1986.

Chapter 426. AN ACT AUTHORIZING THE TOWN OF BELLINGHAM TO ESTABLISH A SCHOOL TEACHER'S ATTENDANCE INCENTIVE PAY FUND.

Be it enacted, etc., as follows:

The town of Bellingham is hereby authorized to establish a separate fund within the town treasury for the purpose of offsetting the anticipated cost of the school teacher attendance incentive pay program. Said fund shall be known as the school teacher's attendance incentive pay fund. Said town may appropriate in any one year an amount not exceeding one-twentieth of one per cent of its equalized evaluation into said fund, but no money shall be appropriated for such purpose while the fund equals or exceeds one per cent of such equalized evaluation.

The treasurer of said town shall be the custodian of such special fund and may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, co-operative banks or trust companies organized under the laws of the commonwealth, or invest the same in such securities as are legal for the investment of funds for savings banks under the laws of the commonwealth or in federal savings and loan associations situated in the commonwealth. Any accumulated principal and interest may be appropriated at the annual town meeting for the purpose of offsetting the anticipated cost of the attendance incentive pay program during the upcoming fiscal year.

The treasurer shall expend from time to time, at the discretion of the school committee, such amounts appropriated to satisfy the costs of such program during the fiscal year. Any principal or interest not expended during the fiscal year shall revert to the school teacher's attendance incentive pay fund.

Approved October 10, 1986.

Chapter 427. AN ACT ESTABLISHING A REVOLVING FUND IN THE TOWN OF MIDDLEBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, the town of Middleborough may establish in the town treasury a revolving fund which shall be kept

separate and apart from all other monies by the treasurer of said town and in which shall be deposited all fees charged by the planning board for the purpose of offsetting cost incurred by said board for services rendered to said town by engineers, surveyors, architects and other persons who give professional and technical advice to evaluate and provide information on subdivisions, master permits or special permits.

SECTION 2. The revolving fund shall be expended at the direction of the planning board without further appropriation provided that such funds are to be expended only for expenses incurred by said planning board in connection with carrying out its responsibilities under law. Such expenses shall include payments for services rendered to said town by engineers, surveyors, architects and other persons who give professional and technical advice to assist the planning board in carrying out its responsibilities under law.

SECTION 3. No funds from said account shall be expended to purchase equipment or to employ or pay the salary of any town officer or employee and provided, further, that said revolving fund shall not exceed the sum of twenty thousand dollars. Any amount in excess of twenty thousand dollars, at any time during the fiscal year, shall be paid into the town treasury as provided in section fifty-three of chapter forty-four.

SECTION 4. The town accountant shall submit annually a report of said revolving fund to the board of selectmen for their review. The town accountant shall submit a copy of said reports to the director of the bureau of accounts.

Approved October 10, 1986.

**Chapter 428. AN ACT ESTABLISHING A SELECTMEN
ADMINISTRATION FORM OF GOVERNMENT FOR THE
TOWN OF ASHBURNHAM.**

Be it enacted, etc., as follows:

SECTION 1. Upon the effective date of this act, the town of Ashburnham shall be governed by the provisions of this act. To the extent that the provisions of this act modify or repeal existing general laws and special acts or that body of law which constitutes the town charter under Section 9 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth, this act shall govern.

SECTION 2. The board of selectmen of said town of Ashburnham shall appoint the town accountant, the historical commission, the arts commission, the constables, the water commissioners, the housing authority and all other boards, committees and commissions except those appointed by the moderator or otherwise appointed in accordance with the provisions of this act. The moderator shall continue to appoint officials heretofore appointed by the moderator.

SECTION 3. The regional school committee members shall continue to be elected in conformity with the votes of the regional school district. All powers, rights and duties, now or hereafter conferred or imposed by law upon the regional school committee, shall be exercised and performed by the regional school committee. Nothing in this act shall be construed to affect the powers and duties of the regional school committee as provided by law.

SECTION 4. A member of the board of selectmen, or of the regional school committee or of the advisory board shall, during the term for which he was elected or appointed, be ineligible either by election or appointment to hold any other town office. Any person appointed by the town administrator to any town office under the provisions of this act or of any general or special law shall be eligible during the term of said office to appointment to any other town office, except that the town accountant shall not be eligible to hold the position of town treasurer or the position of town collector. The town administrator, subject to any applicable provision of the General Laws relating thereto, may assume the duties of any office which he is authorized to fill by appointment.

SECTION 5. The selectmen elected as provided herein shall appoint, as soon as practicable, for a definite term to be set by the selectmen, a town administrator who shall be a person especially fitted by education, training and experience to perform the duties of the office. The town administrator shall be appointed without regard to his political affiliations or beliefs. He need not be a resident of the town or of the commonwealth when appointed, but shall become a resident of the town during the first year of his appointment unless otherwise provided by the selectmen. He shall possess a college degree at the bachelor level and shall have had three years of full-time paid experience in a supervisory administrative position. A masters degree may substitute for not more than one year of such paid experience. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed or approved by the selectmen, the cost for which shall be paid by the town. The selectmen may enter into a formal contract with the town administrator and may set a job description for the town administrator which shall take precedence over any personnel by-laws.

SECTION 6. Any vacancy in the office of town administrator shall be filled as soon as possible by the selectmen. Pending the appointment of a town administrator or the filling of any vacancy, the selectmen shall, within seven days, appoint a suitable person to perform the duties of the office.

SECTION 7. The town administrator may designate, subject to approval by the board of selectmen, by letter filed with the town clerk, a qualified officer of the town to perform his duties during his temporary absence or disability. In the event of failure of the administrator to make such designation, the selectmen may, by resolution, designate an officer of the town to perform the duties of the administrator until he shall return or his disability shall cease.

SECTION 8. The board of selectmen may, by a unanimous vote, remove the town administrator. At least thirty days before such proposed removal shall become effective, the selectmen shall file a preliminary written resolution with the town clerk setting forth in detail the specific reasons for the proposed removal, a copy of which resolution shall be delivered to the town administrator. The administrator may, within ten days of service of such resolution, reply in writing to the resolution and may request a public hearing. Service shall be deemed to have been accomplished by leaving a copy of such resolution at the administrators last known abode. If the administrator so requests, the board of selectmen shall hold a public hearing not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, and after full consideration, the selectmen by a unanimous vote of the full membership of the board, may adopt a final resolution of removal. In the preliminary resolution, the selectmen may suspend the administrator from duty, but shall in any case cause to be paid to him forthwith any unpaid balance of his salary during the period of consideration of the preliminary resolution following the filing of the preliminary resolution. Upon the adoption of a final resolution of removal, the selectmen shall pay the administrator severance pay in the amount equal to one month's pay for each full year of service to the town, but in no event more than an amount equal to three month's pay.

SECTION 9. The town administrator shall receive such compensation for his services as the board of selectmen shall determine but it shall not exceed the amount appropriated therefor by the town.

SECTION 10. In addition to specific powers and duties provided in this act, the town administrator shall have the general powers and duties enumerated in this section:

(a) The town administrator shall supervise the heads of all departments and shall supervise and direct the general administration of all commissions, boards and offices except the board of selectmen, the regional school committee, the municipal light board, the advisory board, the library trustees and the moderator. He shall not, however, exercise any control over the discretionary power vested by statute in any such board, committee, commission or office.

(b) The town administrator, in accordance with the provisions of this act and with the approval of the board of selectmen, except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as he deems necessary and may transfer the powers and duties of one department, commission, board or office to another.

(c) The town administrator shall approve, upon the recommendation of department heads, the appointment and removal of all officers and employees of the town, subject to chapter thirty-one of the General Laws where applicable. Department heads shall select, on merit and

fitness alone, all department employees for such recommendation. The town administrator shall appoint on merit and fitness alone, and may remove, subject to said chapter thirty-one where applicable, all officers and employees of the town who are not otherwise appointed or elected under this act. Town officers and employees not subject to the provisions of said chapter thirty-one shall not be removed by the town administrator except on ten days notice in writing, setting forth the cause of such removal.

(d) Notwithstanding the provisions of section one hundred and eight of chapter forty-one of the General Laws, but subject to all applicable provisions of chapter thirty-one of the General Laws, the town administrator shall fix the compensation of all town officers and employees subject to appointment by him.

(e) The town administrator shall attend all regular meetings of the board of selectmen except meetings at which his removal is being considered.

(f) The town administrator shall keep full and complete records of his office, and shall render as often as may be required by the selectmen, but, in any case, annually, a full report of all operations during the period reported on.

(g) The town administrator shall keep the selectmen fully advised as to the needs of the town and shall recommend to the selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient.

(h) The town administrator shall have jurisdiction over the rental and use of all town property and shall be responsible for the maintenance and repair of all town buildings. He shall be responsible for the preparation of plans and the supervision of work on existing buildings or the construction of new buildings.

(i) The town administrator shall be responsible for the purchase of all supplies and materials and equipment, except books and educational materials for schools and books and other media for libraries, and shall approve the award of all contracts for all departments of the town. He shall make purchases for departments not under his supervision only upon requisition duly signed by the head of such department.

(j) The town administrator shall administer either directly or through a person or persons appointed by him in accordance with this act all provisions of general and special laws applicable to said town, all by-laws and all regulations established by the selectmen.

(k) The town administrator shall have authority, with the approval of the board of selectmen, to prosecute, defend and compromise all litigation to which the town is a party, and shall be the executive officer of a public employer in the town as referred to in chapter two hundred and fifty-eight of the General Laws pertaining to the processing of claims against the town.

(l) The town administrator shall be the selectmen's agent for collective bargaining and may employ special counsel to assist him in the performance of these duties.

(m) The town administrator shall secure on or before December first of each year from all offices, boards and committees charged with equipment a list of all such equipment upon forms approved by the advisory board. Such lists shall be filed with the town accountant who shall transmit them to the clerk of the advisory board.

(n) The town administrator shall attend all town meetings and shall be permitted to speak when recognized by the moderator.

(o) The town administrator shall be responsible for the implementation of town meeting votes and shall report annually in writing to the town meeting on the status of prior town meeting votes on which implementation is not complete.

(p) The town administrator shall be accessible and available for consultation to chairmen of boards, committees and commissions of the town, whether appointed or elected, and shall make accessible and available to them all such data and records of his office as may be requested in connection with their official duties.

(q) The town administrator shall perform such other duties, consistent with his office, as may be required of him by the by-laws of the town or by vote of the selectmen or town meeting.

SECTION 11. The town administrator may without notice cause the affairs of any division or department under his supervision or the job-related conduct of any officer or employee thereof to be examined. The town administrator shall have access to all town books and papers for information necessary for the proper performance of his duties. The town administrator shall promptly transmit any findings of wrongdoing to the board of selectmen.

SECTION 12. The town administrator shall appoint, with the approval of the board of selectmen, the town treasurer-tax collector, the assessors, the commission of trust funds, the industrial commission, energy conservation and fuel allocation board, council on aging, conservation commission, board of registrars, zoning board of appeals, election officers, parks and recreation commission, and all other town officials whose appointment or election is not specifically provided for herein. Unless otherwise specified by statute, all boards, commissions, committees and councils which are appointed by the town administrator shall be appointed for a specific term of office, not to exceed five years, but so that at least one term expires each year. The town administrator shall appoint, and may remove subject to the approval of the board of selectmen and subject to the provisions of chapter thirty-one of the General Laws where applicable, all department heads, all officers and all subordinates and employees for whom no other method of appointment is provided in this act, except persons serving under other elected agencies and appointments made by representatives of the commonwealth.

Appointments to permanent positions made by the town administrator shall become effective on the fifteenth day following the day notice of appointment is filed with the board of selectmen, unless the board of selectmen shall, within that period, by a majority vote of the full board, vote to reject any such appointment. Nothing herein shall be construed to conflict with chapter thirty-one of the General Laws where applicable.

SECTION 13. The registered voters of the town of Ashburnham shall, in accordance with any applicable laws, by-laws and votes of the town, continue to elect the following:—

- (a) Moderator
- (b) Board of Selectmen
- (c) Regional School Committee Members
- (d) Planning Board
- (e) Board of Health
- (f) Library Trustees
- (g) Municipal Light Board
- (h) Town Clerk

The provisions of this act shall not affect the term of office of any such elected official or elected member of such board, committee or authority. Every other elective office, board, committee or commission of the town shall be terminated or shall become appointive as provided herein, any other provision of law to the contrary notwithstanding. The term of office of any person elected to any office, board, committee or commission of the town, existing at the time of such acceptance and terminated hereunder, shall continue until the appointment of the town administrator, and thereafter the said offices, boards, committees and commissions shall be abolished, and all powers, duties and obligations conferred or imposed thereon by law, except as provided by this act, shall be conferred and imposed upon the town administrator to the extent hereinafter provided. The term of office of any person elected to any office, board, committee or commission existing as an elected office at the time of the acceptance of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of his successor.

The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by applicable provisions of General Laws, special acts, by-laws and votes of the town, except as otherwise expressly provided herein.

Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to the administrator for consultation, conference and discussion on matters relating to their respective offices. The town administrator may require all such officials, except the selectmen, to prepare reports for the town administrator necessary for the efficient administration of any of his fiscal responsibilities.

SECTION 14. At least ninety days prior to the annual town meeting, the town administrator shall submit to the board of selectmen a careful, detailed estimate in writing of the probable expenditures of the town government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town, and showing specifically the amount necessary to be provided for each fund and department, together with a statement of the expenditures of the town for the same purposes in the preceding year and an estimate of the expenditures for the current year. He shall also submit a statement showing all revenues received by the town in the preceding fiscal year together with an estimate of the receipts of the current year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year. He shall report the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together

with an estimate of the tax rate necessary to raise said amount. For the purposes of enabling the town administrator to make up the annual estimates of expenditures, all boards, offices, and committees of the town shall, at least one hundred and twenty days prior to the annual town meeting, furnish all information in their possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.

SECTION 15. The board of selectmen shall consider the tentative budget submitted by the town administrator and make such recommendations relative thereto as they deem expedient and proper in the interests of the town. On or before the seventy-fifth day prior to the annual town meeting, the board of selectmen shall transmit a copy of the budget, together with their recommendations relative thereto, to each member of the financial advisory board.

SECTION 16. The town administrator shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of section fifty-six of chapter forty-one of the General Laws shall be submitted to the town administrator. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the town treasurer, but the selectmen shall approve all warrants in the event of a vacancy in the office of town administrator.

SECTION 17. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or any other authority, which are in force in the town of Ashburnham on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue in full force and effect until otherwise provided by other laws, by-laws, votes, rules and regulations, respectively. All other laws, by-laws, votes, rules and regulations so far as they refer to the town of Ashburnham, are hereby suspended but such suspension shall not revive any pre-existing enactment.

SECTION 18. No contract existing and no action at law or suit in equity, or other proceeding pending on the effective date of this act, or at the time of revocation of such acceptance, shall be affected by such acceptance or revocation, except that upon revocation any contract made by the town with the town administrator then in office shall be terminated immediately upon such vote subject only to termination payment rights under section eight.

SECTION 19. Any person holding a town office or employment under the town shall retain such office or employment and shall continue to perform his duties until provisions shall have been made in accordance with this act for the performance of said duties by another person or agency. No person who continues in the permanent full-time service or employment of the town shall forfeit his pay grade or time in service.

SECTION 20. This act shall take effect upon its passage.

Approved October 14, 1986.

Chapter 429. AN ACT REGULATING THE RETAIL SALE OF SIMPLE MAGNIFYING GLASSES.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by inserting after section 73L the following section:–

Section 73M. The provisions of sections sixty-six to seventy-three L, inclusive, and any rules or regulations promulgated pursuant thereto shall not apply to the retail sale of simple ready-to-wear magnifying spectacles or eyeglasses; provided, however, that a seller of said ready-to-wear magnifying spectacles or eyeglasses shall have the following notice permanently affixed in plain view to the top of any point of sale display or, if there is no such display, in the area of sale, "These magnifiers are not intended to be a substitute for corrective lenses; only a professional eye examination can determine your eye health status and vision needs."

Approved October 14, 1986.

Chapter 430. AN ACT ALLOWING CERTAIN EDUCATION PROFESSIONALS AT PUBLIC COLLEGES AND UNIVERSITIES TO SERVE ON THE MASSACHUSETTS BOARD OF EDUCATION.

Be it enacted, etc., as follows:

The first paragraph of section 1E of chapter 15 of the General Laws is hereby amended by striking out the third sentence, as amended by chapter 112 of the acts of 1985, and inserting in place thereof the following two sentences:– No appointive member of said board shall be employed by or receive regular compensation from the department of education, or from any school system, public or independent, in the commonwealth, or serve as a member of any school committee. Not more than two appointive members of said board shall be employed on a full-time basis by any agency of the commonwealth.

Approved October 14, 1986.

Chapter 431. AN ACT PROVIDING THAT CERTAIN AGENTS MAY HOLD CERTAIN SECURITIES BY FIDUCIARIES.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 167G of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out subsection 5 and inserting in place thereof the following subsection:–

5. Any association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth, may hold securities held by it as agent or custodian for any fiduciary, or in a fiduciary capacity pursuant to the exercise of such trust powers in a manner such

that, without certification as to ownership attached, certificates representing securities of the same class of the same issuer and from time to time constituting assets of particular fiduciary accounts are held in bulk, including, to the extent feasible, the merging of certificates of small denomination into one or more certificates of large denomination, provided that such association or corporation shall be subject to such rules and regulations as may from time to time be issued in the case of national banking associations, by the comptroller of the currency, and in the case of all other such associations and corporations, by the commissioner. Such association or corporation shall, on demand by any court, fiduciary, co-fiduciary, beneficiary, or other interested party to an accounting, or by the attorney for any such fiduciary, co-fiduciary, beneficiary, or other interested party to an accounting, certify in writing the securities held by such association or corporation as such fiduciary, agent or custodian.

SECTION 2. Subsection 6 of said section 3 of said chapter 167G, as so appearing, is hereby amended by striking out, in line 49, the word "by".

SECTION 3. Subsection 7 of said section 3 of said chapter 167G, as so appearing, is hereby amended by inserting after the word "fiduciary", in line 94, the words:– , agent or custodian.

SECTION 4. Said section 3 of said chapter 167G, as so appearing, is hereby further amended by inserting after subsection 7 the following subsection:–

7A. Any association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth, while acting as a fiduciary or as an agent or custodian for any other fiduciary, and any individual fiduciary, may hold securities in the form of uncertificated securities, as defined in section 8–102 of chapter one hundred and six. Ownership of, and other interests in, such securities may be transferred by bookkeeping entry on the books maintained for that purpose by or on behalf of the issuers of such securities. The records of any such association, corporation, or individual fiduciary shall at all times show the name of the party for whose account the securities are held. Such association, corporation, or individual fiduciary shall, upon demand by any court, fiduciary, co-fiduciary, beneficiary, or other interested party to an accounting, or by the attorney for any such fiduciary, co-fiduciary, beneficiary, or other interested party to an accounting, certify in writing that the securities are held by it as such fiduciary, agent, or custodian, and shall therein hold harmless any interested party who has relied on such certification.

SECTION 5. Subsection 8 of said section 3 of said chapter 167G, as so appearing, is hereby amended by inserting after the word "fiduciary", in line 117, the words:– , agent or custodian.

Approved October 14, 1986.

Chapter 432. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT A PERMANENT EASEMENT IN A CERTAIN PARCEL OF LAND IN THE TOWN OF HOLDEN TO CHARLES POTTER AND BEVERLY POTTER.

Be it enacted, etc., as follows:

The deputy commissioner of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to convey by deed approved as to form by the attorney general, an easement for, sewer purposes on land, under the control of the metropolitan district commission, located in the town of Holden, to Charles Potter and Beverly Potter subject to terms and conditions as said deputy commissioner may prescribe, in consultation with said commission. Said easement being shown on a plan of land entitled "Plan of Easement Over Land Owned by the Commonwealth of Massachusetts Metropolitan District Commission Water Division Holden, Massachusetts for the Benefit of Charles E. and Beverly A. Potter", on file with said commission. The sale price of said easement shall be based on an independent appraisal.

Approved October 14, 1986.

Chapter 433. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER A CERTAIN PARCEL OF LAND IN THE TOWN OF TEWKSBURY TO THE MASSACHUSETTS CRIMINAL JUSTICE TRAINING COUNCIL.

Be it enacted, etc., as follows:

The division of capital planning and operations, on behalf of the department of public health, is hereby authorized to transfer to the Massachusetts criminal justice training council the care, custody and control of a certain parcel of land in the town of Tewksbury presently used for agricultural purposes. Said land is to be used for the construction of a building for criminal justice training. Said parcel is bounded and described as follows:-

Beginning at a point on Livingston street, thence running in an easterly direction along centerline of existing drainage ditch 790 feet more or less to a point on the Tew-mac airport runway.

Thence in a northerly direction along said runway and land by commonwealth of Massachusetts 324 feet more or less to a point.

Thence in a westerly direction 790 feet more or less along said land of commonwealth of Massachusetts to a point.

Thence in a southerly direction 290 feet more or less along Livingston street to the point of beginning.

Said parcel containing 8.4 acres of land, more or less.

Approved October 14, 1986.

Chapter 434. AN ACT TRANSFERRING CERTAIN RESPONSIBILITIES CONCERNING THE REGULATION OF CONTROLLED SUBSTANCES FROM THE COMMISSIONER OF MENTAL HEALTH TO THE COMMISSIONER OF PUBLIC HEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 94C of the General Laws is hereby amended by striking out section 24, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 24. (a) A practitioner who dispenses a controlled substance in Schedule I, II or III in the course of research conducted pursuant to the provisions of section eight or for the purpose of treating for his drug dependency a drug dependent person as defined in section thirty-eight of chapter one hundred and twenty-three shall report to the commissioner or his designee identifying information and the address of each research subject or patient to whom such controlled substance is dispensed, and the name, dosage and strength per dosage unit of the substance so dispensed. Said commissioner shall maintain records of each such report.

(b) Such records maintained by the commissioner shall be closed to the public and shall not be available to any law enforcement officer for any purpose, nor shall they be used in the criminal prosecution of such research subject or patient pursuant to any provision of this chapter, nor shall they be admissible as evidence against such research subject or patient in any criminal proceeding.

(c) If the commissioner determines that the research subject or patient is receiving any controlled substance from more than one source and in quantities which he determines to be harmful to the health of the research subject or patient, said commissioner shall so notify the practitioners who have dispensed the controlled substance.

(d) The failure of a practitioner to report as aforesaid shall constitute sufficient grounds for the termination of the research project or study pursuant to the provisions of subsection (c) of section eight, or the revocation, suspension or modification of the practitioner's registration, or both.

(e) In order to prevent the dispensing of controlled substances to the same individual from multiple sources or the unlawful diversion of controlled substances, the commissioner shall pursuant to the provisions of chapter thirty A adopt rules and regulations for carrying out the provisions of this section.

(f) Every physician attending or treating a case of acute poisoning caused by any controlled substance shall report the circumstances of such poisoning to the commissioner; provided, however, that such physician shall not report the identity of any person who has been so poisoned to the commissioner or to any law enforcement officer or agency for any purpose without the written consent of such person, nor shall the identity of such person be admissible as evidence against such person in any criminal proceeding. The commissioner may then require or conduct further investigation into the circumstances of such poisoning.

(g) This section shall not apply to a practitioner who has been authorized by the Attorney General of the United States to

withhold the names and other identifying characteristics of certain persons pursuant to 21 USC 872(c).

SECTION 2. Said chapter 94C is hereby further amended by striking out section 29, as so appearing, and inserting in place thereof the following section:–

Section 29. (a) The commissioner in cooperation with the commissioner of mental health and the commissioner of education shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs he shall:

(1) promote better recognition of the problem of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

(2) assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

(3) consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(4) evaluate procedures, projects, techniques and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances;

(5) disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them; and

(6) assist the attorney general in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

(b) The commissioner shall encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of this chapter, he shall:

(1) establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse;

(2) make studies and undertake programs of research to:

(i) develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this chapter;

(ii) determine patterns of misuse and abuse of controlled substances and the social effects thereof; and

(iii) improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances; and

(3) enter into contracts with public agencies, institutions of higher education and private organizations or individuals for the purpose of conducting research, demonstrations or special projects which bear directly on misuse and abuse of controlled substances.

(c) The commissioner and the commissioner of mental health may enter into contracts for educational and research activities.

Approved October 14, 1986.

Chapter 435. AN ACT AUTHORIZING THE UPPER CAPE COD REGIONAL VOCATIONAL-TECHNICAL SCHOOL TO MAKE CERTAIN SALARY PAYMENTS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section sixty-eight of chapter forty-four of the General Laws or any other general or special law to the contrary, the Upper Cape Cod Regional Vocational-Technical School District is hereby authorized to pay the sum of sixteen thousand three hundred and thirty-nine dollars for salaries for the fiscal year nineteen hundred and eighty-four to two groups of employees identified as administrators and as custodians as provided in collective bargaining agreements between said district and the Upper Cape Cod Teachers Association dated April ninth, nineteen hundred and eighty-five and June eighteenth, nineteen hundred and eighty-five.

Approved October 14, 1986.

Chapter 436. AN ACT ESTABLISHING THE OFFICE OF TREASURER-COLLECTOR OF TAXES IN THE TOWN OF ASHBURNHAM.

Be it enacted, etc., as follows:

SECTION 1. The office of treasurer-collector of taxes of the town of Ashburnham is hereby established. Said treasurer-collector of taxes shall be appointed by the town administrator with the approval of a two-thirds majority of the board of selectmen for a term not to exceed three years and shall perform all the duties hereinbefore performed by the treasurer and tax collector of said town and shall have such other powers and duties as may from time to time be established. Said town may establish by by-law such qualifications and terms of employment for such office as it deems necessary and appropriate. Any vacancy in said office shall be filled in like manner for the unexpired term. Upon the appointment and qualification of said treasurer-collector of taxes, the terms of office of the persons holding the offices of treasurer and collector of taxes shall terminate.

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

Approved October 16, 1986.

Chapter 437. AN ACT RELATIVE TO THE MODIFICATION OF RETIREMENT ALLOWANCES IN THE TOWN OF WELLESLEY.

Be it enacted, etc., as follows:

SECTION 1. The retirement board of the town of Wellesley, when modifying the retirement allowance of a retiree under the provisions of

ACTS, 1986. – Chaps. 438, 439.

subdivision (3) of section eight of chapter thirty-two of the General Laws, is hereby authorized to calculate said modification using the annual rate of regular compensation then in effect for the position from which the employee was retired rather than the annual rate in effect on the date of his retirement.

SECTION 2. Said retirement board of said town of Wellesley is hereby authorized to restore the retirement allowances reduced or eliminated on or after April first, nineteen hundred and eighty-five based upon the calculation authorized under the provisions of section one.

SECTION 3. This act shall take effect upon its passage.

Approved October 16, 1986.

Chapter 438. AN ACT DESIGNATING THE POST TRAUMATIC STRESS DISORDER UNIT AT THE RUTLAND HEIGHTS HOSPITAL AS THE BRADFORD R. BURNS MEMORIAL POST TRAUMATIC STRESS DISORDER UNIT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately designate the Post Traumatic Stress Disorder Unit at the Rutland Heights Hospital as the Bradford R. Burns Memorial Post Traumatic Stress Disorder Unit, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The post traumatic stress disorder unit at the Rutland Heights Hospital in the town of Rutland shall be designated and known as the Bradford R. Burns Memorial Post Traumatic Stress Disorder Unit, in memory of Bradford R. Burns, a Vietnam veteran. A suitable marker bearing such designation shall be attached thereto by the commissioner of veterans' services.

Approved October 16, 1986.

Chapter 439. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO BORROW MONEY FOR THE PURPOSES OF RENOVATING, EQUIPPING AND OPERATING A RESPIRATORY CARE UNIT AT THE WORCESTER COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Worcester county with the approval of the advisory board on county expenditures for said county are hereby authorized to renovate, originally equip and operate a respiratory care unit at the Worcester County Hospital.

ACTS, 1986. – Chap. 440.

SECTION 2. For the purposes authorized by section one, the county treasurer of said county, may borrow upon the credit of said county such sums as may be necessary, not exceeding, in the aggregate, seven hundred and seventy-three thousand two hundred and ninety-four dollars and forty-seven cents, and may issue bonds or notes of the county therefor, which shall bear on their face the words Worcester County Hospital Respiratory Care Unit, Act of 1986. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than ten years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 3. This act shall take effect upon its passage.

Approved October 16, 1986.

Chapter 440. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS, INCLUDING THE AGREEMENT BETWEEN THE COMMONWEALTH AND THE ALLIANCE, AFSCME/SEIU, AFL-CIO – UNITS 2, 4, 8 AND 10.

Be it enacted, etc., as follows:

SECTION 1. To provide for certain collective bargaining costs, including the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO – Units 2, 4, 8 and 10, the sums set forth in section two are hereby appropriated, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter two hundred and six of the acts of nineteen hundred and eighty-six.

SECTION 2.

TREASURER AND RECEIVER-GENERAL.

State Lottery Commission.

Collective Bargaining.

Item

0640-0096 For the purpose of the commonwealth's contributions for the fiscal year nineteen hundred and eighty-seven to the health and welfare fund established pursuant to the collective bargaining agreement between the lottery commission and the Service Employees International Union, Local 254, AFL-CIO; provided, however, that said

contributions shall be calculated as provided in said collective bargaining agreement, and shall be paid to such trust fund on such basis as said collective bargaining agreement provides

\$110,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Collective Bargaining.

1105-2000 For the purposes of the commonwealth's contributions for the fiscal year nineteen hundred and eighty-seven to health and welfare funds established pursuant to certain collective bargaining agreements; provided, however, that said contributions shall be calculated as provided in the applicable collective bargaining agreement, and shall be paid to such trust funds on a monthly basis, or on such other basis as the applicable collective bargaining agreement provides

\$8,750,000

1105-3602 For the purpose of meeting the commonwealth's obligations pursuant to the provisions of articles thirteen C, nineteen, twenty-four, and twentysix A of the collective bargaining agreement between the commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO (Units 2, 4, 8, and 10)

\$1,043,000

Miscellaneous.

1599-3602 For a reserve to the meet the cost of salary adjustments and other employee economic benefits Item authorized by the collective bargaining agreement between the commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO (Units 2, 4, 8 and 10); and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments and other economic benefits for "confidential" employees in accordance with

the provisions of the collective bargaining agreement then in effect which would otherwise cover said positions; provided, further, that said secretary is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and eighty-seven such amounts as are necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose; provided, further, that said secretary is authorized to allocate the cost of such salary adjustments and benefits to the several state or other funds to which such items of appropriation are charged; provided, further, that copies of said collective bargaining agreement, together with an analysis of all cost items contained in said agreement and all changes to be made in the schedules of permanent and temporary positions required by said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet the cost of said adjustments and benefits; and provided, further, that no transfers shall be made from this item without prior approval of the house and senate committees on ways and means

\$39,276,000

1599-3605 For a reserve to meet the cost of the salary adjustments effective September twenty-eighth, nineteen hundred and eighty-six, authorized by paragraph A(5) of section one of article twelve of the collective bargaining agreement between the commonwealth and the Massachusetts Nurses' Association (Unit 7); and to meet the cost of salary adjustments necessary to provide equal salary adjustments to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments and other economic benefits for "confidential" employees in item accordance with the provisions of the collective bargaining agreement then in effect which would otherwise cover said positions; provided,

further, that said secretary is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and eighty-seven such amounts as are necessary to meet the cost of said adjustments where the amounts otherwise available are insufficient for the purpose; provided, further, that said secretary is authorized to allocate the cost of such salary adjustments to the several state or other funds to which such items of appropriation are charged; and provided, further, that no transfers shall be made from this item without prior approval of the house and senate committees on ways and means

\$3,649,000

SECTION 3. This act shall take effect upon its passage.

Approved October 16, 1986.

Chapter 441. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS, INCLUDING THE AGREEMENT BETWEEN THE COMMONWEALTH AND THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, LOCALS RI-283, RI-290, RI-291, RI-292 – UNIT 1, AND THE SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH AND THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, LOCAL RI-207 – UNIT 6.

Be it enacted, etc., as follows:

SECTION 1. To provide for certain collective bargaining costs, including the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the commonwealth and the National Association of Government Employees, Locals RI-283, RI-290, RI-291, RI-292 – Unit 1, and the Supplemental Agreement between the commonwealth and the National Association of Government Employees, Local RI-207 – Unit 6, the sums set forth in section two are hereby appropriated, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter two hundred and six of the acts of nineteen hundred and eighty-six.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.
Collective Bargaining.

Item

- 1105-3603 For the purpose of meeting the commonwealth's obligations pursuant to the provisions of articles thirteen C, nineteen, twenty-four, and twenty-six A of the collective bargaining agreement between the commonwealth and the National Association of Government Employees, Locals RI-283, RI-290, RI-291, RI-292 (Unit 1) \$350,000
- 1105-3604 For the purpose of meeting the commonwealth's obligations pursuant to the provisions of section four of article twenty-four of the collective bargaining agreement between the commonwealth and the National Association of Government Employees, Local RI-207 (Unit 6), added by paragraph two of the supplemental agreement to the 1984-87 agreement between the commonwealth and the National Association of Government Employees, Local RI-207 (Unit 6) \$35,000

Miscellaneous.

- 1599-3603 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the commonwealth and the National Association of Government Employees, Locals RI-283, RI-290, RI-291, RI-292 (Unit 1); and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments and other economic benefits for "confidential" employees in accordance with the provisions of the collective bargaining agreement then in effect which would otherwise cover said positions; provided, further, that said secretary is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and eighty-seven such amounts necessary to meet

the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the purpose; provided, further, that said secretary is authorized to allocate the cost of such salary adjustments and benefits to the several state or other funds to which such items of appropriation are charged; provided, further, that copies of said collective bargaining agreement, together with an analysis of all cost items contained in said agreement and all changes to be made in the schedules of permanent and temporary positions required by said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet the cost of said adjustments and benefits; and provided, further, that no transfers shall be made from this item without prior approval of the house and senate committees on ways and means

\$8,622,000

1599-3604 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by paragraph one of the supplemental agreement to the 1984-87 agreement between the commonwealth and the National Association of Government Employees, Local RI-207 (Unit 6); and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided, however, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such salary adjustments and other economic benefits for "confidential" employees in accordance with the provisions of the collective bargaining agreement then in effect which would otherwise cover said positions; provided, further, that said secretary is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and eighty-seven such amounts as are necessary to meet the cost of said adjustments and benefits where the amounts otherwise available are insufficient for the

ACTS, 1986. – Chap. 442.

purpose; provided, further, Item that said secretary is authorized to allocate the cost of such salary adjustments and benefits to the several state or other funds to which such items of appropriation are charged; provided, further, that copies of said supplemental agreement, together with an analysis of all cost items contained in said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or allocation of any amounts necessary to meet the cost of said adjustments and benefits; and provided, further, that no transfers shall be made from this item without prior approval of the house and senate committees on ways and means

\$4,500,000

SECTION 3. Section 2A of chapter 279 of the acts of 1986 is hereby amended by adding the following items:–

2150–0574
2150–6843
2270–0524
2685–9011
7411–1009
8312–0300
8700–1601
8800–0013
9200–0200.

SECTION 4. This act shall take effect upon its passage.

Approved October 16, 1986.

Chapter 442. AN ACT VALIDATING A CERTAIN PROCEEDING AT THE ANNUAL TOWN MEETING OF THE TOWN OF SWANSEA.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section five of chapter forty A of the General Laws or any other general or special law to the contrary, all actions taken by the town of Swansea relative to Article 35 at its annual town meeting held on May nineteenth, nineteen hundred and eighty-six, and all actions subsequently taken pursuant thereto, are hereby validated, ratified and confirmed.

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

Approved October 16, 1986.

Chapter 443. AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO SELL A CERTAIN PARCEL OF LAND IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford is hereby authorized to sell and convey to the Massachusetts Department of the Disabled American Veterans, Dr. Clarence E. Burt, Chapter No. 7, for the consideration of one dollar a certain parcel of land in the city of New Bedford shown as lot 10 on Assessors' Map No. 66, dated 1986.

Said conveyance shall be subject to the restriction that said land be used only for or in connection with a disabled American veterans memorial hall and that said land shall revert to said city if used for any other purpose.

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

Approved October 16, 1986.

Chapter 444. AN ACT EXEMPTING STUDENTS EMPLOYED IN ORGANIZED CAMPS FROM THE EMPLOYMENT SECURITY LAW.

Be it enacted, etc., as follows:

Section 6 of chapter 151A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following subsection:—

(x) service performed by a full-time student, as defined in section 3306 (q) of said Internal Revenue Code of 1954, in the employ of an organized camp if such camp: (i) did not operate for more than seven months in the calendar year and did not operate for more than seven months in the preceding calendar year, or (ii), had average gross receipts for any six months in the preceding calendar year which were not more than thirty-three and one-third per cent of its average receipts for the other six months in the preceding year and if such full-time student performed services in the employ of such camp for less than thirteen calendar weeks in such calendar year.

Approved October 16, 1986.

Chapter 445. AN ACT AUTHORIZING THE TOWN OF WELLESLEY TO INCUR CERTAIN DEBTS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seven of chapter forty-four of the General Laws or any other general or special law to the contrary, the town of Wellesley is hereby authorized to incur debt for the purpose of undertaking projects for the preservation and restoration of publicly owned lakes, ponds, streams, brooks or other bodies of water or waterways within said town.

Approved October 16, 1986.

Chapter 446. AN ACT AUTHORIZING THE TOWN OF SHARON TO LEASE CERTAIN LAND.

Be it enacted, etc., as follows:

Section 1 of chapter 116 of the acts of 1986 is hereby amended by striking out, in line 3, the words "town owned".

Approved October 16, 1986.

Chapter 447. AN ACT REQUIRING PUBLIC AWARDED AUTHORITIES TO AUTHORIZE AN OFFICER OR AGENT TO EXECUTE CONSTRUCTION CONTRACTS AND APPROVE PAYMENTS.

Be it enacted, etc., as follows:

Section 31C of chapter 44 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— No contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building or public work by any city or town costing more than two thousand dollars shall be deemed to have been made until the auditor or accountant or other officer of the city or town having similar duties has certified thereon that an appropriation in the amount of such contract is available therefor and that an officer or agent of the city, town or awarding authority has been authorized to execute said contract and approve all requisitions and change orders.

Approved October 16, 1986.

Chapter 448. AN ACT RELATIVE TO BONDS OF OFFICERS.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by striking out section 60, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:—

Section 60. The secretary, the treasurer, if any, and each assistant secretary, and each assistant treasurer of such a company shall, before entering upon his duties, give a bond payable to the company conditioned upon the faithful performance of his duties. The bond shall be executed as surety by a surety company authorized to transact business in the commonwealth and shall be in a form satisfactory to the commissioner and in such penal sum as the directors shall prescribe. If the authority of any such surety company to transact business in the commonwealth is terminated, each officer bonded as aforesaid by such surety company shall forthwith execute a new bond in compliance with this section. A secretary or assistant secretary or treasurer or assistant treasurer, who is covered by a blanket bond, which provides comparable coverage to the individual bonds otherwise required by this section, shall not be

ACTS, 1986. – Chaps. 449, 450, 451.

required to execute an individual bond in compliance with this section. A secretary or assistant secretary or treasurer or assistant treasurer who enters upon or performs any of the duties of his office without having previously executed a bond or is not covered by a blanket bond in compliance with this section shall be punished by a fine of not less than one hundred nor more than five hundred dollars. The secretary shall be a resident of the commonwealth unless the company shall have a resident agent appointed pursuant to section forty-nine of chapter one hundred and fifty-six B.

Approved October 16, 1986.

Chapter 449. AN ACT RELATIVE TO STUDENT GOVERNMENT ASSOCIATIONS.

Be it enacted, etc., as follows:

Section 18 of chapter 15A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraph:–

(e) As used in this section, the term "legislative agent" or "organization attempting to influence legislation" shall not include any student government association or associations, individually or collectively, or any organization comprised of representatives of such associations, which are selected by students through referendum to be an official representative of the student body.

Approved October 16, 1986.

Chapter 450. AN ACT REQUIRING THE DEPARTMENT OF PUBLIC UTILITIES TO NOTIFY LOCAL LICENSING AUTHORITIES OF ITS ISSUANCE OF TEMPORARY LICENSES.

Section 5 of chapter 159A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the first sentence the following two sentences:– An applicant for such temporary license shall serve a copy of the application on all affected cities and towns. Applications filed with the department shall be accompanied by a certification that such service has been completed.

Approved October 16, 1986.

Chapter 451. AN ACT RELATIVE TO THE AUTHORITY OF A MEDIATOR IN A LABOR DISPUTE.

Be it enacted, etc., as follows:

The second paragraph of section 9 of chapter 150E of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by

adding the following sentence:– Any such mediator shall be empowered to order the parties to provide specific representatives authorized to enter into a collective bargaining agreement to be present at meetings held for said purpose of resolving the impasse and negotiating such an agreement.

Approved October 16, 1986.

Chapter 452. AN ACT RELATIVE TO EXTENDING STAY OF PROCEEDINGS IN SUMMARY PROCESS ACTIONS TO CERTAIN RESIDENTS OF LODGING HOUSES AND ROOMING HOUSES.

Be it enacted, etc., as follows:

Section 9 of chapter 239 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 3, the words "lodging house or rooming house" and inserting in place thereof the words:– or a dwelling unit in a lodging house or rooming house wherein the occupant has maintained such occupancy for less than three consecutive months.

Approved October 16, 1986.

Chapter 453. AN ACT AUTHORIZING THE USE OF THE SEAL OF THE DEPARTMENT OF PUBLIC HEALTH FOR THE PURPOSE OF AUTHENTICATING COPIES OF CERTAIN RECORDS.

Be it enacted, etc., as follows:

SECTION 1. Section 11 of chapter 9 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence.

SECTION 2. Chapter 46 of the General Laws is hereby amended by inserting after section 19B the following section:–

Section 19C. The commissioner of public health shall use the seal of the department of public health for the purpose of authenticating copies of birth, marriage and death records in his department, and copies of such records when certified by him and authenticated by said seal, shall be evidence like the originals.

Approved October 16, 1986.

Chapter 454. AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO GRANT EASEMENTS TO TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO, INC.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the division of capital planning and operations to grant additional easements for the expansion of gas transmission lines across land of the commonwealth to increase the supply of natural gas, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations, acting in consultation with the department of environmental management for and on behalf of the commonwealth, is hereby authorized to grant, by deed approved as to form by the attorney general, to the Tennessee Gas Pipeline Company, a division of Tenneco, Inc., a twenty foot wide permanent easement over a strip of land located in the town of Monson adjacent to an existing easement owned by the Tennessee Gas Pipeline Company in the Brimfield state forest, under the control of the department of environmental management. Said land presently being used for conservation purposes and is described in a plan entitled:

"Tennessee Gas Pipeline Company, a proposed Right-of-Way crossing, Brimfield State Forest Property, Hampden County, Massachusetts, TA-L12-T200-2-49A". Said plan is on file with the department of environmental management, and shall be recorded with the registry of deeds in Hampden county immediately after said easement is granted.

Said easement shall be used for the installation and maintenance of additional gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 2. The division of capital planning and operations, acting in consultation with the department of environmental management for and on behalf of the commonwealth, is hereby authorized to grant, by deed approved as to form by the attorney general, to the Tennessee Gas Pipeline Company, a division of Tenneco, Inc., a twenty-five foot easement over a strip of land located in the town of Oxford adjacent to an existing easement owned by the Tennessee Gas Pipeline Company across land under the control of the department of environmental management in said town. Said land presently being used for conservation purposes and is described in a plan entitled: "Tennessee Gas Pipeline Company, a Proposed Right-of-Way Crossing, Oxford, Worcester County, Massachusetts TB-L12-200-2-513.02". Said plan is on file with the department of environmental management and shall be recorded with the Worcester district registry of deeds in Worcester county immediately after said easement is granted.

Said easement shall be used for the installation and maintenance of additional gas transmission lines which shall be installed underground, together with appliances and appurtenances necessary thereto.

SECTION 3. In consideration for the easements authorized in sections one and two, the Tennessee Gas Pipeline Company shall transfer to the commonwealth in fee simple, a parcel of land determined to be equivalent to or in excess of the value of the easements granted, or,

if the division of capital planning and operations in consultation with said department of environmental management so decides, the Tennessee Gas Pipeline Company shall pay a fair market value price to be determined by one or more independent appraisals approved by the deputy commissioner of said division and the cost thereof to be assumed by said Tennessee Gas Pipeline Company.

Approved October 20, 1986.

Chapter 455. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT AN EASEMENT OVER A CERTAIN PARCEL OF LAND TO THE DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF KINGSTON UNDER THE CONTROL OF THE DIVISION OF FORESTS AND PARKS WITHIN THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the division of capital planning and operations to grant a permanent easement for highway drainage purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The division of capital planning and operations is hereby authorized to grant a permanent easement for highway drainage purposes to the department of public works over a certain parcel of land in the town of Kingston which is presently under the care, custody and control of the division of forests and parks within the department of environmental management. Said land shall be used by said department in conjunction with the resurfacing of state highway Route 80. Said parcel is bounded and described as follows: **PARCEL NO. D-6**

A permanent drainage easement, rectangular in shape, bounded on the southwest about fifty (50) feet by state auto route 80, and on the northwest about forty-nine (49) feet; on the northeast about fifty (50) feet; and on the southeast about fifty (50) feet; all by land owned by the Commonwealth of Massachusetts, under the care, custody and control of the division of forests and parks, department of environmental management, containing about two thousand four hundred eighty (2,480) square feet of vacant land. This said parcel is located on state auto route 80 from Station 71 + 00 on the right to State 71 + 50 on the right.

The land herein described is shown on a plan entitled "Plan of Land in Kingston Under the Care, Custody and Control of the Division of Forests and Parks, Department of Environmental Management, Scale: 40' = 1", February 1986", which plan is on file with the chief engineer of the department of public works.

Approved October 20, 1986.

Chapter 456. AN ACT FURTHER REGULATING THE REQUIREMENT OF FLASHING LIGHTS ON SCHOOL BUSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the requirement of flashing lights on school buses, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 7B of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out clause (7) and inserting in place thereof the following clause:– (7) Each school bus shall be equipped with Type I Class A turn signal lamps, which shall have a four-way hazard warning signal switch to cause simultaneous flashing of the turn signal lamps which may be activated when a bus is approaching a stop to load or discharge school pupils and when needed as a vehicular traffic hazard warning. Each school bus shall also be equipped with front and rear alternating flashing school bus red signal lamps, which shall remain flashing when school pupils are entering or leaving the bus. School buses manufactured with a chassis of nineteen hundred and eighty-four model year and thereafter shall be equipped with the eight-lamp system, so-called, which, in addition to the aforementioned lamps, shall include alternating flashing amber signal lamps of the same size as, and placed adjacent to, said red signal lamps, and which shall be activated when said bus is approaching a stop to load or discharge school pupils. On buses equipped with the eight-lamp system, so-called, the use of the four-way hazard warning lamps for the purpose of warning motorists of the vehicle's impending stop to load or discharge school pupils shall be discontinued. Use of alternating flashing school bus red signal lamps for any other purpose, and at any time other than when the school bus is stopped to load or discharge school pupils, shall be prohibited. All aforementioned lamps shall comply with applicable Federal Motor Vehicle Safety Standards and any applicable rules and regulations promulgated by the registrar. Any person who operates such a bus shall not permit the boarding or discharging of school pupils therefrom unless the school bus is stopped as close as is practicable to the right-hand side or edge of the ways and shall announce when discharging passengers therefrom that all persons who wish to cross to the other side of the way shall do so by passing in front of the bus immediately upon alighting therefrom. No person shall operate a school bus on a way after discharging passengers therefrom unless all persons who wish to cross to the other side have done so.

Approved October 20, 1986.

Chapter 457. AN ACT AUTHORIZING THE TOWN OF BRIMFIELD TO RECALL ELECTED OFFICIALS.

Be it enacted, etc., as follows:

SECTION 1. Any holder of an elective office in the town of Brimfield may be recalled therefrom by the qualified voters of the town as herein provided.

SECTION 2. Any qualified voter of the town may file with the town clerk of said town an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said town clerk shall thereupon deliver to the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. Said blanks shall be issued by the town clerk with his signature and official seal attached thereto; they shall be dated and addressed to the board of selectmen of said town, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the office from which recall is sought, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. Said recall petition shall be returned and filed with the town clerk within thirty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by fifteen per cent of the qualified voters, and to every signature shall be added the place of residence of the signer, giving the street and number. The recall petition shall be submitted, at or before five o'clock in the afternoon of the Saturday preceding the day on which it must be filed, to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters of said town.

SECTION 3. If the petition shall be found and certified by the town clerk to be sufficient, he shall submit the same with his certificate to said board of selectmen without delay, and said board of selectmen shall forthwith give written notice to said officer of the receipt of said certificate and shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by them not less than sixty nor more than seventy days after the date of the town clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within ninety days after the date of said certificate, said board of selectmen may, in their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as provided herein.

SECTION 4. Any officer sought to be recalled may be a candidate to succeed himself and, unless he requests otherwise in writing, the town clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act. A majority of those voting at the recall election shall be sufficient to recall such elected officer; provided, however, that at least thirty per cent of those persons qualified to vote, do so.

SECTION 5. The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section seven. If not re-elected in the recall election, he shall be deemed recalled upon qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of his election, the incumbent shall thereupon be deemed recalled and the office vacant.

SECTION 6. Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of candidates nominated as hereinbefore provided.

If a majority of the votes cast on the recall question is in the affirmative, then the candidate that received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes on the question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.

SECTION 7. No recall petition shall be filed against an officer within three months after he takes office nor within three months of the end of his term nor in the case of an officer subjected to a recall election and not recalled thereby, until at least three months after that election.

SECTION 8. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such recall or such resignation.

Approved October 20, 1986.

Chapter 458. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF WESTMINSTER AS THE FRANCIS A. BOND BRIDGE.

Be it enacted, etc., as follows:

The bridge joining Narrows road and Depot road and passing over state highway Route 2 in the town of Westminster shall be designated and known as the Francis A. Bond Bridge. A suitable marker bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved October 20, 1986.

Chapter 459. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF WESTMINSTER AS THE MICHAEL J. WATERMAN BRIDGE.

Be it enacted, etc., as follows:

The bridge joining Wyman road and Willard road and passing over state highway Route 2 in the town of Westminster shall be designated and known as the Michael J. Waterman Bridge. A suitable marker bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved October 20, 1986.

Chapter 460. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF MANCHESTER TO APPOINT THE TOWN CLERK AND THE TOWN TREASURER/COLLECTOR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter forty-one of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Manchester shall appoint a town clerk for a term of one or more years.

SECTION 2. Notwithstanding the provisions of section one of chapter forty-one of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Manchester shall appoint a treasurer/collector for a term of one or three years.

SECTION 3. The term of office of the incumbent of the office of town clerk and the incumbent of the office of treasurer/collector shall, upon the effective date of this act, continue until the term, for which such incumbent was elected, shall have expired.

Approved October 20, 1986.

Chapter 461. AN ACT AUTHORIZING THE TOWN OF WINCHENDON TO CONTINUE THE EMPLOYMENT OF DAVID H. WHITAKER AS A POLICE OFFICER.

Be it enacted, etc., as follows:

Notwithstanding the provisions of sections fourteen and fifty-nine of chapter thirty-one of the General Laws, the town of Winchendon is hereby authorized to continue the employment of David H. Whitaker as a police officer in said town on a provisional basis until June thirtieth, nineteen hundred and eighty-eight; provided he passes a medical examination to determine if he is of sufficient health to perform the duties of such position, and that he meets all other requirements.

Approved October 20, 1986.

Chapter 462. AN ACT RELATIVE TO THE JURISDICTION OF THE PROBATE AND FAMILY COURT DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 14 of chapter 207 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 16, the words "clerk or".

SECTION 2. Section 6 of chapter 208 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "superior court or".

SECTION 3. Section 6B of said chapter 208, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "superior court or".

SECTION 4. Section 11 of said chapter 208, as so appearing, is hereby amended by striking out, in line 4, the words "the clerk of the court or".

SECTION 5. Said section 11 of said chapter 208, as so appearing, is hereby further amended by striking out, in line 8, the words "clerk or".

SECTION 6. Section 16 of said chapter 208, as so appearing, is hereby amended by striking out, in line 1, the words "justice of the superior court or".

SECTION 7. Section 18 of said chapter 208, as so appearing, is hereby amended by striking out, in line 1, the words "superior court sitting in any county or the".

SECTION 8. Section 29 of said chapter 208, as so appearing, is hereby amended by striking out, in line 3, the words "superior court or".

SECTION 9. Section 30 of said chapter 208, as so appearing, is hereby amended by striking out, in line 3, the words "the superior court or".

SECTION 10. Section 34C of said chapter 208, as so appearing, is hereby amended by striking out, in line 1, the words "the superior court department or".

SECTION 11. Said section 34C of said chapter 208, as so appearing, is hereby further amended by striking out, in line 6, the words "or clerk-magistrate".

SECTION 12. Section 46 of said chapter 208, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "clerks of the courts, the clerks of the superior court for civil business in Suffolk county and the".

SECTION 13. Section 37 of chapter 209 of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words ", as the superior court has relative to children whose parents are divorced".

ACTS, 1986. – Chaps. 463, 464, 465.

SECTION 14. Section 3 of chapter 215 of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words ", of actions for divorce or for affirming or annulling marriage brought in the probate court".

SECTION 15. Said section 3 of said chapter 215, as so appearing, is hereby further amended by adding the following paragraph:–

Probate courts have exclusive original jurisdiction of actions for divorce or for affirming or annulling marriage.

Approved October 20, 1986.

Chapter 463. AN ACT ESTABLISHING EXCLUSIVE ORIGINAL JURISDICTION IN THE LAND COURT FOR CERTAIN ACTIONS.

Be it enacted, etc., as follows:

Section 1 of chapter 185 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after paragraph (a) the following paragraph:–

(a 1/2) Complaints affecting title to registered land, with the exception of actions commenced pursuant to chapter two hundred and eight or two hundred and nine.

Approved October 20, 1986.

Chapter 464. AN ACT FURTHER REGULATING THE WATER CONSERVATION PRICING SYSTEM.

Be it enacted, etc., as follows:

Section 39J of chapter 40 of the General Laws, inserted by section 2 of chapter 275 of the acts of 1985, is hereby amended by striking out, in lines 4 and 5, the words "Universal Massachusetts Accounting System Handbook" and inserting in place thereof the words:– Uniform Municipal Accounting System.

Approved October 20, 1986.

Chapter 465. AN ACT RELATIVE TO THE CO-OPERATIVE BANKS EMPLOYEES RETIREMENT ASSOCIATION.

Be it enacted, etc., as follows:

Chapter 170 of the General Laws is hereby amended by striking out sections 30, 31 and 32, as appearing in the 1984 Official Edition, and inserting in place thereof the following three sections:–

Section 30. Fifteen or more co-operative banks may form the Co-operative Banks Employees Retirement Association, in this

section and in sections thirty-one and thirty-two called the retirement association, for the purpose of providing retirement benefits through retirement plans which are qualified under Section 401 of the Internal Revenue Code, in this section called plans, for eligible employees, as hereinafter provided. The retirement association, in its name and by or through its authorized officers, may (a) establish plans and related trusts for eligible employees participating therein, (b) make agreements and investments subject to such limitations as from time to time may be prescribed by law or the by-laws of the retirement association, (c) sue and be sued, plead and be impleaded, (d) enforce liens and other obligations and foreclose mortgages held by the retirement association on or with respect to real or personal property situated in the commonwealth or in any state or territory of the United States, (e) adopt an official seal and alter the same at pleasure, and (f) do such other acts and things as may be necessary to carry out the powers conferred upon it by law and its by-laws.

All co-operative banks established under the laws of the commonwealth, all such co-operative banks which have converted to a federal savings bank, federal savings and loan associations or federally chartered stock corporation and which have their main offices located in the commonwealth, the Co-operative Bank League of Massachusetts, the Co-operative Banks Employees Retirement Association, the Co-operative Central Bank, and such other Massachusetts co-operative bank organizations as from time to time may be provided for in the by-laws of the retirement association, and such of the respective employees of each of the foregoing as may be provided by such by-laws, shall be eligible for membership in the retirement association. For the purposes of this section, and sections thirty-one and thirty-two, a reference to "bank" or "banks" shall, unless the context otherwise requires, mean and include any or all of the organizations named or referred to in this paragraph, and a reference to "board of directors" of a bank shall also, unless the context otherwise requires, mean and include the governing body of such organizations.

Eligible employees may contribute a portion of their salaries or wages to or under plans established by the retirement association, to be deducted by the employing banks and paid to the plans or the retirement association. A participating bank may contribute to or under plans of the retirement association to the extent determined by its board of directors. Contributions and benefits under the plans of the retirement association shall not exceed the limits, if any, imposed on such plans by the Internal Revenue Code of 1954, and the Employees Retirement Income Security Act of 1974, in this section called the Code and ERISA, respectively.

All plans maintained by the retirement association shall conform to the Code and ERISA and funds held under any such plans shall be invested in such manner as the retirement association shall determine. Copies of all plans shall be filed with the commissioner. Funds held under any of the said plans shall be held by or used by the retirement association to the extent required by the Code and ERISA for the exclusive purpose of providing plan benefits to participating members and, as determined by the retirement association, may be used to defray reasonable expenses of administering the retirement association

and the plans and investing the assets of the plans. To the extent that expenses necessary for the administration of the retirement association or the said plans are not paid from the plans, they shall be paid by participating banks on a proportionate basis, as provided in the by-laws of the retirement association.

A participating bank, by vote of its board of directors, may adopt one or more of the plans of the retirement association for the benefit of its employees. Any such bank which has adopted a plan of the retirement association may, if it is otherwise eligible, also establish an employee stock ownership plan.

A bank, by vote of its board of directors, may directly or indirectly by means of a contribution to one or more of the trust funds held by the trustees of the retirement association supplement the retirement benefits being paid to its former employees or their beneficiaries on account of bank service; provided, however, that no supplement of a retirement benefit shall exceed the retirement benefit multiplied by the increase in the cost of living since the retirement benefit began. The increase in the cost of living is the percentage by which the national monthly consumer price index figure for all urban consumers issued by the Bureau of Labor Statistics of the United States Department of Labor for the last November before the year in which payment is made is greater than the beginning index figure. The beginning index figure is the average of such monthly consumer price index figures for the year in which a retirement benefit was first paid to or with respect to a former employee. Except with respect to supplements first voted by the bank's board of directors on or after January first, nineteen hundred and eighty-one, and which are paid through one or more of the trust funds held by the trustees of the retirement association, no bank may become obligated to pay in future years any supplement authorized by this paragraph.

Section 31. The by-laws of the retirement association shall be submitted to the commissioner and shall prescribe the manner in which, and the officers and agents by whom, the retirement association may be conducted and the manner in which its funds may be invested and paid out. Such retirement association shall be formed when its by-laws have been approved and agreed to by a majority of the trustees of each of fifteen or more co-operative banks, and have been approved by the commissioner. Such retirement association shall annually, on or before June first, report to the commissioner such statements of its membership and financial transactions for the year ending on the preceding October thirty-first as the commissioner may consider necessary to show its business and standing. The commissioner may verify such statement by an examination of the books and papers of the retirement association.

The retirement association shall not be subject to chapter thirty-two or chapter one hundred and seventy-five or to such other provisions of law as relate to insurance companies or other retirement associations.

Section 32. The property of the retirement association, the portion of the wages or salary of any employee deducted or to be deducted under sections thirty and thirty-one, the right of an employee to an annuity or pension, and all his rights in the funds of the retirement association, shall be exempt from taxation and from the operation of any law relating

to insolvency, and shall not be attached or taken on execution or other process to satisfy any debt or liability of the retirement association, a participating bank, or any employee member of the retirement association. No assignment of any right in or to said funds or of any pension or annuity payable under section thirty shall be valid, except that deferred annuity contracts purchased by a participating bank on account of past service of eligible employees may be assigned to such bank prior to actual retirement.

Nothing in this section shall prevent an employee's annuity or pension from being attached, taken on execution, assigned, or subject to other process to satisfy a support order under chapter two hundred and eight, two hundred and nine, or two hundred and seventy-three.

Approved October 20, 1986.

Chapter 466. AN ACT RELATIVE TO ENERGY CONSERVATION.

Be it enacted, etc., as follows:

SECTION 1. Clause (3) of the second paragraph of section 69I of chapter 164 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— A description of actions planned to be taken by the company which will affect capacity to meet such needs or requirements, including, but not limited to: expansion, reduction or removal of existing facilities; construction or acquisition of additional facilities; a description of alternatives to planned action such as other methods of generating, manufacturing or storing, other site locations, other sources of electrical power or gas, including facilities which operate on solar or geothermal energy and wind or facilities which operate on the principle of cogeneration or hydrogeneration, and no additional electrical power or gas; a reduction of requirements through load management; a description of the environmental impact of each proposed facility; provided, however, that the above provisions shall not apply to facilities which have been approved as part of a previous long-range forecast or supplement thereto.

SECTION 2. The second paragraph of section 69J of said chapter 164, as so appearing, is hereby amended by inserting after the word "methods", in line 24, the following words:— and include an adequate consideration of conservation and load management.

Approved October 20, 1986.

Chapter 467. AN ACT PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT REGULATIONS AND THE CONTROL OF EVICTIONS IN MOBILE HOME PARK ACCOMMODATIONS IN THE TOWN OF BRIMFIELD.

Be it enacted, etc., as follows:

SECTION 1. The general court finds and declares that a serious public emergency exists with respect to the housing of a substantial number of citizens in the town of Brimfield, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of mobile home parks located therein; that unless mobile home park rents and eviction of tenants are regulated and controlled, such emergency will produce serious threats to the public health, safety and general welfare of the citizens of said town, particularly the elderly; that such emergency should be met by the commonwealth immediately and with due regard for the rights and responsibilities of the town of Brimfield.

SECTION 2. General Powers. The town of Brimfield may, by by-law, regulate rents for the use or occupancy of mobile home park accommodations in said town, establish a rent board for the purpose of regulating rents, minimum standards for use or occupancy of mobile home park accommodations and eviction of tenants therefrom and may, by by-law, require registration by owners of mobile home park accommodations, under penalty of perjury, of information relating to the mobile home park accommodations. Such rents, standards and evictions may be regulated by the rent board so as to remove hardships or correct inequities for both the owner and the tenants of such mobile home park accommodations. Said rent board shall have all powers necessary or convenient to perform its functions, may make rules and regulations, require registration by owners of mobile home park accommodations, under penalty of perjury, of information relating to the mobile home park accommodations, sue and be sued, compel the attendance of persons and the production of papers and information, and issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations. Violations of any by-law adopted pursuant to this act or any order of said rent board shall be punishable by a fine of not more than one thousand dollars for any one offense.

SECTION 3. Standard for Adjusting Rents. In regulating rents, for such mobile home park accommodations, the rent board established under section two may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for mobile home park accommodations in said town are established at levels which yield to owners a fair net operating income for such units. Fair net operating income shall be that income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rate of return as the board, on the basis of evidence presented before it deems more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case. Said town in its by-laws or said rent board by regulation may establish further standards and rules consistent with the foregoing.

SECTION 4. Incorporation of Administrative Procedure Act. The provisions of chapter thirty A of the General Laws shall be applicable to the rent board, established under section two, as if said rent board were an agency of the commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, and those provisions relating to judicial review of an agency order.

SECTION 5. Conference of Jurisdiction. The eastern Hampden division of the district court department shall have original jurisdiction, concurrently with the superior court department, of all petitions for review brought pursuant to section fourteen of chapter thirty A of the General Laws. The superior court department shall have jurisdiction to enforce the provisions of this act and any by-laws adopted thereunder and may restrain violations thereof.

SECTION 6. Defense to Summary Process for Possession. The town of Brimfield may by by-law regulate the eviction of tenants and the rent board, established under section two, may issue orders which shall be a defense to an action of summary process for possession and such orders shall be reviewable pursuant to sections two and three.

SECTION 7. Exemption from Civil Service. The personnel of the rent board established under section two shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one of the General Laws.

SECTION 8. This act shall take effect upon its passage.

Approved October 22, 1986.

Chapter 468. AN ACT REGULATING CONTRACTS BETWEEN HEALTH SPAS AND THEIR CUSTOMERS.

Be it enacted, etc., as follows:

SECTION 1. Section 79 of chapter 93 of the General Laws, as appearing in section 1 of chapter 607 of the acts of 1985, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

Prior to the execution of any contract for health club services and for a period of five years after initially commencing operation of a health club, every seller which sells contracts for health club services, except weight loss and control services which do not provide physical exercise facilities and classes, and which do not obligate the customer for more than thirty days, and which do not require an initiation fee as a condition of said contract, shall, for each individual health club location or facility, maintain a bond issued by a surety company admitted to do business in the commonwealth. The principal sum of the bond shall be either twenty-five thousand dollars, for each health club location or facility that sells contracts for terms not greater than twenty-four months, or one hundred thousand dollars for each health club location

or facility that sells contracts for terms greater than twenty-four months but not greater than thirty-six months, and evidence of such bond shall be filed with the secretary of state within thirty days of its procurement. The bond shall be in favor of the commonwealth for the benefit of any buyer or class of buyers who suffers any loss or damage because a health club facility ceases operation, fails to open or fails to honor a buyer's right to cancel a contract for health club services pursuant to section eighty-two, and who obtains a judgment for said loss or damage which is not satisfied within thirty days of its entry. Said bond shall provide for the surety to pay the amount of such unsatisfied judgment either directly to said buyer or class of buyers or, if the attorney general obtains said judgment on behalf of said buyer or buyers and so directs, then to the attorney general for distribution to said buyers.

SECTION 2. Section 80 of said chapter 93, as so appearing, is hereby amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs:–

No contract for health club services shall be for a term measured by the life of the buyer. No contract for health club services shall be for a term longer than thirty-six months, except that upon expiration of the contract, the seller may offer to the buyer the right to renew his contract for a similar, shorter or longer period not to exceed thirty-six months.

No contract for health club services shall require payments or financing by the buyer over a period that extends more than one month beyond the expiration of the contract. The installment payments shall be in substantially equal amounts exclusive of the down payment and shall be required to be made at substantially equal intervals, not more frequently than one payment per month.

SECTION 3. The second paragraph of section 82 of said chapter 93, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– If you move either your residence or your place of employment more than twenty-five miles from any health club operated by the seller or a substantially similar health club which will accept the seller's obligation under the contract."

Approved October 22, 1986.

Chapter 469. AN ACT RELATIVE TO TOWN MEETING FORM OF GOVERNMENT IN THE TOWN OF BURLINGTON.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 686 of the acts of 1970 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:–

If it appears to the registrars that by retaining the same district lines, the largest district in population will be entitled to two times the number of representatives to which the smallest district in population will be entitled, or whenever mandated by the state to redraw precinct

lines, they shall proceed to establish new districts in the same manner as is provided for the establishment of the original districts in section three. Whenever the town is redivided in this way, the terms of office of all incumbent town meeting members shall be terminated and the procedures of this section shall apply insofar as applicable.

SECTION 2. The second paragraph of subsection (g) of section 12 of said chapter 686 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– Within fourteen days of the filing deadline and including the time of certification by the board of registrars of a referendum petition, the selectmen shall call a special election which shall be held within thirty-five days but no sooner than twenty-eight days after issuing the call; provided, however, that if a regular or special election is to be held not more than thirty days after, they may provide that the question or questions involved be presented to the voters at the same election.

Approved October 22, 1986.

Chapter 470. AN ACT RELATIVE TO THE INVESTIGATORY POWER OF THE BOARD OF REGISTRATION OF SOCIAL WORKERS.

Be it enacted, etc., as follows:

SECTION 1. Section 84 of chapter 13 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out clause (g) and inserting in place thereof the following clause:–

(g) investigate all complaints relating to the proper practice of social work by any person licensed under the provisions of section one hundred and thirty-six of chapter one hundred and twelve.

No person filing a complaint, reporting or providing information pursuant to this clause or assisting the board at its request in any manner in discharging its duties and functions, shall be liable in any cause of action arising out of such complaints, reporting or providing of information or assistance; provided, however, that the person making such complaint or reporting or providing such information or assistance does so in good faith. Any complaint, report, record or other information received or kept by the board in connection with an investigation conducted by the board pursuant to this clause shall be confidential; provided, however, that investigative records or information of the board shall not be kept confidential after the board has disposed of the matter under investigation by issuing an order to show cause, by dismissing a complaint or by taking other final action, except as otherwise provided by law or by rules or regulations of the board. The requirement that investigative records or information be kept confidential shall not at any time apply to requests from the person under investigation, the complainant, or such state or federal agencies, boards or institutions as the board shall determine by rule or regulation.

SECTION 2. Section 85N of chapter 231 of the General Laws, as amended by chapter 512 of the acts of 1985, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

For the purposes of this section "professional society" shall mean a society having as members persons who are licensed or admitted to practice in the field of law, medicine, chiropractic, optometry, psychiatry or psychology, dentistry, accounting, engineering, land surveyor, as set forth in section eighty-one D of chapter one hundred and twelve, architecture or social work.

Approved October 22, 1986.

Chapter 471. AN ACT FURTHER REGULATING PROCEDURES FOR A SPECIAL PERMIT GRANTING AUTHORITY.

Be it enacted, etc., as follows:

Section 9 of chapter 40A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:–

Zoning ordinances or by-laws shall provide that special permits shall only be issued following public hearings held within sixty-five days after the filing of an application with the special permit granting authority, a copy of which shall forthwith be given to the city or town clerk by the applicant; and may provide that certain classes of special permits shall be issued by one special permit granting authority and others by another special permit granting authority as provided in the ordinance or by-law. Such special permit granting authority shall adopt, and from time to time amend, rules relative to the issuance of such permits, and shall file a copy of said rules in the office of the city or town clerk. Such rules shall prescribe a size, form, content, style and number of copies of plans and specifications and the procedure for a submission and approval of such permits. Special permit granting authorities shall act within ninety days following a public hearing for which notice has been given by publication or posting as provided in section eleven, and by mailing to all parties in interest, provided, however, a city council having more than five members designated to act upon such a permit may appoint a committee of such council to hold the public hearing. Failure by a special permit granting authority to take final action upon an application for a special permit within said ninety days following the date of public hearing shall be deemed to be a grant of the permit applied for. The special permit granting authority shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for its decision and of its official actions, copies of all of which shall be filed within fourteen days of such proceedings in the office of the city or town clerk and shall be a public record. Notice of such decision shall be mailed forthwith to the petitioner, applicant or appellant, to the parties in interest designated in section eleven, and to every person present at

ACTS, 1986. – Chaps. 472, 473.

the hearing who requested that notice be sent to him and stated the address to which the notice was to be sent. Each such notice shall specify that appeals, if any, shall be made pursuant to section seventeen and shall be filed within twenty days after the date of filing of such notice in the office of city or town clerk. Special permits issued by a special permit granting authority shall require a two-thirds vote of boards with more than five members, a vote of at least four members of a five member board and a unanimous vote of a three member board.

Approved October 22, 1986.

Chapter 472. AN ACT RELATIVE TO THE TRANSFER OF SECURITIES OWNED BY A DECEASED PERSON.

Be it enacted, etc., as follows:

Chapter 196 of the General Laws is hereby amended by adding the following section:–

Section 9. Securities owned by a deceased person, the value of which do not exceed seven hundred and fifty dollars with any one issuer, and with a cumulative value of no more than two thousand one hundred dollars, may, if thirty days has elapsed since the death of the deceased and neither a duly appointed executor or administrator nor a voluntary administrator has made written demand upon the issuer for payment, and the issuer shall not otherwise have actual notice that proceedings relative to the formal or informal settlement of the estate of the deceased have been commenced in any probate court, upon the request by or on behalf of any of the following persons cause such stock to be registered and held in the name of the surviving husband or wife, or to an adult child of the deceased, or if the issuer is satisfied that there is no surviving husband or wife or adult child, to the surviving father or mother of the deceased. Such issuer shall not be liable to any claims in respect to such securities.

Approved October 22, 1986.

Chapter 473. AN ACT ESTABLISHING THREE YEAR TERMS FOR SELECTMEN IN THE TOWN OF MILTON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, at the first town election following the acceptance of this act the registered voters of the town of Milton shall elect three selectmen. The person receiving the highest number of votes for said office shall be elected for a three year term, the person receiving the second highest number of votes for said office shall be elected for a two year term and the person receiving the third highest number of votes for such office shall be elected for a one year term. At each annual town election thereafter the registered voters of said town shall elect one selectman for a term of three years.

ACTS, 1986. – Chaps. 474, 475.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Milton at the town election to be held in the year nineteen hundred and eighty-seven in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said election:– "Shall An Act passed by the general court in the year nineteen hundred and eighty-six, entitled 'An Act Establishing Three-year Terms for Selectmen in the Town of Milton', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved October 22, 1986.

Chapter 474. AN ACT AUTHORIZING THE COMMONWEALTH TO REIMBURSE THE TOWN OF HANCOCK FOR CERTAIN MONIES EXPENDED FOR VETERANS' SERVICES.

Be it enacted, etc., as follows:

There shall be allowed and paid out of the state treasury to the town of Hancock, subject to appropriation and subject to the approval of the commissioner of veterans' services, a sum not exceeding two thousand five hundred and fifty-two dollars and fifty cents, as said town would have been entitled to receive in reimbursement for veterans' benefits paid by it in the years August, nineteen hundred and eighty-one and June through October, nineteen hundred and eighty-three under the provisions of section six of chapter one hundred and fifteen of the General Laws, had said town made a proper and seasonable report thereof to said commissions as required by said section six of said chapter one hundred and fifteen.

As a condition of payment of such sum, said commissioner shall require said town to present evidence that such sum was paid in compliance with section five of said chapter one hundred and fifteen.

Approved October 22, 1986.

Chapter 475. AN ACT RELATIVE TO THE CONVEYANCE OF CERTAIN LAND IN THE TOWN OF WRENTHAM.

Be it enacted, etc., as follows:

Chapter 855 of the acts of 1977 is hereby amended by striking out, in line 6, the words "housing for the elderly" and inserting in place thereof the words:– state funded housing.

Approved October 22, 1986.

Chapter 476. AN ACT PROVIDING FOR THE EXPENDITURE OF CERTAIN FUNDS TO DEVELOP A NURSING HOME ON THE GROUNDS OF BARNSTABLE COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. Chapter 669 of the acts of 1985 is hereby amended by striking out sections 1, 2 and 3 and inserting in place thereof the following three sections:–

Section 1. The county commissioners of Barnstable county, with the approval of the advisory board on county expenditures in said county, are hereby authorized to expend a sum not to exceed five million five hundred thousand dollars for the development of a nursing home and wastewater treatment facility on the grounds of the Barnstable county hospital. Said commissioners are further authorized to expend sums which have been contributed by public subscription or by donations deposited with the county treasurer for the purpose aforesaid and funds in the Capital Stabilization Fund; provided, however, that the total amount of such expenditures is deducted from the amount authorized for development under this section.

Section 2. For the purposes aforesaid, including interest costs during construction and for up to one year after completion of the project for which a loan is issued as estimated by the county commissioners, and subject to the provisions of section one, the treasurer of Barnstable county, with the approval of the county commissioners and said advisory board on county expenditures, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, five million five hundred thousand dollars and may issue bonds or notes of the county therefor, which shall bear on their face the words, Barnstable County Nursing Home and Wastewater Treatment Facility Loan, Act of 1985. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty years from their dates. The first annual principal payment on account of any loan shall be made not later than one year after the date of issue of the bonds or notes issued for the serial loan, or one year from the date of commencement of the project for which such loan is issued as determined or estimated by the county commissioners, whichever date is later, and the principal payments shall be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the county treasurer, or, in the alternative, in accordance with a schedule providing a more rapid amortization of principal. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the said securities and any notes issued under section three at public or private sale without advertisement for bids, and upon such terms and conditions as the county commissioners and county advisory board deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Section 3. The county treasurer, with the approval of the county commissioners and said advisory board on county expenditures, may issue temporary notes of the county, payable in not more than two years from

ACTS, 1986. – Chaps. 477, 478.

their dates, in anticipation of the issue of serial bonds or notes under this act, but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this act. Temporary notes issued hereunder for a shorter period than two years may be refunded by the issue of other temporary notes, provided that the period from the date of issue of the original temporary notes to the date of maturity of the refunding notes shall not be more than two years. Any notes issued in anticipation of the serial bonds or notes shall be paid from the proceeds thereof.

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

Approved October 23, 1986.

Chapter 477. AN ACT FURTHER REGULATING THE DISBURSEMENT OF INSURANCE PROCEEDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate forthwith the disbursement of insurance proceeds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 3B of chapter 139 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– No insurer shall pay any claims (1) covering the loss, damage, or destruction to a building or other structure, amounting to one thousand dollars or more, or (2) covering any loss, damage or destruction of any amount, which causes the condition of a building or other structure to render section six of chapter one hundred and forty-three applicable, without having at least ten days previously given written notice to the building commissioner or inspector of buildings appointed pursuant to the state building code, to the fire department or arson squad of the city or town and to the board of health or board of selectmen of the city or town in which the same is located.

Approved October 23, 1986.

Chapter 478. AN ACT FURTHER REGULATING CERTAIN INVESTIGATIONS BY THE DEPARTMENT OF SOCIAL SERVICES.

Be it enacted, etc., as follows:

Clause (1) of section 51B of chapter 119 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following two

sentences:- Said investigation and evaluation shall commence within two hours of initial contact and be completed within twenty-four hours if the department has reasonable cause to believe the child's health or safety is in immediate danger from further abuse and neglect. Said investigation and evaluation shall commence within two working days of initial contact and be completed within ten calendar days for all other such reports.

Approved October 23, 1986.

Chapter 479. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER THE CARE, CUSTODY AND CONTROL OF THREE CERTAIN PARCELS OF LAND IN THE TOWN OF SOUTHBOROUGH FROM THE METROPOLITAN DISTRICT COMMISSION TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

The division of capital planning and operations, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, is hereby authorized to transfer the care, custody and control of three certain parcels of land located along Framingham road in the town of Southborough presently used for watershed purposes, from the care and control of the metropolitan district commission to the department of public works for highway and drainage purposes. This transfer will be in accordance with such terms and conditions as the deputy commissioner, in consultation with the metropolitan district commission, may prescribe. Said three parcels of land are described as follows:

PARCEL NO. 10

An irregular-shaped parcel of land, located on the easterly side of the proposed reconstruction of Marlborough Road (state auto route 85), in the town of Southborough about twenty-five (25) feet right of the main baseline at or about stations 20 + 05 and 20 + 65, bounded as follows:

Northerly by Marlborough Road (state auto route 85) about sixty (60) feet,

Southeasterly by Framingham Road about one hundred sixty (160) feet,

Westerly by land of the metropolitan district commission about forty (40) feet,

Northwesterly by land owned now or formerly by Regina Alberini, sixty (60) feet and thirty (30) feet,

Containing in all about two thousand five hundred (2,500) square feet, more or less.

PARCEL NO. D-11

A rectangular parcel of land on the northerly side, at or about forty (40) feet left of station 10 + 30 of the main baseline of Framingham Road in the town of Southborough approximately twenty (20) feet wide and forty (40) feet long,

Containing about eight hundred (800) square feet of land, to be used as a site for permanent drainage. **PARCEL NO. D-12**

ACTS, 1986. – Chaps. 480, 481.

A rectangular parcel of land on the northerly side, at or about forty (40) feet left of station 13 + 55 of the main baseline of Framingham Road in the town of Southborough approximately twenty (20) feet wide and forty (40) feet long,

Containing about eight hundred (800) square feet of land, to be used as a site for permanent drainage.

The above-described parcels of land are shown on a plan entitled "Plan of Land Town of Southborough Widening of Framingham Road for Replacement of bridge S-30-05 Department of Public Works October 1985", which plan shall be on file with the chief engineer of the said department of public works.

Approved October 23, 1986.

Chapter 480. AN ACT RELATIVE TO THE NONDISCLOSURE OF CERTAIN RECORDS TO NONCUSTODIAL PARENTS IN CERTAIN CUSTODY DISPUTES.

Be it enacted, etc., as follows:

Section 31 of chapter 208 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:–

The entry of an order or judgment relative to the custody of minor children shall not negate or impede the ability of the parent not granted custody to have such access to the academic, medical, hospital, or other health records of the child, as he would have had if the custody order or judgment had not been entered; provided, however, that if a court has issued an order to vacate against the noncustodial parent or an order prohibiting the noncustodial parent from imposing any restraint upon the personal liberty of the other parent or if nondisclosure of the present or prior address of the child or a party is necessary to ensure the health, safety or welfare of such child or party, the court may order that any part of such record pertaining to such address shall not be disclosed to such noncustodial parent.

Approved October 23, 1986.

Chapter 481. AN ACT ESTABLISHING CERTAIN STANDARDS FOR THE ISSUANCE OF FIREARM LICENSES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out section 129D, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 129D. Upon revocation, suspension or denial of an application for a firearm identification card pursuant to the conditions of section one hundred and twenty-nine B, or of any firearms license if said firearms identification card is not then in force or of any machine gun license, the person whose application was so revoked, suspended or

denied shall without delay deliver or surrender, to the licensing authority where he resides, all firearms, rifles, shotguns and machine guns and ammunition which he then possesses unless an appeal is pending. Such person, or his legal representative, shall have the right, at any time up to one year after said delivery or surrender, to transfer such firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or any other person legally permitted to purchase or take possession of such firearms, rifles, shotguns and machine guns and ammunition and upon notification in writing by the purchaser or transferee and the former owner, the licensing authority shall within ten days deliver such firearms, rifles, shotguns and machine guns and ammunition to the transferee or purchaser and due care shall be observed by the licensing authority in the receipt and holding of any such firearm, rifle, shotgun or machine gun and ammunition.

Firearms, rifles, shotguns or machine guns and ammunition not disposed of after delivery or surrender according to the provisions of this section shall be sold at public auction by the commissioner to the highest bidding person legally permitted to purchase and possess said firearms, rifles, shotguns or machine guns and ammunition and the proceeds shall be remitted to the state treasurer.

The commissioner may make and promulgate such rules and regulations as are necessary to carry out the provisions of this section.

SECTION 2. Said chapter 140 of the General Laws is hereby further amended by striking out section 131, as so appearing, and inserting in place thereof the following section:–

Section 131. The chief of police or the board or officer having control of the police in a city or town, or the commissioner of public safety, hereinafter referred to as the commissioner, or persons authorized by them, respectively, shall upon request from a person residing or having a place of business within their respective jurisdiction, give an application for a license to carry firearms to such person. Said chief, board, officer or anyone authorized by them, respectively, shall within seven days of receipt of a completed application for such license, forward one copy of said applicant's fingerprints to said commissioner, who shall, within thirty days, advise, in writing, the licensing authority of the criminal record, if any, of the applicant. The licensing authority shall, when it has a reasonable belief that the applicant may have a history of mental, psychiatric or psychological illness which may affect his suitability to carry or possess a firearm, also make an inquiry concerning the applicant to the department of mental health within seven days of receipt of a completed application for such license. The commissioner of the department of mental health shall respond to a licensing authority within thirty days of receipt of an inquiry stating that based upon the information held by the department of mental health that the applicant is a suitable person to be licensed to possess or carry a firearm or is not a suitable person to be licensed to possess a firearm license.

After such investigation has been completed, said chief, board, officer, commissioner of public safety, or anyone authorized by them, respectively, may, except for an alien whose license to carry firearms may only be issued under the provisions of section one hundred and thirty-one F, a person who has been convicted of a felony or the unlawful use, possession or sale of a narcotic or harmful drugs, or a

minor under the age of eighteen, issue to a person residing or having a place of business within their respective jurisdiction, a license to carry firearms in the commonwealth if it appears that the applicant is a suitable person to be so licensed, and that the applicant has good reason to fear injury to his or her person or property, or for any other proper purpose, including the carrying of firearms for use in target practice only.

An application for a license under this section shall be designed and provided by the commissioner of public safety to all licensing authorities within the commonwealth. Said application shall be on a standard form.

An applicant for a license or a renewal of a license under this section shall be notified by the licensing authority, in writing, within forty days of submitting said application, of either approval or denial and in the case of denial, such notice shall state the reasons thereof.

Any person denied a license or a renewal of a license under this section, or any person who has not received a reply from the licensing authority within forty days of submitting said application, may, within either forty-five days of receiving notification of denial or within forty-five days after the expiration of the time limit in which the licensing authority is required to respond to the applicant, file a petition to obtain judicial review in the district court having jurisdiction in the city or town wherein the applicant filed for said license; and a justice of said court, after, having heard all of the facts, may direct that a license be issued the applicant, if he finds that there was no reasonable ground for refusing such license and that the applicant was not prohibited by law from holding the same.

Any person who files an application with any intentional false answer to the questions on the application shall be punished by a fine of not less than five hundred nor more than one thousand dollars and by imprisonment for not less than six months nor more than two years in a jail or house of correction.

The commissioner of public safety is hereby directed to furnish license forms to all licensing authorities that shall contain blank spaces for such information as he deems necessary for proper identification of the licensee.

A license issued to carry a firearm shall be for a period of five years, expiring on the anniversary of the applicant's date of birth occurring not less than four years but not more than five years from the date of issue. Any renewal thereof shall expire on the anniversary of the applicant's date of birth occurring not less than four years but not more than five years after the effective date of such license. Any license issued to an applicant born on February twenty-ninth, for the purpose of this section, shall expire on March first.

For the purposes of the provisions of section ten of chapter two hundred and sixty-nine, an expired license to carry firearms shall be deemed to be valid for a period not to exceed ninety days beyond the date of expiration, except that this provision shall not apply to any such license to carry firearms which has been revoked or relative to which revocation is pending. The fee for such license or a renewal of a license shall be ten dollars, and shall be payable in a manner prescribed by the licensing authority or commissioner of public safety and shall not be prorated or refunded in case of revocation. Notwithstanding other provisions of this section, no license shall be required for the possession

or carrying of a firearm known as a detonator and commonly used on motor vehicles as a signaling and marking device, when carried or possessed for such signaling and marking purposes. Whoever, knowingly, issues a license in violation of this section shall be punished by a fine of not less than five hundred nor more one thousand dollars and by imprisonment for not less than six months nor more than two years in a jail or house of correction. The commissioner of public safety shall send by first class mail to the holder of each such license to carry firearms, a notice of the expiration of his or her license not less than ninety days prior to such expiration, and shall enclose therein a form for renewal of said license. The taking of fingerprints shall not be required in issuing the renewal of a license if the renewal applicant's fingerprints are on file with the commissioner of public safety. Any license holder shall notify, in writing, the authority who issued said license, the chief of police into whose jurisdiction the license holder moves, and the commissioner of public safety of any change in his or her addresses. Such notification shall be made by certified mail within thirty days of its occurrence. Failure to so notify shall be cause for revocation of said license. All such licenses to carry firearms shall be revocable for cause at the will of the authority issuing the same, who shall forthwith send written notice stating the reason that said license is being revoked by hand or any other means necessary to effectuate notification to the licensee and commissioner of public safety. Any such revocation shall be carried out in the same manner as provided in section one hundred and twenty-nine D.

Any person whose license is so revoked, may within forty-five days of notification of said revocation, file a petition to obtain judicial review in the district court having jurisdiction in the city or town wherein the applicant held said license, and a justice of said court, after having heard all of the facts, may direct the license be reinstated if he finds that there was no reasonable ground for revoking said license.

No person shall be issued a license to carry or possess a machine gun in the commonwealth, except that a licensing authority may issue a machine gun license to:

- (a) a firearm instructor certified by the criminal justice training council for the sole purpose of firearm instruction to police personnel;
- (b) a bona fide collector of firearms upon application or upon application for renewal of such license.

The commissioner of the department of public safety shall promulgate regulations in accordance with chapter thirty A of the General Laws to establish criteria for persons who shall be classified as bona fide collectors of firearms.

SECTION 3. Section 10 of chapter 269 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out subparagraph (i) and inserting in place thereof the following subparagraph:-

- (i) Whoever knowingly fails to deliver or surrender a revoked or suspended license to carry or possess firearms or machine guns issued under the provisions of section one hundred and thirty-one or one hundred and thirty-one F of chapter one hundred and forty, or firearm identification card, or receipt for the fee for such card, or a firearm, rifle, shotgun or machine gun, as provided in section one hundred and

twenty-nine D of chapter one hundred and forty, unless an appeal is pending, shall be punished by imprisonment in a jail or house of correction for not more than two and one-half years or by a fine of not more than one thousand dollars.

SECTION 4. Nothing contained in this act shall affect the validity, terms or conditions of a machine gun license issued prior to the effective date of this act, provided, however, that any application for renewal of such license shall be subject to the provisions of this act. Said application for renewal of such license shall be subject to the provisions of this act only after adoption of the regulations promulgated by the department of public safety as authorized in section two.

Approved October 23, 1986.

Chapter 482. AN ACT DESIGNATING A CERTAIN BRIDGE ON INTERSTATE HIGHWAY ROUTE 495 AS THE ANTONIO FRANCIOSA MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge on interstate highway Route 495 spanning the Merrimac river and connecting the city of Haverhill with the city known as the town of Methuen shall be designated and known as the Antonio Franciosa Memorial Bridge, in memory of Antonio Franciosa who was wounded in action while a member of the armed forces of the United States during World War I and who received the Presidential Silver Star medal for gallantry. Suitable markers bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration.

Approved October 23, 1986.

Chapter 483. AN ACT RELATIVE TO THE BELLINGHAM WATER AND SEWER COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared essential that the town of Bellingham, for the benefit of the people of the town, shall continue to maintain economical and efficient sewer and water systems: said town be provided a means to improve its water and sewer services operating in a modern, efficient, financially self-sustaining, and environmentally sound manner: that just, equitable and sufficient fees, rates and charges for water and sewer service within the town be established and all consumers, public and private, taxpayer and tax exempt, pay their fair share of the costs of such services; all to the public benefit and good, as and to the extent and in the manner provided herein. This act may be referred to and cited as the Bellingham water and sewer reorganization act of 1986.

SECTION 2. As used in this act, the following words shall, unless the context requires otherwise, have the following meanings:–

"Sewer works system", the existing sewer works system in the possession of and under the jurisdiction, ownership, control and regulation of the town and its sewer commission, and all facilities, betterments, extensions, improvements, enlargements thereto hereafter constructed or acquired.

"Water works system", the existing water supply and distribution system in the possession of and under the jurisdiction, ownership, control, and regulation of the town and its water commission, and all facilities, betterments, extension, improvements, and enlargements thereto hereafter constructed or acquired.

"Town", the town of Bellingham.

SECTION 3. There is hereby established the Bellingham water and sewer commission hereinafter called the commission. Except as otherwise provided in this act, the powers of the commission shall be exercised by a board consisting of five members. Such persons to be elected in the following manner: one member shall be elected, for a three year term, by ballot, at the annual town election next after the acceptance of this act with the remaining four members being incumbents in their respective offices with the board of water commissioners and the sewer commissioners as elected thereto, now becoming the Bellingham water and sewer commission: two members shall be elected by ballot for a term of three years to the Bellingham water and sewer commission at the annual town election one year after the acceptance of this act with the remaining two members being incumbents in office as elected to the board of water commissioners and the sewer commission, two members shall be elected by ballot for a three year term two years after the acceptance of this act and for a three year term. Upon the expiration of the initial terms, each of the said commissioners shall be thereafter elected for three year terms.

SECTION 4. The commission shall appoint, employ and determine the duties and conditions of employment of a superintendent and such other employees and consultants as the commission may deem necessary, subject to the applicable laws of the town and commonwealth. All appropriations for wages and salaries of personnel, and the establishment or amendment of a wage and salary classification plan, shall be subject to the provisions of the town personnel by-law. The superintendent shall be the chief executive officer of the commission and shall administer and direct its affairs as authorized or approved by the commission and shall have such of the powers and perform such duties of the commission as the commission may from time to time delegate to him and not recall. The commission and its employees shall be subject to the provisions of chapter one hundred and fifty E of the General Laws, to the extent that said provisions are applicable. For the purposes of said chapter one hundred and fifty E, and without otherwise limiting the generality of the foregoing, the town shall be considered an "employer" or "public employer" as defined therein. The commission shall operate on the same fiscal year as the town of Bellingham and subject to what sums of money the town shall vote, for such purposes as the town may vote, at either an annual or special town meeting, to raise and

appropriate or transfer from available funds to pay interest and maturing debts: for charges, expenses, outlays; for a reserve fund.

SECTION 5. The commission shall assume all of the rights, duties and obligations of the town of Bellingham's sewer commission and the town of Bellingham's water commission. It shall assume the care, custody, and control of all property, personal or real, which, on the effective date of this act, resides in the care, custody, and control of the aforesaid sewer and water commissions. All orders, rules, regulations and by-laws duly promulgated by the town or the aforesaid sewer and water commissions shall remain in full force and effect, to the extent consistent with this act, until superseded, revised or rescinded by the commission and or town as applicable. All contracts, including collective bargaining agreements, leases, and agreements, including interdepartmental agreements, pertaining to the sewer and water works system shall continue in full force and effect until their expiration dates. All benefits and obligations thereunder, and all other rights and benefits pertaining to the sewer and water works system and existing by-law, including, without limiting the generality of the foregoing, all rights, benefits and obligations not inconsistent with the provisions of this act, which pertain to the sewer and water works system and which are vested in the aforesaid sewer and water commissions by general or special law, shall be transferred to, assumed by and imposed upon the commission by operation of law.

SECTION 6. This act shall be submitted to an annual or special town meeting for acceptance, and if accepted, shall be effective at the annual town election next after its acceptance. On the effective date of this act, employees in the existing Bellingham sewer and water commissions shall be transferred to the new commission and become employees of said commission, subject to the provisions of this act; and the existing Bellingham sewer and water commissions and departments shall be abolished. The terms of office of such employees shall not be deemed to be interrupted by such transfer. The rights, seniority, wages, salaries, hours and working conditions of such employees, including, but only so long as such an employee holds the position which is comparable to the position in which he was classified prior to transfer, rights under chapter thirty-one of the General Laws, shall be preserved in their employment by the commission, provided that after such transfer, such employees shall perform their duties subject to the direction, control, and supervision of the commission. Nothing in the foregoing shall be construed as a limitation on the powers of the commission, subject to the provisions of this act and other applicable laws, to thereafter create, amend or abolish job positions in furtherance of the aforesaid intent of this act to provide the people of the town of Bellingham an efficient, modern and financially self-sustaining sewer and water works system.

SECTION 7. The commission shall have all the rights and powers which presently exist and reside in the Bellingham sewer and water commissions under the General Laws and under applicable special acts, insofar as these do not conflict with the provisions of this act.

ACTS, 1986. – Chaps. 484, 485.

SECTION 8. Upon the effective date of this act, except as otherwise provided herein, any provisions of any special laws and parts of special laws, and all by-laws and parts of by-laws pertaining to the sewer and water works system, which are inconsistent with the provisions of this act, shall be inoperative and cease to be effective.

SECTION 9. This act, being necessary for the welfare and living conditions of the town and its inhabitants, shall be liberally construed to effect the purposes hereof.

Approved October 23, 1986.

EMERGENCY LETTER: October 24, 1986 @ 10:05 A.M.

Chapter 484. AN ACT FURTHER REGULATING MOTOR VEHICLE INSURANCE.

Be it enacted, etc., as follows:

The seventh paragraph of section 113B of chapter 175 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting, after the second sentence, the following sentence:– In establishing the four or more comprehensive claims totalling two thousand dollars or more, claims for damages caused by acts of God shall be excluded.

Approved October 23, 1986.

Chapter 485. AN ACT FURTHER REGULATING PERSONS ENGAGED IN THE BUSINESS OF DIGGING OR DRILLING WELLS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately further regulate persons engaged in the business of digging or drilling wells, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted, etc., as follows:

The first paragraph of section 16 of chapter 21 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:– Said registration shall be sufficient authority for any said person to engage in the business of digging or drilling wells anywhere within the commonwealth and no further licensing or registration shall be required; provided, however, that nothing contained herein shall prohibit the appropriate local authority in any city or town from requiring any person engaged in the digging or drilling of private wells to obtain a site permit in accordance with terms and conditions which ensure health and safety and said city or town may charge said person a reasonable fee for said site permit as determined by the city or town.

Approved October 25, 1986.

ACTS, 1986. – Chaps. 486, 487, 488.

Chapter 486. AN ACT LIMITING THE PAROLE ELIGIBILITY OF PRISON ESCAPEES.

Be it enacted, etc., as follows:

Section 133 of chapter 127 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "sixty-five", in line 7, the following words:– , and section sixteen of chapter two hundred and sixty-eight.

Approved October 25, 1986.

Chapter 487. AN ACT RELATIVE TO THE PROCEDURE IN GRANTING CERTAIN DIVORCES FOR IRRETRIEVABLE BREAKDOWN.

Be it enacted, etc., as follows:

Section 1B of chapter 208 of the General Laws, as amended by chapter 189 of the acts of 1986, is hereby further amended by inserting after the second paragraph the following two paragraphs:–

Notwithstanding the foregoing, at the election of the court hereunder, the aforesaid six month period may be waived to allow the consolidation for the purposes of hearing a complaint commenced under this section with a complaint for divorce commenced by the opposing party under section one.

The filing of a complaint for divorce under this section shall not affect the ability of the defendant to obtain a hearing on a complaint for divorce filed under section one, even if the aforesaid six month period has not yet expired.

Approved October 25, 1986.

Chapter 488. AN ACT RELATIVE TO THE ESTABLISHMENT OF A REVENUE LIMITATION MEASURE AND REDUCTION OF CERTAIN TAXES.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 4A of chapter 7 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:– The executive office for administration and finance shall include an office of the comptroller, headed by a comptroller, who shall be appointed by the governor in accordance with the provisions of section one of chapter seven A; a purchasing agent's division in charge of a purchasing agent, who shall have the rank of a deputy commissioner and shall be appointed by the governor for a term coterminous with that of the governor; a division of public employee retirement administration headed by a commissioner; department of personnel administration, in charge of a personnel administrator, who

shall have the rank of commissioner; a division of employee relations, headed by a deputy commissioner for employee relations; a fiscal affairs division, headed by a deputy commissioner for fiscal affairs; a division of capital planning and operations; and a central services division, headed by a deputy commissioner for central services; and a department of revenue, headed by a commissioner of revenue. Each such position shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty; provided, however, that notwithstanding the provisions of said chapter thirty, the comptroller shall receive a salary as determined by the provisions of said section one of said chapter seven A.

SECTION 2. Sections thirteen, thirteen A, fourteen, fourteen A, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, thirty-one, thirty-three, thirty-four, and thirty-five of said chapter seven are hereby repealed.

SECTION 3. The General Laws are hereby amended by inserting after chapter 7 the following chapter:–

**CHAPTER 7A.
OFFICE OF THE COMPTROLLER.**

Section 1. There shall be a state agency within the executive office for administration and finance called the office of the comptroller. The comptroller shall be the administrative and executive head of said office and shall be appointed by the governor for a term coterminus with the governor's. The person so appointed shall be selected without regard to political affiliation and solely on the basis of integrity and demonstrated ability and an advanced degree in accounting, auditing, financial management, business administration, or public administration.

At the time of his appointment as comptroller, the person so appointed shall give bond in the amount of twenty-five thousand dollars or such other amount as the advisory board to the comptroller shall fix for the faithful performance of his duties. Notwithstanding the provisions of chapter thirty the comptroller shall receive a salary as determined by the advisory board to the comptroller; provided, however, that the salary of the comptroller shall not be adjusted to reflect bond premiums nor shall such premiums be paid by or reimbursed by the office of the comptroller or with any state monies.

The person so appointed may be removed from said office, for cause, by the governor. Such cause shall include neglect of duty, misconduct, or conviction of a crime.

In the case of a vacancy in the position of comptroller, his successor shall be appointed in the same manner. No person may be appointed for more than two four year terms.

Section 2. There shall be an advisory board to the comptroller which shall consist of the attorney general, the treasurer, the commissioner of administration who shall be the chairman, the auditor, the chief administrative justice of the trial court, and two persons who have experience in accounting, management, or public finance who shall be appointed by the governor, not more than one of which two shall be members of the same political party. The appointed members shall serve

for three year terms, provided, that one such member shall be initially appointed for a two year term and one such member shall be initially appointed for a full three year term. The appointed members may be removed for cause and their successors shall be appointed in the same manner as an initial appointment. The members of the advisory board to the comptroller shall be reimbursed for necessary and reasonable expenses incurred in the performance of their duties, but shall not be otherwise compensated for their services.

The advisory board to the comptroller shall meet at least four times a year. Said advisory board shall provide advice and counsel to the comptroller in the performance of his duties. The advisory board shall be responsible for reviewing any rules or regulations promulgated by the comptroller prior to their implementation. The advisory board shall also review prior to publication the annual financial report of the commonwealth published by the comptroller.

Any action of the advisory board shall be taken with the approval of no less than four members of the advisory board.

Section 3. The comptroller shall examine all accounts and demands against the commonwealth excepting those for the salaries of the governor and the justices of the supreme judicial court, for the payrolls of the executive council and members of the general court, and those due on account of the principal or interest of a public debt. He may require affidavits that articles have been furnished, services rendered and obligations incurred, as claimed. Such affidavit for any office, department, commission and institution shall be made by the person authorized to incur such obligation. The comptroller shall make a certificate specifying the amount due and allowed on each account or demand so examined, the name of the person to whom such amount is payable and the account to which it is chargeable. He shall keep copies of all such certificates and transmit the originals to the governor, who, with the advice and consent of the council, may issue his warrant to the state treasurer for the amount therein specified as due.

The comptroller shall not include on such certificate any amount for any account for which an appropriation is required under section six of chapter twenty-nine if no such appropriation or no allotment has been made or if the amount of such appropriation and allotment for the current fiscal year is insufficient to meet the amount of the demand. The comptroller is prohibited from making or authorizing any spending authority to make a journal entry, so-called, between accounts if the account ultimately to be charged had insufficient monies to support the entry at the time the amount being entered was expended, unless prior notification of the intent to make such a journal entry, indentifying the accounts involved and the amount of the entry, is sent to the house and senate committees on ways and means. The comptroller is further prohibited from certifying any amounts for payment in the event that there is an interim period at the beginning of a fiscal year prior to the final passage of the fiscal year appropriation act or any interim appropriation act, subject to the condition that any amounts otherwise authorized by law to be paid during such interim period may be so certified by the comptroller.

Section 4. The comptroller shall prepare an annual report setting forth all federal grants and reimbursements received by each agency and department of the commonwealth during the fiscal year. Said report shall also include the cost of any state obligation which is a condition for

such grant or reimbursement. Such report shall also include, but not be limited to, the nature of each grant, the period of time over which the grant or reimbursement shall be effective, the total commitment of such grant or reimbursement, and the expiration date of each such grant or reimbursement. A copy of said report shall be filed with the commissioner of administration, the house and senate committees on ways and means, and the clerks of the house and senate for the distribution to the membership of the general court.

Section 5. All bills and vouchers on which money has been or may be paid from the treasury upon the certificate of the comptroller or the warrant of the governor shall be kept in the office of the comptroller; and all departments, offices, commissions and institutions authorized to make contracts under which money may be payable from the treasury shall file with the comptroller, before payment, certified copies thereof.

Section 6. No contract to provide consultant services shall be awarded by the commonwealth, or by any department, board, commission or other agency acting in its behalf, unless the persons signing such contract on behalf of the party contracting to provide such services files with the comptroller a statement under the penalties of perjury setting forth the names and addresses of all persons having a financial interest therein, not including, however, any person whose only financial interest consists of the holding of one per cent or less of the capital stock of a corporation contracting to provide such services.

Section 7. The comptroller shall design and install an accounting system for the commonwealth and prescribe the requisite forms and books of account to be used by each department, office, commission and institution of the commonwealth. No form or book of account other than that prescribed as aforesaid shall be used without the approval of the comptroller. He may revise such forms, books or system from time to time. He shall prepare and distribute a book of instructions covering the use and application of said accounting system for the guidance of the various departments, offices, commissions and institutions of the commonwealth.

Section 8. He shall keep all general books of account and determine the extent and character of subsidiary accounts to be kept by all departments, offices, commissions and institutions of the commonwealth. He shall have full authority to prescribe, regulate and make changes in the method of keeping and rendering accounts. He shall establish in each such department, office, commission and institution a proper system of accounts, which shall be uniform so far as is practicable, and a proper system of accounting for stores, supplies, materials and products, and may provide, where he deems it necessary, for a continuing inventory thereof. He shall provide such safeguards and systems of checking as will ensure, so far as possible, the proper collection of all revenue due the commonwealth; and, where he deems it necessary, shall provide that forms and receipts shall be numbered consecutively, making each such department, officer, commission or institution responsible for their use or cancellation.

Section 9. The comptroller shall keep a distinct account, under appropriate headings, of all public receipts and expenditures. He shall keep a like account of the school fund and of other public property and of all debts and obligations due to and from the commonwealth; and for

such purpose he shall have free access to the books and papers of the several departments, offices, commissions and institutions.

Section 10. He shall verify all accounting statements included in reports of departments, offices and commissions before the publication of such reports. No such report shall be published by any such department, office or commission until such statements are so verified and approved.

Section 11. The office of the comptroller shall be properly equipped and shall furnish to the agencies within the executive office of administration and finance, to the house and senate committees on ways and means, and to other state agencies and other individuals as required by law or as the advisory board to the comptroller shall direct, all accounting statements relating to the financial status, funds, reserves, appropriation control and cost of operation of the commonwealth at the end of the state fiscal year and at intermediate monthly periods when such information is needed in effecting economies before appropriations have been exhausted, or for other purposes.

Section 12. The comptroller shall, annually on or before the second Wednesday in January, submit to the general court a printed abstract of his annual report, exhibiting a full and accurate statement of the financial condition and a summary of the transactions of the commonwealth for the preceding fiscal year; and as soon as may be after said second Wednesday in January he shall deposit his annual report with the state secretary.

Such report shall contain a summary statement of the receipts into, and payments from, the treasury of the commonwealth for the preceding fiscal year; a detailed statement of such receipts and expenditures, including obligations, whether paid or unpaid, incurred by all departments, offices, commissions and institutions for such fiscal year. It shall include all accounts of expenditure of interest to the public, and, as far as may be, shall show the different departments, offices, commissions and institutions under whose direction the expenditure was made.

The report shall show the aggregate amount of funded debt and of all temporary loans at the beginning and end of the fiscal year respectively and the balance of increase or decrease in each case, and state the cause of such increase or decrease. It shall state whether or not the ordinary expenses of the fiscal year have exceeded the income, and show the amount of the balance. It shall contain a particular statement of all transactions affecting the funds belonging to or held in trust by the commonwealth, including new investments of any portion of the same made during the preceding fiscal year, and also of the manner in which the income of the school fund has been disbursed.

Section 13. In the exercise of the budget director's and deputy commissioner of capital planning and operations' functions relative to the preparation of the budget, the records, resources and full co-operation of the office of the comptroller shall be available.

Section 14. The comptroller or any employee in the office of the comptroller who knowingly violates, authorizes or directs another employee to violate any provision of this chapter or chapter twenty-nine shall be punished by a fine of not more than one thousand dollars or by imprisonment in a jail or a house of correction for not more than one

year, or both. In addition, if convicted of such violation the comptroller shall forfeit the bond required pursuant to section one.

Section 15. Subject to prior review by the advisory board to the comptroller, the comptroller is hereby authorized to promulgate rules and regulations to carry out his responsibilities under the provisions of this chapter or other applicable laws. Such rules and regulations shall not be subject to the provisions of chapter thirty A.

SECTION 4. Chapter 29 of the General Laws is hereby amended by striking out section 1, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 1. As used in this chapter, the following words shall, unless the context requires otherwise, have the following meanings. All words and terms defined by section thirty-nine A of chapter seven and appearing in this chapter, except for the phrase "state agency", shall have the meaning defined therein unless the context shall indicate another meaning or intent:–

"Account" or "Line-item", a separate unit of appropriation identified by an eight-digit number.

"Appropriation", the authorization by the general court with the approval of the governor, or by overriding his objection thereto, of the expenditure of state revenues from a specified fund for a specified purpose up to a specified maximum amount for a specified period of time.

"Bonds", a written promise to pay a specified amount of money on a specified date or dates in the future, together with a periodic interest at a specified rate.

"Bond fund", a fund of the commonwealth into which bond revenues are deposited.

"Bond revenues", the proceeds of bonds issued by the commonwealth and the interest earned thereon.

"Budget director", the administrative head of the budget bureau within the division of fiscal affairs, within the executive office of administration and finance, or, in the alternative if so designated by the commissioner, the deputy commissioner for fiscal affairs.

"Budgetary funds", state funds which are subject to appropriation as provided in section six.

"Commissioner", the commissioner of administration as provided for in section four of chapter seven.

"Consolidated net surplus in the operating funds", the sum of the undesignated fund balances in the General Fund, the Local Aid Fund, and the Highway Fund at the close of the fiscal year, after authorized transfers from any one of said funds to other funds of the commonwealth.

"Direct appropriation", a first-time appropriation of state revenues, from sources other than bond revenues, retained revenues, and federal grants.

"Federal grant", any financial assistance available to a state agency from the United States government, either directly or through an intermediary, whether a project, formula, or block grant, a subvention, a subsidy, an augmentation, or a state plan. For the purposes of this chapter "federal grant" shall not mean such financial assistance provided pursuant to Titles XVIII or XIX of the Social Security Act or other reimbursements received for state entitlement expenditures and credited

to the General Fund nor does it mean federal financial assistance from the United States government for direct payments to individuals, or for other purposes as provided for in section thirty-four of chapter ninety, section two of chapter one hundred and thirty-one, section ten of chapter one hundred and thirty-two A, section two E of chapter twenty-nine, chapter ninety-two, and section forty-eight of chapter one hundred and fifty-one A.

"Fund", an accounting entity established by general or special law to record all the financial resources or revenues together with all related expenditures or liabilities that are segregated for a particular purpose.

"Prior appropriation continued" or "PAC", a phrase used to reappropriate unexpended and unencumbered monies from one fiscal year for the subsequent fiscal year.

"Retained revenue", the income of state agency or other public instrumentality from its operations which by law it is allowed to expend for a particular purpose up to a specified limit without further appropriation which would otherwise be subject to direct appropriation.

"Revenue retention account", an account which allows a state agency or other public instrumentality to use retained revenue during the fiscal year in which such revenue is received to maintain all or a portion of its operations.

"Revolving account", a revenue retention account in which the retained revenues unspent or unencumbered at the end of a fiscal year are carried over into the next fiscal year for expenditure.

"Secretary", the officer in charge of each executive office established by chapters six A and seven; provided, however, that secretary shall mean the board for the board of regents of higher education and the board of education; and provided, further that secretary shall mean the court for the supreme judicial court.

"State agency", a state agency, board, bureau, department, division, section, or commission of the commonwealth.

"State revenue", all income from state taxes, state agency fees, fines, assessments, charges, and other departmental revenues, retained revenues, federal grants, federal reimbursements, lottery receipts, court judgments and the earnings on such income.

"Tax expenditures", state tax revenue foregone as a direct result of the provisions of any general or special law which allows exemptions, exclusions, deductions from, or credits against, the taxes imposed on income, corporations, and sales.

"Trust fund", a fund into which are deposited monies held by the commonwealth or state agencies in a trustee capacity and which must be expended in accordance with the terms of the trust.

SECTION 5. Section 2 of said chapter 29, as so appearing, is hereby amended by adding the following paragraph:–

All such revenue shall be deposited in and credited to the general fund or other state funds during the fiscal year in which it is received. In the event that a question arises as to the correct year to credit the receipt of revenues, the comptroller shall make a determination as to the correct fiscal year and the determination of the comptroller shall be conclusive.

SECTION 6. Said chapter 29 is hereby further amended by inserting after section 2G the following two sections:–

Section 2H. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Stabilization Fund, consisting of amounts transferred to the fund in accordance with the provisions of section five C and income derived from the investment of amounts so transferred. The purpose of the fund shall be to create and maintain a reserve to which any available portion of a consolidated net surplus in the operating funds shall be transferred and from which appropriations may be made for the following purposes: (1) to make up any difference between actual state revenues and allowable state revenues in any fiscal year in which actual revenues fall below the allowable amount and (2) to replace the state and local loss of federal funds or (3) for any event which threatens the health, safety or welfare of the people or the fiscal stability of the commonwealth or any of its political subdivisions. Such event or events, as determined by the general court, shall include, but not limited to, a substantial decline in economic indicators which result in severe reductions in state revenues or state financial assistance to local governmental units, or court ordered or otherwise mandated assumptions by the commonwealth of programs or costs of programs previously borne by local governmental units.

In the event that the amount remaining in the fund at the close of a fiscal year exceeds five per cent of the total state tax revenues received in that fiscal year, as shown in the statement of the comptroller required by clause (h) of section five, the amounts so in excess shall be transferred to the Tax Reduction Fund established by section two I.

Section 2I. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Tax Reduction Fund, consisting of amounts transferred to the fund in accordance with the provisions of section two H and of section six of chapter twenty-nine B and income derived from the investment of amounts so transferred. The purpose of the fund shall be to maintain a reserve which shall be used only to reduce personal income taxes as provided herein.

On or before August fifteenth, the commissioner of administration shall certify to the governor the total of any amount in the Tax Reduction Fund as shown in the financial report of the comptroller for the preceding fiscal year. A temporary increase in the amounts of the personal exemption allowable on the income tax shall be provided, subject to appropriation, for the taxable year ending on the succeeding December thirty-first to the extent that the amount in the Tax Reduction Fund equals an integer multiple of five per cent of the amount of personal income taxes which will not be collected for said taxable year on account of said personal exemptions. Said commissioner shall recommend to the commissioner of revenue the amount of the temporary increase, if any, in said personal exemptions for said taxable year. The comptroller shall transfer from the Tax Reduction Fund forty per cent of the amount equal to said integer multiple of five per cent of the amounts not collected due to said personal exemptions to the Local Aid Fund and sixty per cent of said amount to the General Fund.

SECTION 7. Said chapter 29 is hereby further amended by striking

out sections 3, 3A, 4, and 5 and inserting in place thereof the following four sections:–

Section 3. Every officer having charge of any state agency which receives a periodic appropriation from the commonwealth, including all periodic appropriations to be met from state revenues shall annually, on or before a date set by the commissioner submit to the budget director statements (1) showing in detail the amounts appropriated for the preceding and the current fiscal years; (2) the interchanges during the preceding fiscal year between the subsidiary accounts prescribed in accordance with section twenty-seven; (3) the deficiencies and overdrafts, if any, in appropriations for the latest complete fiscal year and for the current fiscal year; (4) estimates of the amounts required for ordinary maintenance for the ensuing fiscal year, with an explanation of any increased appropriations recommended and with citations of the statutes relating thereto, a statement indicating the priorities assigned to each program by said officer; (5) and statements showing in detail the revenue of the state agency in his charge for the latest complete fiscal year, and the revenue and estimated revenue thereof for the current fiscal year, and his estimated revenue from the same or any additional sources for the ensuing fiscal year, with his recommendations as to any changes in the management, practices, rules, regulations or laws governing such state agency which would effect an increase or cause a decrease in revenue from operations, fees, taxes or other sources, or which would facilitate the collection thereof; (6) together with such other information on the expenditures, revenues, activities, output or performance of any such state agency as may be required by rule or regulation of the commissioner, and any other information, including the priorities assigned to each program by said officer, required at any time by the budget director. Every such officer shall also submit to the budget director a statement showing in detail the number of permanent, temporary, and part-time positions authorized for the state agency in his charge and the volume of work performed in the latest complete fiscal year, and justifying his request for permanent, temporary and part-time positions in the ensuing fiscal year in relation to the volume of work expected to be performed by the state agency.

All such statements, recommendations and estimates shall, to the fullest possible extent, conform with the programs of the state agency as defined by the commissioner, with the advice of the officers responsible for the administration thereof and the officer making the submission to the budget director. The said estimates shall not include any estimate for any new or special purpose or object not authorized by statute.

Copies of all such statements, recommendations, and estimates as they pertain to space rentals and maintenance and construction or repair of capital facilities shall be submitted on or before the aforementioned date to the deputy commissioner of capital planning and operations. They shall include a report detailing the current condition of the using agency's buildings, broken down into individual structural or mechanical components, as defined by rule or regulation of the deputy commissioner. Such report shall specify those individual maintenance and repair items for which monies requested in the operating budget shall be used. The deputy commissioner shall review them and submit his evaluation of the priority, necessity, and feasibility of the request contained therein to the officer making such statements, re–

commendations, and estimates, the budget director, the house and senate committees on ways and means, and the secretary, if any, having charge of such state agency.

Before any such statements, estimates, recommendations or other information relating to a state agency shall be so submitted, they shall be submitted to the house and senate committees on ways and means. In addition, each state agency shall submit such statements, estimates, recommendations, and other information to the secretary having charge of such state agency, if any, who shall review the same and make such additions thereto, deletions therefrom and modifications therein as such secretary deems appropriate; provided, however, that prior to making any such additions, deletions or modifications, such secretary shall conduct public hearings, for which he shall give five days' public notice prior thereto, on all items for which he shall submit a recommendation for appropriations to the governor. Said secretaries shall furnish, to the house and senate committees on ways and means and the house and senate committees on post audit and oversight copies of all such statements, estimates, recommendations, and other information and of all such additions, deletions, and modifications.

Section 3A. Any officer having charge of any state agency which receives a periodic appropriation from the commonwealth, shall upon the request of any standing committee of the house or senate, or of any joint standing committee of the general court, furnish in writing to such committee, and to the commissioner, his estimate of the cost of proposed legislation affecting activities which are or would be under his supervision. Such estimate shall be provided to such committee within ten days of the receipt of such a request by the state agency.

Section 4. Every officer having charge of any state agency who, in his annual reports or otherwise, recommend or petition for the expenditure of money by the commonwealth from any source of revenue, including expenditures to be met by assessments or from bond revenues or trust funds, for any purpose not covered by the estimates required to be submitted under section three, shall, annually, on or before a date set by the commissioner, submit detailed estimates thereof to the budget director, together with any other information required by said budget director. Such estimates and other information relating to such state agency before being submitted to the budget director, shall first be submitted to the appropriate secretary, if any, on or before a date set by him; said secretary shall review the same and make such additions thereto, deletions therefrom and modifications therein as he deems appropriate; provided, however, that prior to making any such additions, deletions or modifications, said secretary shall conduct public hearings, for which he shall give five days' public notice prior thereto, on all items for which he shall submit to the governor a recommendation for an appropriation of one million dollars or more.

All copies of such statements and information relative to expenditures from bond revenues shall be submitted to the deputy commissioner of capital planning and operations on or before the aforementioned date. The deputy commissioner shall evaluate them as to the priority, necessity, and feasibility of the requests contained therein in relation to long range capital facilities development plans and capital facilities development plans and capital facility projects contained therein, as defined by section thirty-nine A of chapter seven. The deputy com-

missioner of capital planning and operations shall submit his evaluation to the officer providing such estimates and information, the budget director, and the appropriate secretary.

Section 5. (1) The comptroller shall annually, on or before August fifteenth, submit to the commissioner, the budget director, the deputy commissioner of capital planning and operations, and the house and senate committees on ways and means statements setting forth the following facts and figures for all state purposes:

(a) The expenditures for the preceding fiscal year, itemized separately so as to show expenditures made from all state revenues, including federal grants, trust funds, and sources other than state revenues.

(b) The appropriations for the preceding fiscal year.

(c) The actual state revenue for the three preceding fiscal years, itemized so as to show the sources from which received.

(d) The condition of the cash on hand, itemized separately so as to show cash derived from special revenue not available for general state purposes, cash held to meet authorizations and obligations previously made and incurred, and cash which is unencumbered and available for appropriation.

(e) The condition of the state debt, including a listing of all authorized general obligation bonds, whether issued or unissued.

(f) An itemized statement showing the disposition of any funds appropriated to meet emergency or unforeseen conditions.

(g) The consolidated net surplus in the operating funds at the close of the preceding fiscal year, and the amount by which such surplus exceeds one-half of one per cent of the total amount of state tax revenues as defined in chapter twenty-nine B in the preceding fiscal year as itemized in paragraph (c).

(h) The amount in the Commonwealth Stabilization Fund at the close of the preceding fiscal year and the amount by which such amount exceeds five per cent of the total amount of state tax revenues received in the preceding fiscal year.

(i) A statement of these accounts in accordance with generally accepted accounting principles.

(2) The statements submitted shall also set forth the estimates for the current and ensuing fiscal years of all expenditures for payment of claims and all other expenditures authorized by law and not required to be filed under section three.

SECTION 8. Section 5B of said chapter 29, as appearing in the 1984 Official Edition, is hereby amended by striking out the first, second, third and fourth paragraphs and inserting in place thereof the following four paragraphs:–

The commissioner, with the approval of the governor, shall annually on or before August fifteenth, prepare estimates of the total state revenues and total allowable state tax revenues as defined in chapter twenty-nine B which in his judgment will be available for the annual budget for the ensuing fiscal year. In making such estimates he shall take into account the computed maximum state tax revenues as defined in chapter twenty-nine B, the impact of existing taxes, the probable economic growth within the state, anticipated federal fund receipts, the anticipated growth in wages and salaries, departmental and other revenue

based on existing laws, and amounts available to be transferred into budgetary funds.

In estimating revenues available for the current year, he shall include the amount certified by the comptroller under the provisions of section five C as available from the consolidated net surplus in the operating funds at the close of the preceding fiscal year and not in excess of one-half of one per cent of the total state tax revenues in such fiscal year. In estimating revenues to be available for the annual budget for the ensuing fiscal year, he shall include an amount of any anticipated consolidated net surplus in operating funds not in excess of one-half of one per cent of the estimated total state tax revenues for the current fiscal year.

The commissioner, with the approval of the governor, shall annually on or before December fifteenth, prepare estimates of the tax expenditures which in his judgment will occur during the ensuing fiscal year. Such estimates of tax expenditures shall be prepared to facilitate a comparison of increases or decreases from actual collections of the preceding fiscal year the estimates of such revenue for the then current fiscal year.

The commissioner shall transmit the estimates of total state revenue and the estimates of tax expenditures to the deputy commissioner of capital planning and operations, to every secretary, to every statutory officer of the commonwealth, who shall transmit to each subordinate agency such of the information which each such officer or secretary determines is appropriate to assist each such agency in its budget preparations, to the house and senate committees on ways and means, and to the joint committee on taxation.

SECTION 9. Said chapter 29 is hereby further amended by inserting after section 5B the following section:–

Section 5C. The comptroller shall annually, on or before August fifteenth, certify to the commissioner of administration the amount of the consolidated net surplus in the operating funds at the close of the preceding fiscal year. The amounts so certified shall be disposed as follows: (a) an amount equal to one-half of one per cent of the total revenue from taxes in the preceding fiscal year, as certified in accordance with section five, shall be available to be used as revenue for the current fiscal year.

(b) Sixty per cent of any remaining amount of such consolidated net surplus shall be transferred to the Commonwealth Stabilization Fund from the General Fund, and forty per cent of any remaining amount of such consolidated net surplus shall be transferred to the Commonwealth Stabilization Fund from the Local Aid Fund.

SECTION 10. Said chapter 29 is hereby further amended by striking out section 6, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 6. The budget director shall study and review all estimates and requests for appropriations and other authorizations for expenditures of state funds filed with him as provided by sections three and four, and shall make such investigations as will enable him to prepare an operating budget for the governor, setting forth such recommendations as the

governor shall determine. The governor may call upon the comptroller for information relative to finances and for assistance in the preparation of the operating budget. The operating budget shall embody all estimates, requests and recommendations for appropriations, distributions of state revenues and other authorizations for expenditures by the commonwealth in accordance with existing law, other than for capital facility projects and prior-year appropriations, but including those from revolving and revenue retention accounts and those from federal grants, as submitted by each officer having charge of any state agency which receives a periodic appropriation from the commonwealth. The budget recommendations of the governor shall not assume future continuing appropriation of the unspent balances of current or previous appropriations.

The operating budget shall be set out in accordance with the provisions of section 6D and classified and designated so as to show separately estimates and recommendations for: (a) expenses for administration, operation and maintenance; (b) deficiencies or overdrafts in appropriations for former years; (c) interest on the public debt and sinking fund and serial bond requirements; and (d) all requests and proposals for expenditures for new programs and other undertakings; and shall include in detail definite recommendations of the governor relative to the amounts which should be appropriated therefor. The operating budget shall show the estimated state revenue of each state agency. The operating budget shall indicate the number of positions proposed to be authorized for each state agency or such other public instrumentality for the ensuing fiscal year, the number of positions for each state agency in the current and ensuing fiscal years and such other information as may be held to explain the anticipated results of the proposed expenditures.

SECTION 11. Said chapter 29 is hereby further amended by striking out section 6B, as so appearing, and inserting in place thereof the following three sections:–

Section 6B. (a) Notwithstanding any general or special law to the contrary, no state agency shall apply for federal grants or for participation in a federally assisted program under any federal law, and no state agency may approve an application for such a federal grant or approve participation submitted by an agency other than a state agency, unless such state agency shall have, at least thirty days prior to submitting an application, notified the commissioner, the house and senate committees on ways and means, and the joint committee on federal financial assistance, on forms and in a manner prescribed by the commissioner. Such notice shall, at a minimum, include:–

(1) reference to the federal statutory authority under which the action is proposed;

(2) a description of the substance of the application;

(3) a fiscal statement setting forth:–

(i) the projected grant budget per year including the number of personnel to be funded with federal funds;

(ii) the estimated amount of cash match, in-kind match or other monies to be supplied by the state and any other source from which such match will be required, and a description of the federal allocation formula and matching requirements including whether the grant is distributed to the commonwealth on the basis of a federally specified

formula or on the basis of the federal grantor's discretion and a description of the federal constraints placed on the agency's discretion to use the grant; and

(iii) the duration of the grant, the number of fiscal years the agency has been receiving assistance and the number of fiscal years in which assistance can be expected to continue under the program, and a statement as to the priority of the program alongside other state or federally funded programs, including whether the agency would request that all or part of the program be funded out of the General Fund in the event federal funds are reduced or discontinued.

If, within thirty days of notification of intent to apply for a federal grant, no action, has been taken by either the commissioner, the house or senate committee on ways and means, or the joint committee on federal financial assistance, the application may proceed. To avoid any inconsistency or duplication in review, the commissioner shall establish procedures whereby notices given under this section shall be coordinated with other notice requirements for project or plan proposals in connection with federal aid including those required under Circular A-95 of the United States Office of Management and Budget.

Notwithstanding the foregoing provisions, any federal grant which is included as an appropriation in the state budget shall not be subject to the foregoing review by the house and senate committees on ways and means.

(b) Upon official notification to a state agency from a federal department or agency of approval of a state plan or application for federal funds, the state agency shall notify the commissioner and the comptroller promptly of the amount, duration, payment schedule and other attendant financial terms and conditions. Such notification shall be for the purposes of appropriate recording. The commissioner shall issue a quarterly report detailing, by agency, the status of federal funds applied for, received, and expended. Upon issuance, this report shall be made immediately available to the house and senate committees on ways and means and to the joint committee on federal financial assistance.

(c) All requests for appropriations by an agency for submission to the governor and recommendation to the general court, shall contain, on forms and in a format prescribed by the commissioner, all federal grants received by an agency including that information required in subsection (a). Pursuant to section six the budget director shall include all federal grants received or anticipated by state agencies as a part of the budget.

(d) Notwithstanding the provision of any general or special law to the contrary, no state agency shall establish new, or expand existing programs involving federal or other non-state monies beyond the scope of those already established, recognized, and approved by the general court, until the program and the projected or actual availability of money is submitted to the budget director for recommendation to the general court. No state agency may make expenditures from any federal grant unless such expenditures are made pursuant to specific appropriations of the general court and allotment thereof, said allotment to be made by the comptroller upon receipt of federal grant funds.

Every state agency shall submit a spending plan for such federal grants, by subsidiary accounts, to the house and senate committees on ways and means and the joint committee on federal financial assistance by September first of each year and shall submit revisions of such

spending plans to said committees as they shall from time to time be revised.

Pursuant to section two C, all such expenditures shall be charged to the General Federal Grants Fund. Notwithstanding the amount of the appropriation for a specific federal grant, the amount so expended from such federal grant shall not exceed the amount actually received and deposited in the General Federal Grants Fund for such federal grant. To the extent not precluded by the terms and conditions under which federal monies are made available by the United States government, a state agency shall use federal grants in accordance with any policies or priorities established by the general court for the activity being assisted.

(e) If federal grant monies become available to the state for expenditure, as provided for in subsection (a), and the availability of such monies could not reasonably have been anticipated and included in the budget approved by the general court for the fiscal year in question, the treasurer may accept such monies on behalf of the state and the governor may make expenditures of such monies as are authorized by federal and state law. Upon application for, and receipt of, such monies, the governor shall submit to the house and senate committees on ways and means a statement:-

(1) describing the proposed federal expenditures in the same manner as described in the budget document; and

(2) explaining why the availability of such federal grants and the necessity of their expenditure could not have been anticipated in time for such expenditures to have been approved as part of the budget enacted for that particular fiscal year.

No federal grant monies may be expended by a state agency for any program for more than one fiscal year without appropriation by the general court in accordance with this section.

(f) Each spending agency in receipt of federal grant monies shall at the commencement of each fiscal year, and no later than July thirty-first, and any agency which has not previously been in receipt of a federal grant shall, upon notification of grant approval, authorize the comptroller upon his receipt of notice of a federal grant award to initiate such procedures as are established by the commissioner to transfer from the federal grant account to the General Fund for the costs of fringe benefits, indirect costs and space use charges related to each federal grant received by that spending agency; provided, however, that the share of the cost of fringe benefits, attributable to employee pension costs shall be transferred to the state employee's pension reserve fund to meet the costs of the unfunded liability of state employees. Upon approval by the commissioner, and subject to regulations established by him, the amount of indirect costs, either in whole or in part, charged to a federal grant may be utilized to comply with federal requirements for inkind contributions. The costs of fringe benefits must, in all cases, be recovered in cash. The comptroller shall not allow expenditures for the payment of salaries to be made from any federal grant account for which he has not been authorized to charge the full amount of fringe benefits to the account. On or before August fifteenth, and upon request throughout the year, the commissioner shall submit a report to the house and senate committees on ways and means, detailing compliance with this provision by all state agencies in receipt of federal funds. Notwithstanding any provision of general or special law

to the contrary, this paragraph shall apply to all state agencies; provided, however, that any institution of higher learning shall be exempt from those charges associated with indirect costs, as described in the following paragraph.

(g) Any portion of a federal grant received by an institution of higher learning which, according to the conditions of said federal grant, is to be paid for or to cover any overhead expenses, indirect costs, supporting services or facilities, or for any purpose other than the direct object of the grant, may be transferred in whole or in part to separate accounts and expended without appropriation for the support of a computer or computers, of another research grant, or of publishing programs under the exclusive control of such institution, or for faculty research or research and scholarly work under the supervision of members of the faculty of such institution.

(h) No individual, corporation or other organization utilizing grants shall be permitted to occupy or use land, buildings, equipment or facilities of the commonwealth or use the services of any officer or employee of the commonwealth during his regular working hours unless there is a written agreement, approved by the commissioner, between said individual, corporation or other organization and said officer or employee, that the commonwealth will be reimbursed for such occupancy or use; provided, however, that upon recommendation of any department, institution, board, commission, agency or employee setting forth good and sufficient reasons, this requirement may be waived in whole or in part by the commissioner on a particular project or projects. All such reimbursements shall be paid into the state treasury. Notice of such waiver shall be filed with the state auditor.

(i) Federal grants shall not be used to supplement the regular salary or compensation of any officer or employee of the commonwealth for services performed during his regular working hours.

(j) The following are excluded from subsections (a), (d) and (e):–

(1) federal grant funds coming to institutions of higher education, including research grants;

(2) research grants to individuals, agencies or institutions not exceeding fifty thousand dollars in annual amount and not creating new, or expanding existing, programs or commitments of state resources;

(3) any federal grant funds not exceeding five thousand dollars in annual amount; and

(4) federal grant funds made available to the state for costs and damages resulting from natural disasters, civil disobedience, or other occurrences of sufficient severity to have occasioned the declaration by the governor of a state of emergency.

Section 6C. In addition to information required by section six to be included in the budget submitted by the governor, said budget shall also include the following information:

(a) a description of and the amount of expenditure by state agencies from trust funds and bond funds anticipated for the subsequent fiscal year; and

(b) a narrative description accompanied by appropriate fiscal statements which shall reconcile the amounts for state revenues and expenditures for the previous fiscal year as presented by the budget director in the governor's budget with the amounts of state revenues and expenditures for the previous fiscal year as presented by the comptroller

in the annual financial report of the commonwealth. Such description shall include a statement concerning the net consolidated surplus or deficit in the budgetary funds which are subject to direct appropriation.

Section 6D. All appropriations contained in the fiscal year operating budget, including supplementary and deficiency budgets, as signed into law by the governor or passed notwithstanding his objections thereto shall be set out in section two or section two A of an appropriation act. Each appropriation account or other authorization to expend monies of the state shall include the following information: (a) the account number of the appropriation, (b) the purpose of the appropriation and other restrictive language, and (c) the amount of the appropriation or the maximum expenditure allowed set out in numeric figures. No appropriation otherwise set out in any act shall be valid and the comptroller shall not allow monies to be expended on any appropriation not conforming to the requirements herein established.

Section two of each budget act shall also include appropriation subtotals for each department, board, commission, office, or agency, an appropriation total for each secretariat, for each constitutional office, and for the executive, legislative, and judicial branches of state government, and an appropriation grand total for the entire section.

Section two A shall also include the appropriation subtotals, totals, and grand total required to be included in section two. In addition, section two A shall also include totals of the amount of appropriations in each of the following categories:

(1) prior appropriations continued, (2) federal grants, and (3) revenue retention and revolving accounts.

The provisions of the section shall apply to all appropriations of state funds, including direct appropriations, accounts with prior appropriations continued, federal grant appropriations, and revenue retention or revolving account appropriations.

Direct appropriations shall be contained in section two of each budget act. All other appropriations shall be contained in section two A of any appropriation act.

This section shall not apply to appropriations which are included as part of a capital budget.

SECTION 12. Said chapter 29 is hereby further amended by striking out section 9B, as so appearing, and inserting in place thereof the following section:–

Section 9B. Any monies made available by appropriation or otherwise, to state agencies under the control of the governor or a secretary, but not including the courts, the office of the governor, or the office of the lieutenant governor, shall be expended only in such amounts as may be allotted as provided in this section. The governor shall from time to time divide each fiscal year into allotment periods of not less than one month nor more than four months. The governor or the commissioner when designated in writing by the governor shall allot to each such state agency the amount which it may expend for each such period out of the sums made available to it by appropriation or otherwise. The amount so allotted initially by the governor or the commissioner shall be equal to an amount calculated in accordance with the following formula: the annual sum available for expenditure divided by twelve multiplied by the number of months in the allotment period, unless the full legislative

objective of an appropriation would be accomplished, without amendment, by a lesser allocation than that required by the formula. The governor or commissioner may so allocate a greater amount than required by the formula provided, however, that no less than fifteen days prior to the initial allocation of such greater amount to any account for which a supplemental appropriation will become necessary if current rates of spending continue, the governor or commissioner shall file with the house and senate committees on ways and means a report containing the following information: (1) the amount of the appropriation which the commissioner proposes to allocate; and (2) a detailed corrective action plan to prevent a deficiency in the account or accounts involved; a request for a supplemental or deficiency appropriation, if such corrective action plan would violate the legislative objective of the appropriation; or a statement explaining why neither a corrective action plan nor a supplemental appropriation is necessary.

If so designated, the commissioner shall designate such member or members of his office as may be approved by the governor to exercise the foregoing powers in the absence of said commissioner.

Whenever the officer in charge of each such state agency requests a supplemental allotment, he shall submit to the budget director, in such form and at such times as he shall prescribe, such information as may be required by the governor or the commissioner; provided, that before any such information relating to such a state agency has been so submitted to the budget director, it shall first be submitted to the secretary having charge of such state agency who shall review the same and make such additions thereto, deletions therefrom and modifications therein as he deems appropriate.

The governor or the commissioner upon approval of a supplemental allotment shall forthwith file with the house and senate committees on ways and means a report containing the same information as is required for an initial allocation which is greater than the formula amount. The comptroller shall not permit disbursement or obligation against any initial or supplemental allotment until he is provided with a signed copy of a letter of transmittal for such report to said committees and certification by the budget director that said committees have been sent such report.

SECTION 13. Section 9C of said chapter 29, as so appearing, is hereby amended by adding the following paragraph:-

As an alternative to the submission of such proposals to raise additional revenues and to the extent funds are available, the governor may recommend an appropriation equal to such deficiency from the Commonwealth Stabilization Fund in the manner provided in section two H.

SECTION 14. Section 9E of said chapter 29, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "of administration" and inserting in place thereof the words:- and the house and senate committees on ways and means.

SECTION 15. Section 20 of said chapter 29, as so appearing, is hereby amended by adding the following sentence:- No such voucher shall be submitted by such head nor shall any such approval be given by

such head unless sufficient funds are allotted for such purposes at the time the voucher is submitted or the approval is given.

SECTION 16. Section 26 of said chapter 29, as so appearing, is hereby amended by inserting after the word "commonwealth", in line 7, the words:– nor shall any liability be imposed upon the commonwealth under a subsequent appropriation by any ongoing commitment against a current year appropriation.

SECTION 17. Section twenty-seven A of said chapter twenty-nine is hereby repealed.

SECTION 18. Section 29 of said chapter 29, as appearing in the 1984 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

Any subsidiary account set up as prescribed in the schedules referred to in section twenty-seven, on the books of any department, office, commission or institution, receiving an appropriation from the commonwealth, may be increased or decreased by the interchange with any other such subsidiary account within the same appropriation account by the officer in charge of such department, office, commission or institution upon his certification to the budget director that such interchange is required to meet unforeseen emergencies where funds are otherwise not available to protect the public interest, and, in the case of a department, office, commission or institution within any executive office established by chapter six A and seven, upon the prior written approval of the secretary having charge of such executive office. Every such certification shall include a statement of the details of the said emergency and of the probable consequences if the said interchange should not be made. An officer making any such certification or giving any such approval shall file forthwith a copy thereof with the comptroller, the house and senate committees on ways and means, and the house and senate committees on post audit and oversight. Under no circumstances shall an interchange otherwise authorized by this section be allowed into a newly established subsidiary account not prescribed by the schedules referred to in section twenty-seven.

SECTION 19. Section 29A of said chapter 29, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following three sentences:– Consultant contracts, whether written with organizations or individuals, shall not be used as substitutes for state positions. The commissioner shall submit quarterly to the house and senate committees on ways and means and the house and senate committees on post audit and oversight a report which identifies all existing consultant contracts by agency, for all accounts established or maintained by the comptroller, including but not limited to appropriation accounts for ordinary maintenance, for federal grants, bond revenue accounts, revolving accounts, retained revenue accounts, and trust accounts. Said report shall identify each contract, its duration, its maximum dollar obligation, the name of the contractor, and the services performed by the contractor.

SECTION 20. Said chapter 29 is hereby further amended by inserting after section 29A the following section:-

Section 29B. The commissioner shall make, and may from time to time amend, rules and regulations governing the procurement and administration of contracts with organizations providing social, rehabilitative, health, or special education services. Such rules and regulations shall not be subject to the provisions of chapter thirty A. No department, office, agency, board, commission or institution within any of the executive offices established by chapters six A and seven shall contract for the provision of any such services except in conformance with said regulations and without the prior written approval of the contract by the secretary having charge of such executive office. No payment shall be made to a contracting organization for any services provided prior to the date upon which a form requesting said services has been approved by the secretary having charge of such executive office and a copy of the same has been filed with the comptroller, with the exception that payment may be made for services rendered no earlier than fifteen days prior to said date, upon approval by the commissioner of administration of a written request for start date retroactivity submitted by the contracting agency and approved by the secretariat in charge of said agency. No person employed by an organization providing social, rehabilitative, health, or special education services as defined above shall directly or indirectly supervise a temporary or permanent employee of the commonwealth. Such contracts shall not be written or used by any department, office, agency, board, commission or institution of the commonwealth to procure full or part-time personal services, or equipment to be used by such department, office, agency, board, commission or institution, or any goods or services not required in the direct provision by the contractor of social, rehabilitative, health, or special education services to populations being served by the contracting department, office, agency, board, commission, or institution.

SECTION 21. Section 31 of said chapter 29, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

The comptroller shall prepare and submit to the governor and council, for their approval, a weekly warrant which shall include a sum sufficient in each item of appropriation to meet the total current weekly cost of salaries included within such centralized weekly payroll system. The comptroller shall require certification from each spending authority that each employee receiving a salary under the warrant is being paid for duties performed directly for the employing agency and not for duties performed for another state agency. The treasurer shall pay such salaries from the amounts approved by the governor and council in said warrant and shall, within five days after such payment, provide a detailed record thereof to the comptroller. The comptroller, no later than twenty working days after the close of each monthly pay period, shall provide the house and senate committees on ways and means with a record of full and part-time personnel who were paid during the most recently completed monthly pay period. Said report shall identify for each state agency all positions, their position titles and monthly salaries by account, whether appropriation account for ordinary maintenance, federal grant account, revolving account, retained revenue expenditure

account, trust account, bond fund account, or any other type of account maintained or established by the comptroller. The provisions of this section shall not be construed so as to prohibit the payment of premiums for the purchase of a life insurance contract, annuity contract or other deferred compensation program for state employees under section sixty-four.

SECTION 22. The General Laws are hereby amended by inserting after chapter 29A the following chapter:–

**CHAPTER 29B.
STATE REVENUE GROWTH CONTROL.**

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

"Allowable state tax revenues", for any fiscal year beginning after June thirtieth, nineteen hundred and eighty-six, an amount equal to the computed maximum state tax revenues for said fiscal year; provided, however, that if the computed maximum state tax revenues for a fiscal year are less than the amount of allowable state tax revenues for the immediately preceding fiscal year, then allowable state tax revenues for said fiscal year shall be equal to the allowable state tax revenues for the immediately preceding fiscal year.

"Allowable state revenue growth factor", for a fiscal year means a number which equals one-third of the net quotient derived from the following two calculations: (1) divide total Massachusetts wages and salaries for the calendar year ending immediately prior to the beginning of such fiscal year by total Massachusetts wages and salaries for the calendar year preceding said calendar year by three years, and (2) subtract the integer one from the resulting quotient; provided, further, that in calculating the allowable state revenue growth factor for any fiscal year, the total for Massachusetts wages and salaries shall be the most recent and accurate estimate by the Bureau of Economic Analysis of the United States Department of Commerce, including periodic adjustments, of said total of Massachusetts wages and salaries for such fiscal year.

"Balanced Budget", a condition of state finance in which the consolidated net surplus at the end of a fiscal year is greater than or equal to one-half of one per cent of state tax revenues of such fiscal year.

"Computed maximum state tax revenues", for any fiscal year beginning after June thirtieth, nineteen hundred and eighty-six, an amount determined by multiplying the amount of allowable state tax revenues for the immediately preceding fiscal year by an amount equal to the sum of one plus the allowable state revenue growth factor, for the then current fiscal year; provided, however, that the computed maximum state tax revenues shall be adjusted in accordance with section four; and provided, however, that only for the fiscal year ending on June thirtieth, nineteen hundred and eighty-six, computed maximum state tax revenues for said fiscal year shall be equal to the state tax revenues for said fiscal year.

"Consolidated net surplus", the sum of the undesignated fund balances

in the General Fund, the Local Aid Fund, and the Highway Fund at the close of the fiscal year after authorized transfers from any of said funds to other funds of the commonwealth.

"Excess state tax revenues", the amount by which state tax revenues for a fiscal year exceed the allowable state tax revenues for said fiscal year.

"Local aid", the amounts estimated to be due cities and towns and regional school districts as contained in the notice to assessors, as revised and updated from time to time, pursuant to section twenty-five A of chapter fifty-eight.

"Massachusetts wages and salaries", the most current data on annual wages and salaries of citizens of the commonwealth for the most recently completed calendar year as compiled by the Bureau of Economic Analysis of the United States Department of Commerce, or its successor agency.

"State tax revenues", the revenues of the commonwealth from every tax, surtax, receipt, penalty and other monetary exaction, and interest in connection therewith, including but not limited to, taxes and surtaxes on personal income, excises and taxes on retail sales and use, meals, motor vehicle fuels, businesses and corporations, commercial banks, insurance companies, savings banks, public utilities, alcoholic beverages, tobacco, inheritances, estates, deeds, room occupancy and parimutuel wagering, but excluding revenues collected by the state from local option taxes, so-called, for further direct distribution to cities and towns; provided, however, for the purposes of this chapter, an amount equal to the current expenses paid by the commonwealth in a fiscal year in connection with bonds issued or other indebtedness incurred under any general or special law shall be subtracted from said revenues to determine the amount of state tax revenues in such fiscal year.

Section 2. The governor shall recommend, the general court shall enact, and the governor shall approve a general appropriation bill which shall constitute a balanced budget for the commonwealth. No supplementary appropriation bill shall be approved by the governor which will cause the state budget for any fiscal year not to be balanced. Except as otherwise provided herein, the balanced budget in any fiscal year shall include state tax revenues for such fiscal year which shall not exceed allowable state tax revenues for such fiscal year.

Section 3. Current expenses paid by the commonwealth in connection with bonds issued or other indebtedness incurred under any general or special law shall not be subject to the allowable state tax revenue limitations established by this chapter and may be paid for from revenues in excess of allowable state revenues, notwithstanding the provisions of section six.

Section 4. The computed maximum state tax revenues for any fiscal year beginning after June thirtieth, nineteen hundred and eighty-six shall be increased by an amount equal to the amount of local aid for the previous year multiplied by a factor which is equal to the per cent increase in local aid for the current year over the previous fiscal year minus the allowable state tax revenue growth factor for the current fiscal year.

Section 5. Within sixty days of the end of the fiscal year ending June thirtieth, nineteen hundred and eighty-seven, and within sixty days of the end of each subsequent fiscal year, the comptroller shall prepare a

report of the state tax revenues and the allowable state tax revenues of the commonwealth for said fiscal year, and shall submit the report to the governor, the president of the senate, the speaker of the house, the chairmen of the house and senate committees on ways and means.

Section 6. If state tax revenues in any fiscal year exceed allowable state tax revenues for said fiscal year the amount of such excess, as determined by the comptroller and reported pursuant to section four, shall be transferred to the Tax Reduction Fund, established by section two I of chapter twenty-nine, and used to reduce personal income taxes.

Section 7. The supreme judicial court or superior court may, upon the petition of not less than twenty-four taxable inhabitants of the commonwealth, not more than six of whom shall be from any one county, enforce the provisions of this chapter. If successful, said taxable inhabitants shall be entitled to recover reasonable attorneys' fees and other costs from the commonwealth incurred in maintaining such action.

SECTION 23. Said section 1 of said chapter 62 is hereby further amended by adding the following paragraph:–

(m) The terms "long-term capital gain", "short-term capital gain", "long-term capital loss", "short-term capital loss", "net long-term capital gain", "net short-term capital gain", "capital gain net income", and "net capital gain" shall have the meanings given in section one thousand two hundred and twenty-two of the Code; provided, however, that in determining the amount of gain or loss on any sale, exchange, or other disposition of property, the provisions of section six F shall be taken into account, and in determining the amount of long-term capital loss or short-term capital loss for any year, the provisions of paragraph (2) of subsection (c) of section two shall be taken into account; and provided further, that the term "capital asset", as used in section one thousand two hundred and twenty-two of the Code, shall be limited to assets described only in section one thousand two hundred and twenty-one of the Code which are sold, exchanged or otherwise disposed of by a person while he is subject to taxation under this chapter on any Part A taxable income; and provided, further, that the term "capital loss" does not include any item the deduction of which is, or but for some other section would be, prohibited by section two hundred and sixty-two of the Code.

SECTION 24. Paragraph (1) of subsection (a) of section 2 of chapter 62 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out subparagraph (E).

SECTION 25. Paragraph (2) of said subsection (a) of said section 2 of said chapter 62, as so appearing, is hereby amended by striking out subparagraph (B).

SECTION 26. Paragraph (1) of subsection (b) of said section 2 of said chapter 62, as so appearing, is hereby amended by striking out the introductory clause and inserting in place thereof the following clause:–

Part A gross income shall be the total interest, dividends and capital gain net income included in Massachusetts gross income, other than:–.

SECTION 27. Subsection (c) of said section 2 of said chapter 62, as

so appearing, is hereby amended by striking out paragraphs (2) and (3) and inserting in place thereof the following two paragraphs:–

(2) The excess, if any, of the net short-term capital loss for the year over the net long-term capital gain for the year, but not more than one thousand dollars, shall be applied against any interest and dividends included in Part A gross income. If the amount of such excess is less than one thousand dollars, then the excess, if any, of the net long-term capital loss for the year over the net short-term capital gain for the year shall be applied against the balance of such interest and dividends; provided, however, that the aggregate amount of the deduction under this paragraph shall not be more than one thousand dollars. The excess of the net short-term capital loss over the net long-term capital gain, reduced by the amount allowed under this paragraph which is attributable to such excess, shall be a short-term capital loss in the succeeding taxable year. The excess of the net long-term capital loss over the net short-term capital gain, reduced by the amount allowed under this paragraph which is attributable to such excess, shall be a long-term capital loss in the succeeding taxable year.

(3) A deduction equal to fifty per cent of the net capital gain.

SECTION 28. Subsection (d) of said section 2 of said chapter 62, as so appearing, is hereby amended by striking out paragraph (4).

SECTION 29. Subparagraph (7) of paragraph (a) of Part B of section 3 of said chapter 62, as so appearing, is hereby amended by striking out, in line 65, the word "forty-four A" and inserting in place thereof the word:– twenty-one.

SECTION 30. Subparagraph (8) of said paragraph (a) of said Part B of said section 3 of said chapter 62, as so appearing, is hereby amended by striking out, in line 76, the word "forty-four A" and inserting in place thereof the word:– twenty-one.

SECTION 31. Said Part B of said section 3 of said chapter 62 is hereby amended by striking out paragraph (b), as amended by section 6 of chapter 593 of the acts of 1985, and inserting in place thereof the following paragraph:–

(b) The following exemptions shall be allowable to individuals against Part B income:

(1) In the case of a single person or a married person filing a separate return,

(A) a personal exemption of two thousand two hundred dollars,

(B) an additional exemption of two thousand two hundred dollars if the taxpayer was totally blind at the close of his taxable year, and

(C) an additional exemption of seven hundred dollars if the taxpayer had attained the age of sixty-five before the close of his taxable year.

(2) In the case of a husband and wife filing a joint return,

(A) a personal exemption of four thousand four hundred dollars,

(B) an additional exemption of two thousand two hundred dollars for each spouse who was totally blind at the close of his taxable year, and

(C) an additional exemption of seven hundred dollars for each spouse who had attained the age of sixty-five before the close of his taxable year.

(3) An exemption of one thousand dollars for each individual who

qualifies for exemption as a dependent under section one hundred and fifty-one (e) of the Code.

(4) An amount equal to the deduction for medical, dental, and other expenses allowed under section two hundred and thirteen of the Code, provided that the individual itemizes deductions on his federal income tax return and has excess itemized deductions thereon. No exemption shall be allowed under this paragraph to an individual who files a joint federal income tax return with his spouse unless a joint return is also filed under this chapter.

(5) An amount equal to the fees, in excess of three per cent of the Part B adjusted gross income paid within the taxable year to any agency licensed to place children for adoption by the taxpayer on account of the adoption of a minor child.

SECTION 32. Said Part B of said section 3 of said chapter 62, as appearing in the 1984 Official Edition, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:–

(c) Except as hereinafter provided for a non-resident, if the taxable year of any person subject to tax under this chapter is a short taxable year, and such short taxable year is not due to the death of such person, any exemption or deduction under Part B relating or allocable in whole or in part, to any income not included in Massachusetts gross income shall not be allowed to the extent thereof; and any other exemption or deduction under Part B that is not so related or allocable shall be limited to an amount equal to the exemption or deduction otherwise allowable if the person has been a resident of the commonwealth throughout the full taxable year multiplied by a fraction the numerator of which is the number of days in the short taxable year and the denominator of which is three hundred and sixty-five.

If any person subject to tax under this chapter is a non-resident for all or any part of a taxable year, any exemption or deduction under Part B relating or allocable, in whole or in part, to any income not included in Massachusetts gross income shall not be allowed to the extent thereof; and any other exemption or deduction under Part B that is not so related or allocable shall be limited to an amount otherwise allowable under Part B if the person has been a resident of the commonwealth throughout the full taxable year multiplied by a fraction the numerator of which is his Massachusetts gross income and the denominator of which is the amount which would have been his Massachusetts gross income had he been a resident of the commonwealth throughout the full taxable year.

SECTION 33. Section 5 of said chapter 62 is hereby amended by striking out paragraph (a), as amended by section 7 of chapter 593 of the acts of 1985, and inserting in place thereof the following paragraph:–

(a) Notwithstanding the provisions of section four, Part A taxable income and Part B taxable income shall be exempt from all taxes imposed by this chapter if the Massachusetts adjusted gross income of the taxable year does not exceed eight thousand dollars for a single individual or twelve thousand dollars in the aggregate for a husband and wife. No tax imposed under this chapter shall exceed ten per cent of the portion of such Massachusetts adjusted gross income in excess of eight thousand dollars for a single individual or twelve thousand dollars in the aggregate for a husband and wife; provided, however, that the provisions

of this sentence shall not apply in any case where such Massachusetts adjusted gross income exceeds one and seventy-five hundredths times the thresholds of eight thousand dollars for a single individual or of twelve thousand dollars in the aggregate for a husband and wife. No exemption shall be allowed under this section to any married individual unless a joint return is filed. In the case of a short taxable year, occurring for any reason other than residence during one portion of the normal taxable year and nonresidence during another portion, there shall be substituted for the amounts of eight thousand dollars and twelve thousand dollars those amounts which bear the same relation to such sums as the number of days in the taxable year bears to three hundred and sixty-five.

SECTION 34. Said chapter 62 is hereby further amended by inserting after section 6E the following section:–

Section 6F. (a) In determining Massachusetts gross income, if the federal gross income includes any item of gain or has been reduced by any item of loss, with respect to property, then the federal gross income shall be increased by the excess of the federal adjusted basis of such property over the Massachusetts adjusted basis thereof, and shall be decreased by the excess of the Massachusetts adjusted basis of such property over the federal adjusted basis thereof.

(b) (1) The Massachusetts initial basis of property held on December thirty-first, nineteen hundred and seventy shall be determined as follows:–

(A) In the case of property as to which, if it had been sold on December thirty-first, nineteen hundred and seventy in the course of business, a gain realized on such sale would have been taxable under this chapter to its then owner:

(i) The Massachusetts initial basis shall, for purposes of computing gain, be its adjusted basis as computed under this chapter as in effect on December thirty-first, nineteen hundred and seventy, and

(ii) The Massachusetts initial basis shall, for the purpose of computing loss, be the lower of the basis computed under clause (i) of this subparagraph or the federal adjusted basis for the determination of loss as of such date.

(B) In the case of any other property the Massachusetts initial basis shall be its federal adjusted basis on such date, determined without regard to any federal adjustment made under section one thousand and fifteen (d) of the Code.

(2) The Massachusetts initial basis of property acquired after December thirty-first, nineteen hundred and seventy shall be determined as follows:–

(A) If the taxpayer's federal basis of the property at acquisition is determined without regard to the basis of such property in the hands of the transferor or of other property in the hands of the transferee, hereinafter called the "basis of prior property", the Massachusetts initial basis shall be the federal basis, determined without regard to any federal adjustment made under section one thousand and fifteen (d) of the Code.

(B) If such federal basis is determined in whole or in part by application of the basis of prior property, and

(i) if no item of gain is includible in federal gross income and federal gross income has not been reduced by any item of loss, with respect to the transaction, the Massachusetts initial basis shall be the initial

federal basis, increased by the excess of the Massachusetts adjusted basis over the federal adjusted basis of prior property, or decreased by the excess of the federal adjusted basis over the Massachusetts adjusted basis of prior property, or

(ii) otherwise, the Massachusetts initial basis shall be the initial federal basis of the acquired property.

(C) Notwithstanding subparagraphs (A) and (B), in the case of property acquired from a decedent within the meaning of section one thousand and fourteen (b) of the Code, the initial basis of such property shall be determined under section one thousand and fourteen of the Code, without reference to section one thousand and fourteen (d) of the Code; except that in the case of an election under section five of chapter sixty-five C, the initial basis shall be its value determined under the provisions of such section on the applicable valuation date.

(c)(1) The Massachusetts adjusted basis of property shall be the Massachusetts initial basis of property adjusted by applying the same adjustments as are made to the federal basis for periods after determination of the initial basis, except as hereinafter provided.

(2) There shall be disregarded any federal adjustment resulting from provisions of the Code that were not applicable in determining Massachusetts gross income at the time such federal adjustments were made, and

(3) Adjustments shall be made for any item which was applicable in determining Massachusetts gross income but which was not so applicable in determining federal gross income and for which a federal adjustment would be allowed under the provisions of the Code if the item had been applicable in determining federal gross income.

(4) There shall be disregarded, and the federal basis shall be modified to the extent necessary to disregard, any federal adjustment under section one thousand and fifteen (d) of the Code.

(d) The rules prescribed in this section shall apply to non-residents; except that if any non-resident has owned any items of property during a period when the income or gains from such items were not subject to taxation under this chapter, and if the income or gains from such items subsequently became or become subject to taxation under this chapter, then the special limitations of subparagraphs (2) to (4), inclusive, of paragraph (c) of this section shall not apply as to such period.

SECTION 35. Subsection (b) of section 8 of said chapter 62, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 22, the word "or",– and by inserting after the word "thirty-two", in line 23, the words:– or (v) has elected to be an S corporation, as defined under section thirteen hundred and sixty-one of the Code, for federal income tax purposes for the taxable year.

SECTION 36. Subsection (c) of section 10 of said chapter 62, as so appearing, is hereby amended by striking out, in lines 47 and 48, the words "appointed by a Massachusetts court; trustees" and inserting in place thereof the words:– ; trustees and executors.

SECTION 37. Section 12A of said chapter 62, as so appearing, is hereby amended by striking out, in line 2, and in lines 9 and 10, the words "clauses one, two, three, and four of".

SECTION 38. Section 13 of said chapter 62, as so appearing, is hereby amended by striking out, in line 1, the word "twelve" and inserting in place thereof the word:– twelve A.

SECTION 39. Said chapter 62 is hereby further amended by inserting after section 17, as so appearing, the following section:–

Section 17A. (a) An inhabitant of the commonwealth who is a shareholder of an S corporation, as defined under section thirteen hundred and sixty-one of the Code and whether or not such S corporation is subject to tax under chapter sixty-three, shall be subject to the taxes imposed by this chapter on his distributive share of the corporation's items of income, loss or deduction, as provided under subchapter S of the Code, for the shareholder's taxable year in which the taxable year of the S corporation ends, or for the final taxable year of a shareholder who dies before the end of the corporation's taxable year; provided, however, such items of income, loss or deduction are taxable or available to the shareholder under the provisions of chapter sixty-two if realized or incurred directly by the shareholder. He shall include separately in his return his distributive share of the S corporation's income or loss from sources taxable under this chapter and of any item of deduction or credit, including the taxpayer's pro rata share of any tax upon income paid by the S corporation and otherwise allowable as a credit under subsection (a) of section six. Credits under section thirty-one A or thirty-eight E of chapter sixty-three shall not be allowed hereunder.

(b) A nonresident of the commonwealth who is a shareholder of an S corporation, as so defined, which is subject to tax under chapter sixty-three shall be subject to the tax imposed by section five A on his distributive share of the income realized by the S corporation as would be subject to taxation under section five A if realized by a nonresident. Where the S corporation does business both within and without the commonwealth, the income derived from business carried on within the commonwealth shall be determined under the provisions of section thirty-eight and forty-two of chapter sixty-three. The shareholder shall include separately in his return his distributive share of such income or loss and of any item of deduction or credit relating thereto.

(c) The character of any item of income, loss, deduction or credit included in a shareholder's distributive share shall be determined as if such item were realized or incurred directly by the shareholder from the source from which realized by the corporation or incurred in the same manner as incurred by the corporation. Such determinations shall be made under the provisions of chapter sixty-two and of the Code applicable to the shareholders of the S corporation.

(d) Notwithstanding any other provision of this chapter, where a corporation has elected to be an S corporation for federal income tax purposes prior to the effective date of this section, and the basis of such corporation's stock or indebtedness has been adjusted for federal income tax purposes under the provisions of Subchapter S of the Code for S corporation taxable years commencing before nineteen hundred and eighty-six, then such adjustments, limited to the extent they are applicable in determining the basis for the corporation's shareholders as of the last day of the last S corporation taxable year commencing before nineteen hundred and eighty-six, will be modifications to the gain or loss recognized under this chapter on the sale or exchange of such stock or

indebtedness. Net positive basis adjustments will reduce the shareholder's federal basis in such corporation's stock. Net negative basis adjustments will increase the shareholders federal basis in such corporation's stock. If stock or indebtedness is transferred and the basis to the transferee is determined by reference to the basis of the transferor, then the modifications made by this section will continue to apply to the transferee.

SECTION 40. Section twelve A of chapter sixty-two B of the General Laws is hereby repealed.

SECTION 41. Subsection (a) of section 6 of chapter 62C of the General Laws, as amended by section 12 of chapter 593 of the acts of 1985, is hereby further amended by striking out the first three paragraphs and inserting in place thereof the following three paragraphs:–

Every individual inhabitant of the commonwealth who receives or accrues during the taxable year Massachusetts gross income, as defined in section two of chapter sixty-two, in excess of eight thousand dollars shall make a return of such income.

Every nonresident, whose Massachusetts gross income, determined in accordance with section five A of chapter sixty-two, exceeds eight thousand dollars or the personal exemption to which he may be entitled under section three of chapter sixty-two, whichever is the lesser, every corporate trust taxable under section eight of chapter sixty-two, and every other corporate trust doing business within the commonwealth and every other partnership, association, or trust whose federal gross income, as defined in section one of chapter sixty-two, exceeds one hundred dollars, shall make a return of such income.

Every individual, not otherwise required to file a return under the foregoing provisions of this section, who is a resident for a portion of a twelve-month period beginning on the first day of a taxable year and a nonresident for a portion of the same twelve-month period and whose Massachusetts gross income, as defined in section two of chapter sixty-two, exceeds eight thousand dollars shall make separate returns as a resident and a nonresident of his income subject to taxation under chapter sixty-two.

SECTION 42. Subsection (b) of said section 6 of said chapter 62C, as so appearing, is hereby amended by inserting after the word "sixty-two", in line 34, the words:– which exceeds one hundred dollars.

SECTION 43. Subsection (c) of section 12 of said chapter 62C, as so appearing, is hereby amended by striking out, in line 19, the words "November twenty-fifth" and inserting in place thereof the words:– fifteenth day of the third month following the close of its taxable year.

SECTION 44. Paragraph (b) of section 26 of said chapter 62C, as so appearing, is hereby amended by adding the following paragraph:–

If the commissioner audits or verifies the returns of the same tax for two or more tax periods and determines, as a result thereof, that the amounts assessed result in overpayments for some tax periods and underpayments for others, he shall offset any overpayments against any underpayments and refund any net overpayment as required by section

thirty-six. An application for abatement under section thirty-seven shall not be required for overpayments resulting from assessments made pursuant to this section.

SECTION 45. Said chapter 62C is hereby further amended by inserting after section 36 the following section:–

Section 36A. If the commissioner determines that any tax has been assessed at an excessive amount because of departmental clerical error or that any payment has been received in error, he may, in his discretion, correct such error at any time and adjust the assessment accordingly or refund the erroneous payment without application of the taxpayer. Interest on any resulting refund shall be paid in accordance with section forty.

SECTION 46. The first paragraph of section 40 of said chapter 62C, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "thirty-six", in line 2, the word:– , thirty-six A.

SECTION 47. Said chapter 62C is hereby amended by striking out section 43, as so appearing, and inserting in place thereof the following section:–

Section 43. The commissioner is authorized to abate the unpaid portion of the assessment of any tax or any liability in respect thereof, if the amount due does not exceed fifty dollars and the commissioner determines, under uniform rules prescribed by him, that the administration and collection costs involved would not warrant collection of the amount due.

SECTION 48. Subsection (a) of section 53 of said chapter 62C, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words ", except such property as is exempt under section twenty-four of chapter sixty,".

SECTION 49. Said section 53 of said chapter 62C, as so appearing, is hereby further amended by adding the following subsection:–

(d) The effect of a levy on salary or wages payable to or received by a taxpayer shall be continuous from the date such levy is first made until the liability out of which such levy arose is satisfied or becomes unenforceable by reason of lapse of time. The effect of a levy on any other property or rights to property shall remain in effect for six months from the date such levy is first made until the liability out of which such levy arose is satisfied or becomes unenforceable by reason of lapse of time. With respect to a levy described in this subsection, the commissioner shall promptly release the levy when the liability out of which such levy arose is satisfied or becomes unenforceable by reason of lapse of time, and shall promptly notify the person upon whom such levy was made that such levy has been released.

SECTION 50. Said chapter 62C is hereby further amended by inserting after section 55 the following section:–

Section 55A. (a) There shall be exempt from levy the following property:–

(1) Such items of wearing apparel and such school books as are necessary for the taxpayer or for the members of his family.

(2) If the taxpayer is the head of a family, so much of the fuel, provisions, furniture and personal effects in his household, and of the arms for personal use, livestock, and poultry of the taxpayer, as does not exceed fifteen hundred dollars in value.

(3) So many of the books and tools necessary for the trade, business or profession of the taxpayer as do not exceed in the aggregate one thousand dollars in value.

(4) Any amount payable to an individual with respect to his unemployment, including any portion thereof payable with respect to dependents, under an unemployment compensation law of the United States, or of any state.

(5) Mail, addressed to any person, which has not been delivered to the addressee.

(6) Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force and Coast Guard Medal of Honor Roll 38 USC 562, and annuities based on retired or retainer pay under chapter seventy-three of title ten of the United States Code.

(7) Any amount payable to an individual as workmen's compensation, including any portion thereof payable with respect to dependents, under a workmen's compensation law of the United States, or of any state.

(8) If the taxpayer is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

(9) Any amount payable to or received by an individual as wages or salary for personal services, or as income derived from other sources, during any period, to the extent that the total of such amounts payable to or received by him during such period does not exceed the applicable exempt amount determined under subsection (d).

(b) The officer seizing property of the type described in subsection (a) shall appraise and set aside to the owner the amount of such property declared to be exempt. If the taxpayer objects at the time of the seizure to the valuation fixed by the officer making the seizure, the commissioner shall summon three disinterested individuals who shall make the valuation.

(c) Notwithstanding any other law, no property or rights to property shall be exempt from levy other than the property specifically made exempt by subsection (a).

(d)(1) In the case of an individual who is paid or receives all of his wages, salary, and other income on a weekly basis, the amount of the wages, salary, and other income payable to or received by him during any week which is exempt from levy under paragraph (9) of subsection (a) shall be:

(A) Seventy-five dollars, plus

(B) Twenty-five dollars for each individual who is specified in a written statement which is submitted to the person on whom notice of levy is served and which is verified in such manner as the commissioner shall prescribe by regulations and:

(i) over half of whose support for the payroll period was received from the taxpayer,

(ii) who is the spouse of the taxpayer, or who bears a relationship to the taxpayer specified in paragraphs (1) to (9), inclusive, of section 152 (a) of the Code, relating to definition of dependents, and

(iii) who is not a minor child of the taxpayer with respect to whom amounts are exempt from levy under paragraph (8) of subsection (a) for the payroll period.

For purposes of clause (ii) of subparagraph (B) of the preceding sentence, "payroll period" shall be substituted for "taxable year" each place it appears in paragraph (9) of section 152 (a) of the Code.

(2) In the case of any individual not described in paragraph (1), the amount of the wages, salary, and other income payable to or received by him during any applicable pay period or other fiscal period, as determined under regulations prescribed by the commissioner, which is exempt from levy under paragraph (9) of subsection (a) shall be an amount, determined under such regulations, which as nearly as possible will result in the same total exemption from levy for such individual over a period of time as he would have under paragraph (1) of said subsection (a) if, during such period of time, he were paid or received such wages, salary, and other income on a regular weekly basis.

SECTION 51. Paragraph (1) of subsection (b) of section 58 of said chapter 62C, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 11, the word "twenty" and inserting in place thereof the word:– eighty.

SECTION 52. Said chapter 62C is hereby further amended by striking out section 65, as so appearing, and inserting in place thereof the following section:–

Section 65. Taxes shall be collected within eight years after the assessment of the tax, or prior to the expiration of any period of collection agreed upon in writing by the commissioner and the taxpayer before the expiration of such eight-year period or, if there is a release of levy under section sixty-four after such eight-year period, then before such release. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. When any question relative to such taxes is pending before any agency or court at the end of such eight-year period, the commissioner's right to collect any tax due shall continue until one year after the final determination of such question.

SECTION 53. Said chapter 62C is hereby further amended by striking out section 65, as amended by section 52 of this act, and inserting in place thereof the following section:–

Section 65. Taxes shall be collected within six years after the assessment of the tax, or prior to the expiration of any period of collection agreed upon in writing by the commissioner and the taxpayer before the expiration of such six-year period or, if there is a release of levy under section sixty-four after such six-year period, then before such release. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. When any question relative to such taxes is

pending before any agency or court at the end of such six-year period, the commissioner's right to collect any tax due shall continue until one year after the final determination of such question.

SECTION 54. Section 67 of chapter 62C, as appearing in the 1984 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:–

Registration certificates may be issued for a specified term of not less than three years, subject to renewal without the payment of any additional fee and in accordance with regulations issued by the commissioner. Whether or not such certificates are issued for a specified term, they shall be subject to suspension or revocation as provided in this section. Existing registration certificates may be made subject to renewal or reissuance for a specified term in accordance with regulations issued by the commissioner.

SECTION 55. Said section 67 of said chapter 62C, as so appearing, is hereby further amended by striking out the tenth paragraph and inserting in place thereof the following paragraph:–

An application for a registration or license may be denied by the commissioner for any one of the following reasons:

(1) The registration, license or permit of the applicant has been previously cancelled for cause by the commissioner;

(2) In the opinion of the commissioner, such application is filed by a person as a subterfuge for the real person in interest whose registration or license has previously been cancelled for cause by the commissioner;

(3) The applicant fails to pay the prescribed fee or to file such bond as the commissioner requires pursuant to section sixty-six;

(4) Any tax payable under this chapter has been finally determined to be due from the applicant and has not been paid in full;

(5) Any tax payable under this chapter has been finally determined to be due from an officer, director, partner or employee of the applicant in his capacity as a person under a duty to collect and pay over a tax on behalf of the applicant or another person and has not been paid in full;

(6) The applicant has been convicted of a crime provided for in this chapter within one year from the date on which such application is filed;

(7) An officer, director, partner or employee of the applicant, which officer, director, partner or employee is a person under a duty to collect and pay over a tax on behalf of the applicant has in his capacity as a person under a duty to collect and pay over a tax on behalf of the applicant or another person been convicted of a crime provided for in this chapter within one year from the date on which such application is filed; or

(8) A shareholder owning more than fifty per cent of the voting stock of the applicant where the applicant is a corporation who owned more than fifty per cent of the voting stock of another corporation at the time any tax payable under this chapter has been finally determined to be due and where such tax has not been paid in full, or at the time such other person was convicted of a crime provided for in this chapter within one year from the date on which such application is filed.

SECTION 56. Section 68 of said chapter 62C, as so appearing, is

hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

The commissioner may suspend or revoke any license or registration issued pursuant to section sixty-seven for any one of the following reasons:–

(1) The licensee or registrant willfully fails to file any return or report required by this chapter;

(2) The licensee or registrant willfully files, causes to be filed, gives or causes to be given a return, report, certificate or affidavit required under this chapter, or under the provisions of the applicable tax, which is false;

(3) The licensee or registrant willfully fails to collect, truthfully account for or pay over any tax under the provisions of this chapter;

(4) The licensee or registrant has been convicted of a crime provided for by this chapter;

(5) The licensee or registrant has otherwise willfully failed to comply with any provision of the tax laws of the commonwealth or regulations thereunder; or

(6) The licensee or registrant has ceased to act in the capacity for which the license or registration was issued.

SECTION 57. Section seventy-eight of said chapter sixty-two C is hereby repealed.

SECTION 58. The first paragraph of section 18 of chapter 63 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 4, the words "twelve months ending December thirty-first of the" and inserting in place thereof the word:– taxable.

SECTION 59. The third paragraph of said section 18 of said chapter 63, as so appearing, is hereby amended by striking out, in lines 20 and 21, the words "within the twelve months ending October thirty-first of the fiscal" and inserting in place thereof the words:– during the taxable.

SECTION 60. Said chapter 63 is hereby further amended by inserting after section 32C the following section:–

Section 32D. Any domestic business corporation or foreign corporation subject to tax under section thirty-two or thirty-nine, which is an S corporation, as defined under section thirteen hundred and sixty-one of the Federal Internal Revenue Code, as amended and in effect for the taxable year, for federal income tax purposes for any taxable year, shall determine the net income measure of the excise imposed under section thirty-two or thirty-nine by taking into account the provisions of Subchapter S of said Code. Income or loss shall be determined as if it were realized or incurred directly by an individual subject to taxation under chapter sixty-two. Income shall be includible in the net income measure only to the extent that such income is taxed to the S corporation for federal income tax purposes.

SECTION 61. Clause (c) of paragraph (14) of section 1 of chapter 64H of the General Laws, as appearing in the 1984 Official Edition, is

hereby amended by striking out subclause (ii) and inserting in place thereof the following:–

(ii) the amount charged for property returned by purchasers to vendors upon rescission of contracts of sale when the entire amounts charged therefor, less the vendors' established handling fees, if any, for such return of property, are refunded either in cash or credit, and when the property is returned within ninety days from the date of sale, and the entire sales tax paid is returned to the purchaser; provided, however, that where a motor vehicle is returned pursuant to a rescission of contract such motor vehicle must be returned within one hundred and eighty days of the date of sale.

SECTION 62. Paragraph (h) of section 6 of said chapter 64H, as so appearing, is hereby amended by striking out, in line 105, the words "candy only" and inserting in place thereof the words:– only snacks or candy with a sales price of less than one dollar.

SECTION 63. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by adding the following paragraph:–

(kk) Sales of tangible personal property purchased with federal food stamps and not otherwise exempt under this chapter.

SECTION 64. Section forty-four of chapter five hundred and ninety-three of the acts of nineteen hundred and eighty-five is hereby repealed.

SECTION 65. Said chapter 593 is hereby further amended by striking out section 48 and inserting in place thereof the following section:–

Section 48. Section seventeen of this act shall apply to all state taxes remaining unpaid on or after its effective date.

SECTION 66. Section 50 of said chapter 593 is hereby amended by striking out the last sentence.

SECTION 67. Section 19 of chapter 711 of the acts of 1985 is hereby amended by inserting after the word "seven", in line 1, the word:– , seven A.

SECTION 68. It is hereby found that by tradition and by the requirements of the Constitution, taxation on incomes in the commonwealth has been based in uniform rates upon income derived from the same class of property.

It is hereby further found that there is a tradition of fairness and concern for persons whose incomes are inadequate to maintain a decent standard of living while at the same paying taxes to the commonwealth on such incomes; and that consistent with the provision of the Constitution of the commonwealth allowing reasonable exemptions for such persons from taxation on their income, persons whose incomes are at or below the federal poverty standard should be protected by a no tax status and therefore should not have to pay taxes on income to the commonwealth.

It is hereby further found that all tax filers in the commonwealth

should be entitled to a reasonable exemption from personal income taxation by the commonwealth.

It is hereby further found that persons whose incomes are above the tax exempted from income taxation should not be subject to confiscatory levels of marginal tax rates.

Therefore, it is found that it is a reasonable exemption to the personal income tax of the commonwealth to establish a no tax status for tax filers whose income level is less than or equal to the federal income poverty standard plus the amount of the personal exemption allowed to all personal income tax filers; and that the establishment of a marginal tax rate limit on tax filers whose income exceeds the no tax status is reasonable and promotes the uniformity of taxation of income derived from the same class of property.

SECTION 69. All employees of the comptroller's division of the executive office of administration and finance who immediately prior to the effective date of this act held positions classified under section thirty-one of the General Laws or had tenure in their positions by reason of section nine A of chapter thirty of the General Laws shall retain such positions in the office of the comptroller, notwithstanding the abolition of said division and the creation of the office of the comptroller authorized by this act, without impairment of civil service status, seniority, retirement and other rights of the employee, without interruption of their services within the meaning of said chapter thirty-one and of said section nine A of said chapter thirty and without reduction in their compensation and salary grades.

All books, papers, records, documents, plans and property in the custody of the comptroller's division immediately prior to the effective date of this act shall be transferred to the office of the comptroller.

All rules and regulations of the comptroller's division in effect immediately prior to the effective date of this act shall remain in full force and effect until changed or repealed by the office of the comptroller.

All petitions, hearings and other proceedings, duly pending before and all prosecutions and legal and other proceedings duly commenced by or against the said division prior to the effective date of this act shall be completed by said office of the comptroller in accordance with existing law.

All duly existing contracts, leases and obligations of the said division in effect immediately prior to the effective date of this act shall continue in full force and effect. This act shall not affect any renewal provision or option to renew contained in any such lease on the effective date of this act.

SECTION 70. Notwithstanding any general or special law to the contrary, the governor shall appoint, subject to the provisions of section three of this act and no later than April first, nineteen hundred and eighty-seven, a comptroller who shall be the administrative and executive head of the office of the comptroller within the executive office for administration and finance. If the governor fails to appoint a comptroller pursuant to this section, any person serving as comptroller on or subsequent to April first, nineteen hundred and eighty-seven shall

be considered to have been appointed in accordance with section three of this act and shall be subject to the provisions of said section three.

SECTION 71. Notwithstanding the provisions of chapter sixty-two B of the General Laws, shareholders of an S corporation subject to tax under section seventeen A of chapter sixty-two of the General Laws, inserted by section thirty-nine of this act, may pay the estimated tax under said chapter sixty-two B on account of income taxable under said section for nineteen hundred and eighty-six ratably on or before the instalment payment dates occurring after the effective date of this act.

SECTION 72. Notwithstanding the provisions of any general or special law to the contrary and notwithstanding the provisions of this act to the contrary, any S corporation, as defined under section thirteen hundred and sixty-one of the Code, as defined under section one of chapter sixty-two of the General Laws, may elect on behalf of itself and its shareholders to be taxed pursuant to the relevant General Laws in effect prior to the amendments contained in sections twenty-four, twenty-five, twenty-eight, thirty-five, thirty-nine, and sixty of this act for its and their tax years ending on or before⁸ December thirty-first, nineteen hundred and eighty-seven. In the case of an S corporation subject to taxation in Massachusetts, such election shall be filed with its return for each tax year and each shareholder shall attach a copy of such election to his or her own return for each tax year. In the case of an S corporation not subject to taxation in Massachusetts, each shareholder shall attach a copy of the corporation's election to his or her own return for each tax year. This section shall not apply to any corporation which is incorporated or which files its first federal S election pursuant to section thirteen hundred and sixty-two of said Code on or after the effective date of this act.

SECTION 73. Section forty-seven shall apply to all unpaid tax liabilities that are in existence on or after its effective date. Sections forty-eight, forty-nine, fifty, and fifty-one shall apply to all liens and levies imposed on or after the effective date of said sections. Sections fifty-two and fifty-three shall apply to all taxes assessed prior to their respective effective dates and remaining unpaid on and after such date as well as to all taxes assessed on and after the applicable effective date; provided, however, that the period of time for collection of the tax is extended by written agreement, the provision applicable at the time such agreement was first executed shall continue to apply to the taxes included in such agreement.

SECTION 74. Section six D of chapter twenty-nine of the General Laws, inserted by section eleven of this act, shall take effect on July first, nineteen hundred and eighty-seven. The provisions of sections twenty-four, twenty-five, twenty-eight, thirty-five, thirty-nine, and sixty shall apply to taxable years commencing after December thirty-first, nineteen hundred and eighty-five; provided, however, that the provisions of chapter sixty-two of the General Laws in effect prior to amendment by said sections shall continue to apply to shareholders of an S corporation, as defined under section thirteen hundred and sixty-one of the Code, as defined under section one of chapter sixty-two of the

General Laws, with respect to any taxable year of such an S corporation commencing prior to nineteen hundred and eighty-six. Sections twenty-three, twenty-six, twenty-seven, thirty-one, thirty-three, thirty-four, and forty-one shall apply to tax years beginning on or after January first, nineteen hundred and eighty-seven. Section thirty-two shall apply to tax years beginning on or after January first, nineteen hundred and eighty-six. Section fifty-two shall take effect on January first, nineteen hundred and eighty-seven. Section fifty-three shall take effect on January first, nineteen hundred and eighty-eight. Section sixty-three shall take effect on October first, nineteen hundred and eighty-six. Sections sixty-four and sixty-six shall take effect on January first, nineteen hundred and eighty-six.

Approved October 25, 1986.

Chapter 489. AN ACT ESTABLISHING MINIMUM ENERGY EFFICIENCY STANDARDS FOR APPLIANCES SOLD IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to promote energy efficiency and energy conservation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 25A the following chapter:–

**CHAPTER 25B.
MASSACHUSETTS APPLIANCE EFFICIENCY STANDARDS ACT.**

Section 1. This chapter shall be known and may be cited as the "Massachusetts Appliance Efficiency Standards Act".

Section 2. As used in this chapter the following words shall, unless the context requires otherwise, have the following meanings:

"Fluorescent lamp ballast" or "ballast", a device designed to operate fluorescent lamps by providing a starting voltage and current, and limiting the current during normal operation, but shall not include such devices that have a dimming capability or are intended for use in ambient temperatures of zero degrees fahrenheit or less or have a power factor of less than sixty one-hundredths for a single F40T12 lamp.

"Freezer", a cabinet designed as a unit for the storage of food at temperatures of approximately zero degrees fahrenheit, having the ability to freeze food and having a source of refrigeration requiring an energy input.

"F40T12 lamp", a tubular fluorescent lamp that is a nominal forty watt lamp with a forty-eight inch tube length and one and one-half inches in diameter.

"F96T12 lamp", a tubular fluorescent lamp that is a nominal seventy-five watt lamp with a ninety-six inch tube length and one and one-half inches in diameter.

"Luminaire", a complete lighting unit consisting of a fluorescent lamp or lamps, together with parts designed to distribute the light, to position and protect such lamps and to connect such lamps to the power supply.

"New appliance", an appliance that is sold, offered for sale or installed for the first time and specifically includes floor models and demonstration units.

"Refrigerator", a cabinet with one exterior door designed for the refrigerated storage of food at temperatures above thirty-two degrees fahrenheit and having a source of refrigeration requiring an energy input; refrigerator may include a compartment for the freezing and storage of food at temperatures below thirty-two degrees fahrenheit but does not provide a separate low temperature compartment designed for the freezing and long term storage of food at temperatures below eight degrees fahrenheit. A refrigerator may have interior doors on compartments.

"Refrigerator-freezer", a cabinet which consists of two or more compartments with at least one of the compartments designed for the refrigerated storage of foods at temperatures above thirty-two degrees fahrenheit and with at least one of the compartments designed for the freezing and storage of foods at temperatures of eight degrees fahrenheit or below. The source of refrigeration requires energy input.

"Secretary", secretary of the executive office of energy resources.

"State plumbing code", the uniform state plumbing code, amendments and rules and regulations thereto, as promulgated by the board of state examiners of plumbers and gas fitters under the provisions of section thirteen of chapter one hundred and forty-two.

"Water heater", an automatically controlled vessel designed primarily for heating and storing water to provide hot water service for domestic or sanitary purposes.

Section 3. The provisions of this chapter shall apply to the testing, certification and enforcement of efficiency standards for the following types of new appliances sold, offered for sale or installed in the commonwealth:

(a) refrigerators, refrigerator-freezers and freezers which can be operated by alternating current electricity, excluding the following types: those designed to be used without doors; those which do not include a compressor and a condensor unit as an integral part of the cabinet assembly; refrigerators and refrigerator-freezers with total refrigerated volume exceeding thirty-nine cubic feet; top mounted refrigerator-freezers with total refrigerated volume less than sixteen and six-tenths cubic feet; and freezers with total refrigerated volume exceeding thirty cubic feet.

(b) storage type electric, gas and oil water heaters.

(c) fluorescent ballasts for F40T12 and F96T12 lamps.

(d) luminaires with fluorescent ballasts for F40T12 and F96T12 lamps.

(e) showerheads.

The provisions of this chapter shall not apply to: new appliances manufactured in the commonwealth and sold outside the commonwealth; new appliances manufactured outside the commonwealth and sold at wholesale inside the commonwealth for final retail sale and installation outside the commonwealth; appliances installed in mobile homes at the time of construction; or appliances designed expressly for installation and use in recreational vehicles.

Section 4. No new appliance covered by section three may be sold, offered for sale or installed in the commonwealth on or after January first, nineteen hundred and eighty-eight, unless the energy efficiency of the appliance meets or exceeds the standards established pursuant to this act.

Section 5. The secretary may by regulation increase the level of the energy efficiency standards for fluorescent ballasts, luminaires and showerheads. Said secretary may also by regulation increase the level of the energy efficiency standards for refrigerators, refrigerator-freezers, freezers and water heaters, provided that said standards shall not become effective until January first, nineteen hundred and ninety. Any revision of such standards shall be based upon the determination by the secretary that such efficiency levels are cost-effective to the users, as a group, of the covered appliance. Any standard revised pursuant to this section which conflicts with a corresponding standard in the state plumbing code shall take precedence over the standard in said code. Any standard revised pursuant to this section shall not take effect for at least one year after its adoption.

Section 6. The secretary shall adopt procedures for testing the energy efficiency of the appliances covered by this chapter if such procedures are not provided for in the state plumbing code. The secretary shall use United States Department of Energy approved test methods, or in the absence of such test methods, other appropriate nationally recognized test methods applicable to the respective appliances. The manufacturer shall cause the testing of samples of each model of each appliance covered by this chapter in accordance with the test procedures adopted pursuant to this section or those specified in the state plumbing code.

Section 7. Manufacturers of appliances covered by this chapter shall certify to the secretary that such appliances are in compliance with the provisions of this chapter. The secretary shall promulgate regulations governing the certification of appliances covered by this chapter and shall publish an annual list of such appliances.

Section 8. The secretary shall cause periodic inspections to be made of distributors or retailers of new appliances in order to determine compliance with this chapter. The secretary shall cause investigations to be made of complaints received concerning violations of this chapter and shall report the results of such investigations to the attorney general. The attorney general may institute proceedings to enforce the provisions of this chapter.

Failure to comply with any of the provisions of this chapter shall constitute an unfair or deceptive act under the provisions of chapter ninety-three A. Any person who violates any provision of this chapter shall be punished by a civil penalty of not more than two hundred and fifty dollars or as provided in chapter ninety-three A, whichever is greater. Each violation of this chapter shall constitute a separate offense, and each day such violation continues shall constitute a separate offense.

Section 9. If the secretary determines that a federal statute, rule or determination would supersede any requirement of this act, or if the secretary is notified by the United States Department of Energy that a petition has been filed to supersede any requirement of this act, the secretary shall determine (a) whether there is a substantial state or local need which is sufficient to justify the state requirement at issue, (b)

whether the state requirement at issue does not unduly burden interstate commerce, and (c) whether the state requirement at issue contains a more stringent energy efficiency standard than a corresponding federal standard. If the secretary determines that these criteria are met, the secretary shall promptly petition the United States Department of Energy requesting a ruling that the state requirement at issue not be superseded, or shall promptly file with the United States Department of Energy a request that the petition to supersede be denied.

Section 10. The secretary shall promulgate rules and regulations to implement the provisions of this chapter. The secretary shall file a biannual report on appliance efficiency standards with the clerk of the house of representatives who shall forward such report to the joint committee on energy including, but not limited to, an evaluation of the effectiveness of the standards on energy efficiency and energy conservation in the commonwealth.

SECTION 2. The secretary of the executive office of energy resources shall promulgate rules and regulations for the testing and certification of appliances set forth in section one of this act on or before April first, nineteen hundred and eighty-seven.

SECTION 3. As used in this section, the following words shall, unless the context requires otherwise, have the following meanings:

"Automatic defrost", a defrost system in which the defrosting action for all refrigerated surfaces is initiated and terminated automatically.

"Ballast efficiency factor", the ratio of the relative light output of a ballast expressed as a per cent to the rate of energy consumption expressed in watts at the test conditions specified in section six of chapter twenty-five B of the General Laws.

"Chest freezer", a freezer whose access door is at the top of the appliance.

"Fluorescent lamp ballast" or "ballast", a device designed to operate fluorescent lamps by providing a starting voltage and current, and limiting the current during normal operation, but shall not include such devices that have a dimming capability or are intended for use in ambient temperatures of zero degrees fahrenheit or less or have a power factor of less than sixty one-hundredths for a single F40T12 lamp.

"Freezer", a cabinet designed as a unit for the storage of food at temperatures of approximately zero degrees fahrenheit, having the ability to freeze food, and having a source of refrigeration requiring an energy input.

"F40T12 lamp", a tubular fluorescent lamp that is a nominal forty watt lamp, with a forty-eight inch tube length and one and one-half inches in diameter.

"F96T12 lamp", a tubular fluorescent lamp that is a nominal seventy-five watt lamp with a ninety-six inch tube length and one and one-half inches in diameter.

"Luminaire", a complete lighting unit consisting of a fluorescent lamp or lamps, together with parts designed to distribute the light, to position and protect such lamps and to connect such lamps to the power supply.

"Manual defrost", a defrost system in which the defrosting action for all refrigerated surfaces is initiated manually.

"New appliance", an appliance that is sold, offered for sale or

installed for the first time and specifically includes floor models and demonstration units.

"Nominal input voltage", an input voltage within plus five per cent or minus five per cent of a specified value.

"Nominal lamp watts", the wattage at which a lamp is designed to operate and for which it is therefore rated.

"Partial automatic defrost", a defrost system in which the defrosting action for the refrigerated surfaces in the refrigerator compartment is initiated and terminated automatically and the defrosting action for the refrigerated surfaces in the freezer is initiated manually.

"Refrigerator", a cabinet with one exterior door designed for the refrigerated storage of food at temperatures above thirty-two degrees fahrenheit and having a source of refrigeration requiring an energy input; refrigerator may include a compartment for the freezing and storage of food at temperatures below thirty-two degrees fahrenheit but does not provide a separate low temperature compartment designed for the freezing and long term storage of food at temperatures below eight degrees fahrenheit. A refrigerator may have interior doors on compartments.

"Refrigerator-freezer", a cabinet which consists of two or more compartments with at least one of the compartments designed for the refrigerated storage of foods at temperatures above thirty-two degrees fahrenheit and with at least one of the compartments designed for the freezing and storage of frozen foods at temperatures of eight degrees fahrenheit or below. The source of refrigeration requires energy input.

"Relative light output", the test ballast light output divided by a reference ballast light output using the same reference lamp and expressing the value as a per cent. These measurements are made at the ballast's rated primary voltage.

"Secretary", secretary of the executive office of energy resources.

"State plumbing code", the uniform state plumbing code, amendments and rules and regulations thereto, as promulgated by the board of state examiners of plumbers and gas fitters under the provisions of section thirteen of chapter one hundred and forty-two of the General Laws.

"Upright freezer", a freezer whose access door is at the front of the appliance.

"Water heater", an automatically controlled vessel designed primarily for heating and storing water to provide hot water service for domestic or sanitary purposes.

The following energy efficiency standards shall be in effect for purposes of this act until as least January first, nineteen hundred and eighty-nine. If the secretary under the provisions of section five of chapter twenty-five B of the General Laws has not established new standards, in whole or in part, the standards established in this section shall be deemed to be the standards adopted by the secretary under the provisions of said section five of said chapter twenty-five B and shall be in full force and effect as of January second, nineteen hundred and eighty-nine.

(a) Refrigerators and Freezers.

The annual energy consumption of a refrigerator, refrigerator-freezer or freezer shall not exceed the values derived from the following formulas, where EC is the maximum energy consumption allowed in kilowatt hours per year, AV is the adjusted volume which is the

refrigerator volume in cubic feet plus one and sixty-three one-hundredths multiplied by the freezer volume in cubic feet, and, for freezers, V is volume in cubic feet.

| Appliance | Formula |
|--|----------------------|
| Refrigerators with manual defrost | $EC = 17.3 AV + 340$ |
| Refrigerator-freezers with partial or no automatic defrost | $EC = 24.7 AV + 486$ |
| Refrigerator-freezers with automatic defrost: | |
| Top-mounted freezer (greater than or equal to 16.6 cubic feet) | $EC = 24.1 AV + 487$ |
| Side-mounted freezer | $EC = 30.3 AV + 535$ |
| Bottom-mounted freezer | $EC = 30.3 AV + 535$ |
| Top-mounted freezer with through-the-door ice service (greater than or equal to 16.6 cubic feet) | $EC = 26.8 AV + 540$ |
| Side-mounted freezer with through-the-door ice service | $EC = 33.6 AV + 594$ |
| Compact refrigerator-freezer (less than 9 cubic feet) | $EC = 24.7 AV + 486$ |
| Upright freezers, including upright compact freezers (3 to 10 cubic feet) with: | |
| Manual defrost | $EC = 21.4 V + 480$ |
| Automatic defrost | $EC = 33.7 V + 755$ |
| Chest freezers, including chest compact freezers (3 to 10 cubic feet), and all other freezers | $EC = 14.8 V + 384$ |

(b) Water heaters.

The energy efficiency of all new electric, gas or oil water heaters shall meet or exceed the standards specified in the state plumbing code.

(c) Fluorescent lamp ballasts.

The ballast efficiency factor for all new ballasts designed for the operation of one F40T12 lamp with a nominal input voltage of either one hundred and twenty or two hundred and seventy-seven and forty total nominal lamp watts shall be at least one and eight hundred and five one-thousandths.

The ballast efficiency factor for all new ballasts designed for the operation of two F40T12 lamps with a nominal input voltage of one hundred and twenty and eighty total nominal lamp watts shall be at least one and sixty one-thousandths and for the operation of two F40T12 lamps with a nominal input voltage of two hundred and seventy-seven and eighty total nominal lamp watts shall be at least one and fifty one-thousandths.

The ballast efficiency factor for all new ballasts designed for the operation of two F96T12 lamps with a nominal input voltage of either one hundred and twenty or two hundred and seventy-seven and one hundred and fifty nominal lamp watts shall be at least five hundred and seventy one-thousandths.

(d) Showerheads.

The maximum flow rate of all new showerheads shall not exceed the values specified in the state plumbing code.

Where the standards in this section refer to the state plumbing code, such standards shall be the levels cited in said code on January first, nineteen hundred and eighty-five, or higher levels due to subsequent revisions.

Approved October 28, 1986.

Chapter 490. AN ACT AUTHORIZING THE CITY OF SOMERVILLE TO CONVEY A CERTAIN PARCEL OF PARK LAND FOR HOUSING PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and five of the acts of nineteen hundred and eighty-three is hereby repealed.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the city of Somerville is hereby authorized and directed to sell for one dollar and convey to the Somerville Corporation a certain parcel of park land in said city, to be used for mixed income housing purposes, bounded and described as follows:

Beginning at a point at the Northeast corner of Perkins Street and Lincoln Street, Northeasterly along said Lincoln Street One Hundred Thirty-one and 7/10 feet; thence turning and running Southwesterly One Hundred Thirty and 05/100 feet; thence turning and running Northwesterly along Perkins Street Sixty-five and 07/100 feet, to the point of beginning. The total area contains about 8,313 square feet, more or less.

SECTION 3. This act shall take effect upon its passage.

Approved October 29, 1986.

Chapter 491. AN ACT FURTHER REGULATING PUBLIC EMPLOYERS SELF-INSURANCE GROUPS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, upon application of a public employer self-insurance group holding or applying for a certificate of approval from the commissioner of insurance pursuant to chapter forty M of the General Laws, the commonwealth, acting by and through the secretary of consumer affairs and business regulation, hereinafter referred to as the secretary, shall guarantee the payment of losses by said group, to the extent and in the manner authorized by the provisions of this act, in the event that the group's loss fund and accumulated surplus contributions are insufficient or unavailable to meet such losses. Said secretary may

issue rules and regulations to govern the implementation of this act. Such group shall qualify for such guaranty only if its total actual or estimated annual premium monies amount to at least three million dollars, and only if it satisfies all applicable requirements of the rules and regulations promulgated by the secretary pursuant to this act. The total amount of losses guaranteed under this act for all such self-insurance groups shall not exceed ten million dollars in the aggregate.

SECTION 2. The secretary shall approve the form, terms and conditions of a guaranty issued pursuant to this act, and shall execute and deliver on behalf of the commonwealth to a qualifying public employer self-insurance group one or more instruments containing such guaranty and any related agreements containing such terms, conditions and covenants of the commonwealth as said secretary may deem reasonable; provided, however, that the secretary shall issue a preliminary guaranty to a group which does not hold a certificate of approval from the commissioner of insurance pursuant to chapter forty M of the General Laws, and shall issue a full guaranty to such group only when its application for such certificate of approval is granted. Without limiting the generality of the foregoing, such agreements may take the form of a letter of credit, or an agreement to reimburse the issuer of a letter of credit or other credit facility for expenditures related to payments guaranteed pursuant to section one.

The full guaranty provided to any such group under this act shall terminate after ten years; provided, however, that such guaranty shall apply to any loss occurring during such ten year period. Both a preliminary and a full guaranty under this act shall be deemed to satisfy the aggregate excess insurance requirements of clause (8) of subsection (A) and paragraph (1) of subsection (B) of section four of chapter forty M of the General Laws.

The full faith and credit of the commonwealth shall be pledged for a guaranty provided for in this act.

SECTION 3. Claims by a public employer self-insurance group against a guaranty executed pursuant to this act shall be filed with the secretary. If the secretary finds that the loss fund and accumulated surplus contributions of such group are insufficient to meet losses, the commonwealth shall without further appropriation provide such group the amount necessary to meet such losses in accordance with the terms of the guaranty. Any funds provided to such group pursuant to this section shall be deemed to be a loan to such group, and shall be repaid by such group to the commonwealth from any monies available to such group for such purposes, in accordance with a schedule to be determined by the secretary, but in no event shall such schedule provide for the term of any such loan to be greater than five years. The amount of such loan shall not bear interest prior to repayment or reimbursement.

SECTION 4. In the event that any public employer self-insurance group which receives a loan pursuant to section three is unable to repay such loan because it becomes insolvent or for any other reason, the individual members of such group shall repay such loan, and the secretary shall assess such members for this purpose.

SECTION 5. Any public employer self-insurance group which is issued a guaranty pursuant to this act shall report at least annually on its operations to the secretary and to the house and senate committees on ways and means. Such report shall document such progress of such group in accumulating sufficient loss reserves or in obtaining reinsurance to satisfy the aggregate excess insurance requirement of chapter forty M of the General Laws after such guaranty terminates. Such report shall also include the names of any public employers who are denied membership in such group or whose membership is terminated, and the reasons for such denial or termination. The secretary shall report immediately to the house and senate committees on ways and means in the event that it becomes necessary to make loans and issue bonds pursuant to this act, or in the event that said secretary determines that further guaranties are not needed because the purchase of commercial reinsurance is feasible or for any other reason.

SECTION 6. For the purpose of providing funds to make loans pursuant to section three, the state treasurer shall, upon the request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of ten million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Massachusetts Municipal Self-Insurance Group Loan, Act of 1986. Such bonds shall be issued for such maximum term of years, not exceeding twenty years as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and seventeen. Bonds and interest thereon issued by the commonwealth under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 7. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments authorized by section two of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-seven. Notes and interest thereon issued under the authority of this section shall, notwithstanding other provisions of this act, be general obligations of the commonwealth.

Approved October 29, 1986.

EMERGENCY LETTER: October 29, 1986 @ 2:31 P.M.

Chapter 492. AN ACT FURTHER PROTECTING THE RIGHTS OF ABUSED INDIVIDUALS.

Be it enacted, etc., as follows:

Chapter 233 of the General Laws is hereby amended by inserting after section 20J the following section:–

Section 20K. As used in this section the following words shall unless the context clearly requires otherwise have the following meanings:–

"Abuse", causing or attempting to cause physical harm; placing another in fear of imminent physical harm; causing another to engage in sexual relations against his will by force, threat of force, or coercion.

"Confidential communication", information transmitted in confidence by and between a victim and a domestic violence victims' counselor by a means which does not disclose the information to a person other than a person present for the benefit of the victim, or to those to whom disclosure of such information is reasonably necessary to the counseling and assisting of such victim. The term includes all information received by the domestic violence victims' counselor which arises out of and in the course of such counseling and assisting, including, but not limited to, reports, records, working papers, or memoranda.

"Domestic violence victims' counselor", a person who is employed or volunteers in a domestic violence victims' program, who has undergone a minimum of twenty-five hours of training and who reports to and is under the direct control and supervision of a direct service supervisor of a domestic violence victims' program, and whose primary purpose is the rendering of advice, counseling or assistance to victims of abuse.

"Domestic violence victims' program", any refuge, shelter, office, safe home, institution or center established for the purpose of offering assistance to victims of abuse through crisis intervention, medical, legal or support counseling.

"Victim", a person who has suffered abuse and who consults a domestic violence victims' counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by such abuse.

A domestic violence victims' counselor shall not disclose such confidential communication without the prior written consent of the victim, except as hereinafter provided. Such confidential communication shall not be subject to discovery in any civil, legislative or administrative proceeding without the prior written consent of the victim to whom such confidential communication relates. In criminal actions such confidential communication shall be subject to discovery and shall be admissible as evidence but only to the extent of information contained therein which is exculpatory in relation to the defendant; provided, however, that the court shall first examine such confidential communication and shall determine whether or not such exculpatory information is therein contained before allowing such discovery or the introduction of such evidence.

Approved November 3, 1986.

Chapter 493. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER THE CARE, CUSTODY AND CONTROL OF CERTAIN PARCELS OF PUBLIC LAND ALONG STATE HIGHWAY ROUTE 32 IN THE TOWN OF ROYALSTON TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

The deputy commissioner of capital planning and operations is hereby authorized to transfer the care, custody and control of the herein described parcels of public land along state highway Route 32 in the town of Royalston, which are presently being used for forest management and passive recreation purposes from the division of forests and parks in the department of environmental management to the department of public works for highway purposes. The said parcels of land are more particularly described as follows:

PARCEL 1-19

An irregular shaped parcel of land, located on the easterly side of the proposed reconstruction of Athol-Richmond Road (route 32-non-state highway), in the town of Royalston about thirty (30) feet left of the main baseline at or about stations 135 + 75 and 141 + 10, bounded as follows:

Westerly by Athol-Richmond Road (route 32-non-state highway) about five hundred forty-three (543) feet,

Easterly by land of the Commonwealth of Massachusetts - department of environmental management - Royalston State Forest (Parcel IV) about five hundred thirty-eight (538) feet,

Containing in all about two thousand seven hundred fourteen (2,714) square feet, more or less.

PARCEL 1-21

An irregular shaped parcel of land, located on the westerly side of the proposed reconstruction of Athol-Richmond Road (route 32-non-state highway), in the town of Royalston about thirty (30) feet right of the main baseline at or about stations 147 + 35 and 160 + 35, bounded as follows:

Easterly by Athol-Richmond Road (route 32-non-state highway), in the town of Royalston about one thousand three hundred five (1,305) feet,

Westerly by land of the Commonwealth of Massachusetts - department of environmental management - Royalston State Forest (Parcel V) about one thousand three hundred thirteen (1,313) feet,

Containing in all about twenty-eight one hundredths (0.28) acres, more or less.

PARCEL 1-22

A triangular shaped parcel of land located on the westerly side of the proposed reconstruction of Athol-Richmond Road (route 32-non-state highway), in the town of Royalston about thirty (30) feet right of the main baseline at or about stations 166 + 30 and 170 + 50, bounded as follows:

Easterly by Athol-Richmond Road (route 32-non-state highway) about four hundred twenty-five (425) feet,

Easterly by land of the Commonwealth of Massachusetts - department

of environmental management – Royalston State Forest (Parcel V) about three hundred forty-seven (347) feet,

Southerly by land now or formerly of Dennis about thirteen (13) feet,

Containing in all about seventeen one hundredths (0.17) acres, more or less.

PARCEL 1-24

A triangular shaped parcel of land located on the easterly side of the proposed reconstruction of Athol-Richmond Road (route 32-non-state highway), in the town of Royalston about thirty (30) feet left of the main baseline at or about stations 161 + 00 and 163 + 35, bounded as follows:

Westerly by Athol-Richmond Road (route 32-non-state highway) about two hundred thirty-nine (239) feet,

Easterly by land of the Commonwealth of Massachusetts – department of environmental management – Royalston State Forest (Parcel IV) about two hundred forty-five (245) feet,

Southerly by land now or formerly of Eugene C. Ward about twelve (12) feet,

Containing in all about two thousand four hundred forty-eight (2,448) square feet, more or less.

PARCEL 1-D-43

A certain parcel of land on the westerly side and abutting Parcel IV (Royalston State Forest), at or about thirty (30) feet left of station 145 + 20 of the main baseline of the proposed reconstruction of Athol-Richmond Road (route 32-non-state highway), in the town of Royalston, approximately eighteen (18) feet wide and thirty (30) feet long, containing about five hundred forty (540) square feet of land, to be used as a site for permanent drainage.

PARCEL 1-D-44

A certain parcel of land on the westerly side and abutting Parcel IV (Royalston State Forest), at or about thirty (30) feet left of station 146 + 70 of the main baseline of the proposed reconstruction of Athol-Richmond Road (route 32-non-state highway), in the town of Royalston, approximately twenty (20) feet wide and twenty-five (25) feet long, containing about five hundred fifteen (515) square feet of land, to be used as a site for permanent drainage.

PARCEL 1-D-45

A certain parcel of land on the westerly side and abutting Parcel IV (Royalston State Forest), at or about thirty (30) feet left of station 148 + 30 of the main baseline of the proposed reconstruction of Athol-Richmond Road (route 32-non-state highway), in the town of Royalston, approximately twenty-eight (28) feet wide and thirty (30) feet long, containing about eight hundred forty (840) square feet of land, to be used as a site for permanent drainage.

PARCEL 1-D-46

A certain parcel of land on the easterly side and abutting Parcel V (Royalston State Forest), at or about thirty (30) feet right of station 146 + 35 of the main baseline of the proposed reconstruction of Athol-Richmond Road (route 32-non-state highway), in the town of Royalston, approximately twenty-two (22) feet wide and thirty (30) feet long, containing about six hundred sixty (660) square feet of land, to be used as a site for permanent drainage.

PARCEL 1-D-47

A certain parcel of land on the easterly side and abutting Parcel V

(Royalston State Forest), at or about thirty (30) feet right of station 156 + 30 of the main baseline of the proposed reconstruction of Athol-Richmond Road (route 32-non-state highway), in the town of Royalston, approximately thirty (30) feet wide and thirty (30) feet long,

Containing about nine hundred (900) square feet of land, to be used as a site for permanent drainage.

PARCEL 1-D-50

A certain parcel of land on the easterly side and abutting Parcel V (Royalston State Forest), at or about thirty (30) feet right of station 166 + 30 of the main baseline of the proposed reconstruction of Athol-Richmond Road (route 32-non-state highway), in the town of Royalston, approximately thirty-five (35) feet wide and thirty (30) feet long,

Containing about nine hundred ninety-nine (999) square feet of land, to be used as a site for permanent drainage.

PARCEL 1-D-51

A certain parcel of land on the easterly side and abutting Parcel V (Royalston State Forest), at or about thirty (30) feet right of station 170 + 00 of the main baseline of the proposed reconstruction of Athol-Richmond Road (route 32-non-state highway), in the town of Royalston, approximately twenty-six (26) feet wide and twenty (20) feet long,

Containing about five hundred twenty-one (521) square feet of land, to be used as a site for permanent drainage.

PARCEL 1-D-92

A certain parcel of land on the westerly side and abutting Parcel IV (Royalston State Forest), at or about thirty (30) feet left of station 145 + 70 of the main baseline of the proposed reconstruction of Athol-Richmond Road (route 32-non-state highway), in the town of Royalston, approximately seventeen (17) feet wide and twenty (20) feet long, containing about three hundred fifty (350) square feet of land, to be used as a site for permanent drainage.

The above described parcels of land are shown on a plan entitled "Preliminary Right of Way Plan, The Commonwealth of Massachusetts, Department of Public Works, Plan and Profile of Route 32 in the town of Royalston, Worcester County" which plan shall be on file with the chief engineer of the said department of public works.

Approved November 3, 1986.

Chapter 494. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of releasing an encroachment that presently exists, the deputy commissioner of the division of capital planning and operations, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, is hereby authorized to convey to Herbert F. Waitt and Marjorie Waitt, husband

and wife, as tenants by the entirety, a certain parcel of land located in the city of Medford and containing approximately one hundred and fifteen square feet of land as shown on a plan on file in the metropolitan district commission and more particularly described as follows:

Beginning at a point sixty-one and 00/100 (61.00) feet southeasterly of northeasterly corner of Lot 470;

Thence easterly by Highland Avenue eighteen and 00/100 (18.00) feet;

Thence southerly by Highland Avenue twelve and 75/100 (12.75) feet;

Thence northwesterly by Lot 470 twenty-two and 05/100 (22.05) feet;

As shown on said plan containing one hundred and fifteen (115) square feet.

SECTION 2. The conveyance authorized by section one shall be on such terms and conditions and for such consideration as the division of capital planning and operations in consultation with the metropolitan district commission shall prescribe.

Approved November 3, 1986.

Chapter 495. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE CERTAIN PARCELS OF PUBLIC LAND IN THE CITY OF ATTLEBORO FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to acquire by eminent domain, purchase or otherwise, under the provisions of section one of chapter six hundred and ninety-three of the acts of nineteen hundred and fifty-five, certain parcels of public land located in the city of Attleboro, which are being used by the said city and the Attleboro conservation commission for conservation purposes, and to transfer the care, custody and control of said parcels of land to the department of public works for highway purposes in conjunction with the replacement of Bridge No. A-16-19 over the right-of-way of the Massachusetts Bay Transportation Authority and the relocation of Lindsey street, so-called, in said city.

Said parcels are bounded and described as follows:

PARCEL 11-1. A parcel of land supposed to be owned by the city of Attleboro and Attleboro Conservation Commission adjoining the existing easterly location line (Section 2) opposite about Station 13 + 0 of relocated Lindsey Street, so-called, and being more fully described as follows:

Beginning at a point on said location line at Parcel 11-3-C; thence northwesterly by said location line about fifty-five (55) feet; thence northeasterly by the southeasterly layout line of the railroad about two hundred fifty-two (252) feet; thence southerly by the proposed easterly state highway alteration line and by other land now or formerly owned by the city of Attleboro and Attleboro Conservation Commission about eighty-seven (87) feet; thence southwesterly by the southeasterly state highway alteration line and other land of the city of Attleboro and

Attleboro Conservation Commission and Parcel 11-3-C about two hundred one (201) feet to the point of beginning. Said parcel of land contains about twelve thousand four hundred thirty (12,430) square feet.

PARCEL 11-3-C. A parcel of land supposed to be owned by the city of Attleboro and Attleboro Conservation Commission adjoining the proposed easterly location line (Section 1) opposite about Station 8 + 16 of relocated Lindsey Street, so-called, and being more fully described as follows:

Beginning at a point on said location line at land now or formerly owned by Ralph E. Spinney, Jr. (Parcel 11-2-C); thence westerly by said land of Ralph E. Spinney, Jr. (Parcel 11-2-C) about thirty-two (32) feet; thence northerly by the existing easterly location line of Lindsey Street, so-called, about four hundred ninety-five (495) feet; thence northeasterly by the proposed southeasterly state highway alteration line and Parcel 11-1 about eighty-eight (88) feet; thence southerly by several courses and other land of the city of Attleboro and Attleboro Conservation Commission about five hundred fifty-three (553) feet to the point of beginning. Said parcel of land contains about twenty-two thousand one hundred twenty (22,120) square feet.

PARCEL 11-5-C. A parcel of land supposed to be owned by the city of Attleboro and Attleboro Conservation Commission adjoining the proposed westerly location line (Section 3) opposite about Station 22 + 10 of relocated Lindsey Street, so-called, and being more fully described as follows:

Beginning at a point on said location line at other land now or formerly owned by the city of Attleboro and Attleboro Conservation Commission and the beginning of Section 3; thence northerly by other land of the city of Attleboro and Attleboro Conservation Commission about forty-eight (48) feet; thence easterly by land now or formerly owned by Lawrence Cote and Constance Jane Cote (Parcel 11-8-C) about seven (7) feet; thence southerly by the existing westerly location line of Lindsey Street, so-called, about forty-nine (49) feet to the point of beginning. Said parcel of land contains about one hundred seventy-two (172) square feet.

PARCEL 11-12-C. A parcel of land supposed to be owned by the city of Attleboro and Attleboro Conservation Commission adjoining the proposed easterly location line (Section 1) opposite about Station 5 + 25 of relocated Lindsey Street, so-called, and being more fully described as follows:

Beginning at a point on said location line at land now or formerly owned by Ruth E. Spinney (Parcel 11-1-C); thence westerly by said land of Ruth E. Spinney (Parcel 11-1-C) about nine (9) feet; thence northerly by the existing easterly location line of Lindsey Street, so-called, about seventy-four (74) feet; thence westerly by land now or formerly owned by Ralph E. Spinney, Jr. (Parcel 11-2-C) about thirteen (13) feet; thence southerly by said proposed easterly location line and other land of the city of Attleboro and Attleboro Conservation Commission by two (2) courses about seventy-two (72) feet to the point of beginning. Said parcel of land contains about seven hundred seventy-nine (779) square feet.

SECTION 2. The deputy commissioner of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to acquire by eminent domain, by purchase or otherwise,

under the provisions of section one of chapter six hundred and ninety-three of the acts of nineteen hundred and fifty-five, permanent drainage and slope easements on parcels of land owned by the city of Attleboro and the Attleboro conservation commission, which are being used for conservation purposes, and to transfer said easements to the department of public works as permanent highway drainage and slope easements, in conjunction with the replacement of Bridge No. A-16-19 over the right-of-way of the Massachusetts Bay Transportation Authority and the relocation of Lindsey street, so-called, in said city.

Said easements are bounded and described as follows:

PARCEL 11-D-1-C. A parcel of land supposed to be owned by the city of Attleboro and Attleboro Conservation Commission adjoining the proposed easterly location line (Section 1) opposite about Station 12 + 0 of relocated Lindsey Street, so-called, and being more fully described as follows:

Beginning at a point on said location line at other land now or formerly of the city of Attleboro and Attleboro Conservation Commission; thence easterly still by said land of the city of Attleboro and Attleboro Conservation Commission sixty (60) feet; thence southerly still by said land of the city of Attleboro and Attleboro Conservation Commission forty (40) feet; thence westerly still by said land of the city of Attleboro and Attleboro Conservation Commission about sixty (60) feet; thence northerly by said location line about forty (40) feet to the point of beginning. Said parcel of land contains about two thousand four hundred (2,400) square feet.

PARCEL 11-D-2-C. A parcel of land supposed to be owned by the city of Attleboro and Attleboro Conservation Commission adjoining the proposed easterly location line (Section 1) opposite about Station 11 + 44 of relocated Lindsey Street, so-called, and being more fully described as follows:

Beginning at a point on said location line at other land now or formerly of the city of Attleboro and Attleboro Conservation Commission; thence easterly still by said land of the city of Attleboro and Attleboro Conservation Commission fifty (50) feet; thence southerly still by said land of the city of Attleboro and Attleboro Conservation Commission about forty (40) feet; thence westerly still by said land of the city of Attleboro and Attleboro Conservation Commission about fifty (50) feet; thence northerly by said location line forty (40) feet to the point of beginning. Said parcel of land contains about two thousand (2,000) square feet.

PARCEL 11-DS-2-C. A parcel of land supposed to be owned by the city of Attleboro and Attleboro Conservation Commission adjoining the proposed easterly location line (Section 1) opposite about Station 8 + 16 of relocated Lindsey Street, so-called, and being more fully described as follows:

Beginning at a point on said location line at land now or formerly of Ralph E. Spinney, Jr. (Parcel 11-DS-1-C); thence northerly by said location line about one hundred sixty-six (166) feet; thence easterly by other land now or formerly of the city of Attleboro and Attleboro Conservation Commission (Parcel 11-TS-6) forty-five (45) feet; thence southerly still by other land of the city of Attleboro and Attleboro Conservation Commission about one hundred seventy-eight (178) feet; thence westerly by said land of Ralph E. Spinney, Jr. (Parcel 11-DS-1-C)

thirty-five (35) feet to the point of beginning. Said parcel of land contains about six thousand six hundred forty (6,640) square feet.

SECTION 3. The parcels of land described in sections one and two of this act are all vacant land and are shown on a plan identified as "Attleboro Relocated Lindsey Street, Mass Federal Aid Project No. BR-M-7405-(209), Sheets 7, 8, 9, 10, 11 of 11 Total Sheets, Preliminary Right of Way Plan Parcel Summary Feb. 15, 1985 Revised Nov. 7, 1985", which set of plans shall be on file with the chief engineer of the department of public works.

Approved November 3, 1986.

Chapter 496. AN ACT RELATIVE TO LIFE INSURANCE COMPANY SEPARATE ACCOUNTS.

Be it enacted, etc., as follows:

SECTION 1. Section 132F of chapter 175 of the General Laws is hereby further amended by striking out the fifth and sixth paragraphs, as most recently amended by section 13 of chapter 745 of the acts of 1985, and inserting in place thereof the following two paragraphs:-

The life company's reserve liability under a pension contract with respect to benefits payable in fixed and guaranteed dollar amounts and with respect to funds guaranteed as to principal amount or stated rate of interest may be maintained in a separate account (i) if the portion of the assets of such separate account which is allocated to the funding agreement with respect to such pension contract shall be invested in accordance with the requirements applicable to the life company's general investment account; provided, however, that such guaranteed separate account need not comply with the requirement of paragraph 14A of section sixty-three, to the effect that not more than one-half of the reserve of any domestic stock or mutual life company shall be invested in corporate obligations authorized under said paragraph 14A, and shall be valued and computed as provided in section twenty-five, or (ii) if the insurer shall annually prepare, an actuarial opinion that, after taking into account any risk charge payable from the assets of such separate account with respect to such guarantee, the assets in such separate account make good and sufficient provision for the fixed and guaranteed obligations of the insurer under such pension contract, and such opinion shall be accompanied by a memorandum of the actuary providing the opinion describing the calculations made in support of such opinion and the assumptions used in the calculations. Such actuarial opinion and accompanying memorandum shall be maintained in the insurer's home office and be available for examination. To the extent that a pension contract provides for the payment of benefits in variable dollar amounts, the life company's reserve liability for such benefits shall be in accordance with actuarial procedures which recognize the variable nature of the benefits to be provided.

Except as required by clause (i) of the preceding paragraph, the life company's assets relating to separate accounts shall be valued at their market value at the date as of which valued in accordance with the

terms of the applicable agreements, or if there is no readily available market, then in accordance with the terms of such agreements.

SECTION 2. Section 132G of said chapter 175, as amended by section 2 of chapter 622 of the acts of 1985, is hereby further amended by striking out the third and fourth paragraphs and inserting in place thereof the following two paragraphs:–

Except as otherwise provided in clause (i) of following paragraph, assets in any separate account shall be valued at their market value at the date as of which valued in accordance with the terms of the applicable contracts, or if there is no readily available market, then in accordance with the terms of such contracts. Separate account assets and liabilities shall be included in the annual statement required by section twenty-five.

The life company's reserve liability for contracts on a variable basis shall be in accordance with actuarial procedures which recognize the variable nature of the benefits, payments or values to be provided. A contract on a variable basis may provide for benefits payable in fixed amounts and for values or funds guaranteed as to principal amount or stated rate of interest; provided, that to the extent, that the life company's reserve liability with respect to guaranteed benefits, values or funds is maintained in any separate account, either (i) a portion of the assets of such separate account at least equal to such reserve liability shall be invested in accordance with the requirements applicable to the life company's general investment account; provided, however, that such guaranteed separate account need not comply with the requirement of paragraph 14A of section sixty-three to the effect that not more than one-half of the reserve of any domestic stock or mutual life company shall be invested in corporate obligations authorized under said paragraph 14A, and shall be valued and computed as provided in section twenty-five or (ii) the insurer shall annually prepare an actuarial opinion that, after taking into account any risk charge payable from the assets of such separate account with respect to such guarantee, the assets in such separate account make good and sufficient provision for the fixed and guaranteed obligations of the insurer under such contract, and such opinion shall be accompanied by a memorandum of the actuary providing the opinion describing the calculations made in support of such opinion and the assumptions used in the calculations. Such actuarial opinion and accompanying memorandum shall be maintained in the insurer's home office and be available for examination.

Approved November 3, 1986.

EMERGENCY LETTER: November 3, 1986 @ 10:28 A.M.

**Chapter 497. AN ACT AUTHORIZING THE CITY OF REVERE TO
PAY THE FUNERAL AND BURIAL EXPENSES OF
FIREFIGHTER LOUIS DeSANTIS.**

Be it enacted, etc., as follows:

SECTION 1. Upon acceptance of this act by the city of Revere, notwithstanding the provisions of section one hundred G of chapter

forty-one of the General Laws, said city is hereby authorized to pay the reasonable expenses, not exceeding five thousand dollars of the funeral and burial of firefighter Louis DeSantis, killed while in the performance of his duties.

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

Approved November 4, 1986.

Chapter 498. AN ACT FURTHER REGULATING THE RIGHTS OF CERTAIN FIREFIGHTERS AND POLICE OFFICERS WHO WERE LAID OFF IN THE YEARS NINETEEN HUNDRED AND EIGHTY-ONE AND NINETEEN HUNDRED AND EIGHTY-TWO.

Be it enacted, etc., as follows:

SECTION 1. Chapter 360 of the acts of 1985 is hereby amended by inserting after section 2 the following section:–

Section 2A. Nothing contained in this act shall be construed to require, as a condition for such credit, the payment of any additional sums other than the sums required pursuant to chapter three hundred and twenty-four of the acts of nineteen hundred and eighty-three for any such police officer or firefighter in any city or town having accepted the provisions of said chapter prior to October eighth, nineteen hundred and eighty-five.

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

Approved November 4, 1986.

Chapter 499. AN ACT VALIDATING CERTAIN ACTIONS TAKEN BY THE TOWN OF NEW SALEM RELATIVE TO THE CONVEYANCE OF CERTAIN TOWN COMMON LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of New Salem is hereby authorized to convey certain portions of town common land, said parcels being bounded and described as follows:

(A) The land shown as Parcel 2 on a plan entitled, "Land in New Salem, Mass., Surveyed for Town of New Salem" dated May 15, 1985, done by Robert B. Rose, and recorded in the registry of deeds in the county of Franklin, in Plan Book 57, Page 36, said land to be conveyed to New Salem Academy; and

(B) The land shown as Parcel 1 on a plan entitled, "Land in New Salem, Mass., Surveyed for Town of New Salem" dated May 15, 1985, done by Robert B. Rose, and recorded in the registry of deeds in the county of Franklin in Plan Book 57, Page 36, said land to be conveyed to Dorothy A. Johnson and Doris E. Abramson D/B/A Common Reader Bookshop, a partnership.

SECTION 2. The town of New Salem is further authorized to execute the following quitclaim deeds:

(1) Quitclaim deeds between Wesley W. Lombard and Dorothy Lombard and the Inhabitants of the town of New Salem establishing the boundary line between their land and land owned by the town of New Salem as follows:

Beginning at a set concrete bound in the easterly sideline of said Town Common, said concrete bound also being the northwest corner of land now or formerly of Roy M. Fisher; thence N. 12° 06' 21" E. a distance of 112.00 feet to a set concrete bound; thence S. 81° 22' 23" E. a distance of 19.30 feet to a set concrete bound; and thence N. 12° 28' 17" E. a distance of 86.83 feet to a set concrete bound.

(2) Quitclaim deeds between New Salem Academy and the Inhabitants of the town of New Salem establishing the boundary line between its property and the town common as follows:

Beginning at a concrete bound, said concrete bound being at the northwesterly corner of Parcel 4 as shown on a plan of land entitled, "Land in New Salem, Mass. Surveyed for Town of New Salem" dated May 15, 1985 and done by Robert B. Rose; thence N. 12° 28' 17" E. a distance of 313.78 feet to an iron pin; thence on a curve to the left with a radius of 66.00 feet an arc length of 65.63 feet to a point; thence N. 7° 28' 21" E. a distance of 93.22 feet to a point; thence on a curve to the left with a radius of 66.00 feet an arc length of 43.03 feet to an iron pin, the last three courses being located on the easterly side of Academy Drive, so-called; thence N. 12° 28' 17" W. a distance of 33.06 feet to a set concrete bound.

(3) Quitclaim deed between the Trustees, The Congregational Society in the town of New Salem and the Inhabitants of the town of New Salem, establishing the boundary line of the town common as follows:

Beginning at an iron pin or point, said iron pin or point marking the northeasterly corner of land now or formerly of Elbridge B. Dunbar and Lois N. Dunbar; thence N. 21° 29' 18" E. a distance of 96.58 feet to an iron pin; thence N. 06° 37' 22" E. a distance of 30.77 feet to an iron pin and the northeasterly corner of land claimed by the grantors.

(4) Quitclaim deeds between Elbridge B. Dunbar and Lois N. Dunbar and the Inhabitants of the town of New Salem, establishing the boundary line between their property and the town common, as follows:

Beginning at a point or iron pin marking the southeasterly corner of land of Elbridge B. Dunbar and Lois N. Dunbar and at the northeasterly corner of land now or formerly of Doris E. Abramson and more particularly described at Book 1294, Page 16, Franklin County Registry of Deeds; thence N. 13° 26' 23" E. a distance of 225.07 feet to an iron pin located at the southeasterly corner of land claimed by the Trustees of the Congregational Society in the Town of New Salem.

(5) Quitclaim deeds between Doris E. Abramson and the Inhabitants of the Town of New Salem, establishing the boundary between her property and the town common, as follows:

Beginning at an iron pin located at the southeasterly corner of land of Doris E. Abramson more particularly described at Book 1294, Page 16, Franklin County Registry of Deeds; thence N. 10° 15' 09" E. a distance of 90.72 feet to a point or iron pin to the northeasterly corner of land of said Doris E. Abramson described at Book 1294, Page 16, Franklin County Registry of Deeds.

(6) Quitclaim deeds between Steven J. Schoenberg and Jane S. Schoenberg and the Inhabitants of the town of New Salem, establishing the boundary between their property and the town common, as follows:

Beginning at an iron pin located at the southeasterly corner of land of Steven J. Schoenberg and Jane S. Schoenberg more particularly described at Book 1597, Page 251, Franklin County Registry of Deeds; thence N. 10° 15' 09" E. a distance of 189.50 feet to an iron pin located at the northeasterly corner of said premises of said Steven J. Schoenberg and Jane S. Schoenberg described at said Book 1597, Page 251.

Reserving to the Inhabitants of the Town of New Salem and members of the general public that portion of Old Main Street that is located on the southeast portion of the premises of the said Steven J. Schoenberg and Jane S. Schoenberg for purposes of motor vehicle and pedestrian traffic. The right created herein shall extinguish upon the filing of a notice in the Registry of Deeds of Franklin County of completion of the relocation after the work has been done.

The boundary line between the town and Wesley W. Lombard and Dorothy Lombard and the New Salem Academy is shown on a plan done by Robert B. Rose and recorded in the registry of deeds in the county of Franklin in Plan Book 57, Page 36. The boundary line between the Town and the remaining parties is shown in another plan done by Robert Rose and to be recorded.

SECTION 3. All actions taken by the town of New Salem at a special town meeting held on April twenty-second, nineteen hundred and eighty-six relative to Articles 1, 3 and 4 on the town warrant of said town meeting, including all easements, restrictions and reservations, are hereby ratified, validated and confirmed in all respects, and as though this act had been in full force and effect at the time of said meeting.

SECTION 4. This act shall take effect upon its passage.

Approved November 4, 1986.

**Chapter 500. AN ACT RELATIVE TO THE PAYMENT OF BENEFITS
BY THE NEW BEDFORD POLICE ASSOCIATION.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 188 of the acts of 1969 is hereby amended by striking out section 1 and inserting in place thereof the following section:—

Section 1. The New Bedford Police Association, a corporation duly established under the laws of the commonwealth, is hereby authorized, upon the resignation or retirement from the police department of the city of New Bedford of any member in good standing who has been a member for at least ten years or who has been pensioned from such police department for an injury or other disability, to pay such member such sum, not exceeding thirty-five hundred dollars, as may be determined by vote of the directors of said corporation. Any amount so paid shall reduce the death benefit otherwise payable on the death of such member.

ACTS, 1986. – Chaps. 501, 502

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

Approved November 4, 1986.

Chapter 501. AN ACT RELATIVE TO THE MASSACHUSETTS HIGHER EDUCATION ASSISTANCE CORPORATION.

Be it enacted, etc., as follows:

Chapter 298 of the acts of 1956 is hereby amended by striking out section 16 and inserting in place thereof the following section:–

Section 16. The corporation shall have perpetual succession in its corporate name, subject, however, to the right of the members to dissolve the corporation as provided in section seventeen.

Approved November 4, 1986.

Chapter 502. AN ACT AUTHORIZING THE DIVISION OF WATER RESOURCES TO CONVEY CERTAIN LAND IN THE TOWN OF NORTHBOROUGH TO ROY C. ROOT AND ELLEN C. ROOT.

Be it enacted, etc., as follows:

The division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to grant to Roy C. Root and Ellen C. Root, husband and wife as tenants by the entirety, by a deed, approved as to form by the attorney general, any or all the right, title and interest of the commonwealth in two certain tracts of land in the town of Northborough, bounded and described as follows:

Tract one: A certain tract of land containing 0.61 acres more or less, situated off the southeasterly side of Hudson Street in the Town of Northborough, County of Worcester, Massachusetts, being more particularly bounded and described as follows:

Beginning at the southeasterly corner of the parcel herein described and at other land of the grantor;

THENCE RUNNING N.34° 26'10"W.241.27 feet to a point;

THENCE RUNNING N.37° 07'20"E.115.00 feet to a point;

THENCE RUNNING S.52° 52'40"E.155.13 feet to a point;

All courses being by other land of Root;

THENCE RUNNING S.16° 02'20"W.205.05 feet by other land of the Commonwealth to the point of beginning.

Tract two: A certain tract of land containing 1.03 acres more or less, situated off the southeasterly side of Hudson Street, in the Town of Northborough, County of Worcester, Massachusetts, being more particularly bounded and described as follows:

Beginning at the most northeasterly corner of the parcel herein described at other land of the grantor and land of Sherman C. and Marilyn E. Sebastian; N/F;

THENCE RUNNING S. 35° 21' 35" W. 507.72 feet to a point;

THENCE RUNNING S. 22° 06' 50" W. 270.16 feet to a point;

ACTS, 1986. – Chaps. 503, 504.

The last two courses being by other land of the Commonwealth;
THENCE RUNNING N. 08° 40' 00" W. 102.28 feet to a point;
THENCE RUNNING N. 08° 38' 30" E. 149.02 feet to a point;
THENCE RUNNING N. 33° 19' 25" E. 226.82 feet to a point;
THENCE RUNNING N. 49° 22' 45" E. 347.72 feet to the point of beginning;

All courses by other land of Root.

The above described tracts are a portion of the land taken in easement in an order of taking dated May twelfth, nineteen hundred and seventy-five and recorded June twelfth, nineteen hundred and seventy-five at the Worcester district registry of deeds in Worcester county in book 5733, pages 157 and 163 and are identified as tracts 126 and 128, respectively, on a plan entitled, "Commonwealth of Massachusetts Water Resources Commission Plan of Land in the Town of Northborough (Worcester County) and City of Marlborough (Middlesex County)", which is recorded in the Worcester district registry of deeds in plan book 412, page 56.

Said tracts of land were taken by the water resources commission by virtue of the authority and in the exercise of the powers conferred by chapter six hundred and sixty-nine of the acts of nineteen hundred and sixty as amended for the purpose of flood prevention and related purposes.

Approved November 4, 1986.

Chapter 503. AN ACT AMENDING SCHEDULES OF RATES TO BE FILED FOR AREA CODE 508.

Be it enacted, etc., as follows:

Section 19 of chapter 159 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting in line 10 after the phrase "its political subdivision" the following:– and provided further that such schedules shall not include a rate, fare, toll, or charge to any customers based on the establishment and existence of the 508 area code.

Approved November 4, 1986.

Chapter 504. AN ACT EXTENDING IMMUNITY IN ARSON INVESTIGATIONS.

Be it enacted, etc., as follows:

Section 32 of chapter 148 of the General Laws is hereby amended by striking out the first two paragraphs, as amended by chapter 138 of the acts of 1985, and inserting in place thereof the following two paragraphs:–

The marshal or police or fire department or other appropriate law enforcement agency may request an insurance company to share information relative to an investigation concerning a loss due to fire of suspicious or incendiary origin, and to furnish other relevant materials,

such as insurance policies, policy premium records, and history of previous claims. The marshal or any of the aforementioned departments or agencies shall, upon request, share the information so acquired with the marshal, department, or agency, as appropriate, requesting the same.

If an insurance company has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means, the company shall furnish the marshal or any of the aforementioned departments or agencies with all relevant material acquired during its investigation of the fire loss, cooperate with the marshal or any of the aforementioned departments or agencies, and take such action as the marshal or any of the aforementioned departments or agencies may reasonably request. Any other person may, by obtaining a court order, inspect records of such insurance company pertaining to the policy and the loss. Such insurance company may request access to information gathered by the marshal or any of the aforementioned departments or agencies in an investigation into such fire loss of suspected incendiary origin.

Approved November 4, 1986.

Chapter 505. AN ACT RELATIVE TO THE PROCESSING OF MORTGAGE LOANS FOR SALE IN THE SECONDARY MORTGAGE MARKET.

Be it enacted, etc., as follows:

Chapter 183 of the General Laws is hereby amended by striking out section 65, added by chapter 187 of the acts of 1985, and inserting in place thereof the following section:—

Section 65. Any mortgagee doing business in the commonwealth who makes in excess of five mortgage loans per year shall accept a written memorandum of a preliminary contract of insurance pursuant to section ninety-eight of chapter one hundred and seventy-five as evidence of insurance from any duly licensed agent, broker or insurance company; provided, however, that a contract for insurance for a term of not less than one year is issued within thirty days of said memorandum, or in the event of the cancellation of said memorandum, the mortgagee shall be provided with prior written notification thereof.

Approved November 4, 1986.

Chapter 506. AN ACT PROVIDING FOR THE LICENSING OF PRACTITIONERS OF RESPIRATORY CARE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 13 of the General Laws is hereby amended by inserting after section 11A the following section:—

Section 11B. There shall be a board of respiratory care hereinafter called the board, which shall consist of six members to be appointed by the governor and said appointments may be from among a list of

nominations submitted by the Massachusetts Society for Respiratory Therapy or its successor. Members of the board shall be residents of the commonwealth and citizens of the United States. Two of such members shall be respiratory therapists licensed in accordance with the provisions of section twenty-three S of chapter one hundred and twelve except that such members constituting the first board shall be persons eligible for licensing as practitioners of respiratory care; two of such members shall be physicians with pulmonary related specialties licensed in accordance with the provisions of section two of said chapter one hundred and twelve, and two of such members shall be consumers of respiratory care services selected from and representing the general public.

Each member of the board shall serve for a term of three years except that immediately following the enactment of this section, the initial terms of two of the members shall be for a term of three years, two of the members shall be for a term of two years, and two of the members shall be for a term of one year. No member shall be appointed to more than two consecutive full terms; provided, however, that a member appointed for less than a full term may serve two full terms in addition to such part of a full term and a former member shall again be eligible for appointment after a lapse of one or more years.

SECTION 2. Chapter 112 of the General Laws is hereby amended by inserting after section 23Q the following eleven sections:–

Section 23R. The following words as used in sections twenty-three R to twenty-three BB, inclusive, unless the context otherwise requires, shall have the following meanings:–

"Respiratory care", is a health profession that, under direction of a licensed physician, who has special expertise in respiratory care, utilizes the application of scientific principles for the identification, prevention, remediation, research, and rehabilitation of acute or chronic cardiopulmonary dysfunction thereby promoting optimum health and function. Respiratory care practice includes, but is not limited to, the therapeutic and diagnostic use of the following as ordered by a physician: medical gases, gas administering devices, humidification and aerosols, administration of aerosol medications, support services for mechanically ventilated patients, postural drainage, bronchopulmonary hygiene, breathing exercises, respiratory rehabilitation, cardiopulmonary resuscitation, maintaining natural and artificial airways, the understanding and reporting of tests as aids to diagnosis or the planning of treatment programs. Respiratory care shall also include the measuring ventilatory volumes, pressures and flows, collecting specimens of blood and other materials, pulmonary function testing, hemodynamic and other related physiologic monitoring of the cardiopulmonary system. Respiratory care shall also include teaching both patient and family respiratory care procedures as part of a patient's ongoing program; consultation services for the health educational and community agencies. Respiratory care shall also include teaching of the knowledge, skills, and attitudes necessary to perform the above mentioned activities.

"Respiratory therapist", a person who is duly licensed to practice respiratory care in the commonwealth in accordance with section twenty-three S.

"Board", the board of respiratory care established under the provisions of section eleven B of chapter thirteen.

Section 23S. The board shall examine candidates and renew licenses as follows:–

(1) The board shall examine applicants for licensure at such times and places as it may determine and shall conduct at least two such examinations in each calendar year. The board shall establish examination and testing procedures to enable the board to ascertain the competency of persons wishing to be licensed as qualified respiratory therapists and may utilize any existing national examinations that meet such requirements. Applications for such licenses, signed and sworn by the applicants, shall be made on forms furnished by the board. An applicant who furnished satisfactory proof that he is of good moral character and that he has met the educational and clinical requirements set forth in sections twenty-three T to twenty-three X, inclusive, shall upon payment of a fee determined by the secretary of administration and finance, be examined by the board, and if found qualified, and if he passes the examination, shall be licensed.

(2) Every person licensed shall, at such times as determined by the board, apply to the board for renewal of his license, document continuing education as may be required by the board, and pay a fee determined by the secretary of administration and finance to the board and thereupon the board shall issue a license showing the holder is entitled to practice for the period covered by said payment. The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee, or an examination, or continuing education, or supervised experience prior to issuing said late renewal license.

Section 23T. A person who meets the requirements and possesses the qualifications set forth hereunder to be admitted to the examination for licensure as a respiratory therapist may practice respiratory care between the date of filing an application and the announcement of the results of said examination for licensure; provided however that such practice is under the supervision of a respiratory therapist licensed pursuant to this chapter. If any person so practicing fails to pass the licensure examination for which he filed an application, the privilege as granted under this section shall automatically cease upon due notice to the applicant of such failure.

Section 23U. The board may without examination, license as a respiratory therapist, any applicant who is duly licensed or registered under the laws of another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, or any such therapist who satisfies the board that he has met or exceeded the requirements for licensure in the commonwealth, or any such therapist who is credentialed by the National Board for Respiratory Care as a Certified Respiratory Therapy Technician (CRTT) or a Registered Respiratory Therapist (RRT). At the time of making such application, the applicant shall pay a fee determined by the secretary of administration and finance to the board.

Section 23V. Nothing in sections twenty-three R to twenty-three BB, inclusive, shall be construed as preventing or restricting the practice, services, or activities of:

(a) any person licensed in the commonwealth by any other statute or credentialed by an organization which is a member of the National Commission for Health Certifying Agencies from engaging in the profession for which he is licensed or credentialed, or

(b) any person employed as a respiratory therapist by the federal government or any agency of it, if such person provides respiratory care solely under the direction or control of the organization by which he is employed, or

(c) any person pursuing a supervised course of study leading to a degree or certificate in respiratory care as part of an accredited and approved educational program, if the person is designated by a title which clearly indicates his status as a student or trainee, or otherwise as a student functioning under the supervision of a licensed respiratory therapist, provided however, that such activity does not exceed the student's education and training, or

(d) any person performing respiratory care services in the commonwealth, if these services are performed for no more than two calendar days in a calendar year in association with a respiratory therapist licensed under this section.

Section 23W. An applicant for licensure as a respiratory therapist shall have:–

(a) completed a respiratory therapy program that is accredited by an agency recognized by the United States Department of Education or a member of the Council on Postsecondary Education, and that is approved by the board,

(b) successfully passed an examination approved by the board for licensure as a respiratory therapist. Such examination shall be written and shall test the applicant's knowledge of the basic and clinical sciences related to the respiratory care theory and practice, including the applicant's professional skills and judgments in the utilization of respiratory care techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to act as a respiratory therapist pursuant to section twenty-three R. The examination shall be conducted by the board at least twice each year and at times and places to be determined by the board; provided, however, that the board may utilize any existing national examination that meets the requirements of this section.

Section 23X. The board may, after a hearing pursuant to chapter thirty A, revoke, suspend, cancel the license or place on probation, reprimand, censure, or otherwise discipline a licensee upon proof satisfactory to a majority of the board that said person:–

(a) has obtained or attempted to obtain a license by fraud or deception, (b) has been convicted of a felony or of a crime involving moral turpitude, (c) has been grossly negligent in his practice of respiratory therapy, (d) has been adjudged mentally ill or incompetent by the court of competent jurisdiction, (e) has used drugs or intoxicating liquors to the extent which adversely affects his practice, (f) has acted in a manner which is professionally unethical according to ethical standards of the profession of respiratory care.

Section 23Y. Nothing in sections twenty-three R to twenty-three BB, inclusive, shall be construed as authorizing a respiratory therapist to practice medicine or any other form or methods of healing not specified in said sections.

Section 23Z. The board shall adopt reasonable rules and regulations to carry into effect sections twenty-three R to twenty-three BB, inclusive, and may amend and revoke such rules and regulations at its discretion. The board shall keep a record of its proceedings and a roster of all

persons licensed by it under this section. The roster shall include the licensee's name, last known business and residential addresses, date of licensing, and license number.

Section 23AA. No person shall hold himself out as a respiratory therapist or as being able to practice respiratory care or to render respiratory care services in the commonwealth unless he is licensed in accordance with section twenty-three S. Such a person shall be known as a respiratory therapist.

Section 23BB. No respiratory therapist duly licensed under the provisions of sections twenty-three S to twenty-three U, inclusive, who, in good faith as a volunteer and without fee renders emergency care or treatment other than in the ordinary course of his practice, shall be liable in a suit for damages as a result of his acts or omissions nor shall he be liable to a hospital for its expenses if, under such emergency conditions, he orders a person hospitalized or causes his admission.

SECTION 3. For one year from the effective date of this act, a license as a respiratory therapist shall be issued without examination to an applicant who satisfies the board established by section one of this act that he is credentialed by the National Board for Respiratory Care as a (CRTT) or an (RRT), or who satisfies the board that he has been actively employed for at least two years within five years prior to the effective date of this act in the practice of respiratory care or the rendering of respiratory care services as defined by section twenty-three R of chapter one hundred and twelve of the General Laws. Persons licensed hereunder shall renew their licenses in accordance with paragraph (2) of section twenty-three S of said chapter one hundred and twelve.

Approved November 4, 1986.

Chapter 507. AN ACT RELATIVE TO THE INVESTMENT POWERS OF BANK TRUST DEPARTMENTS.

Be it enacted, etc., as follows:

Section 3 of chapter 167G of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after subsection 9A the following subsection:-

9B. Any association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth, or any other person receiving and holding property in a fiduciary capacity in the commonwealth, is authorized, in the absence of an express provision to the contrary, whenever a governing instrument or order directs, requires, authorizes or permits investment in United States government obligations, to invest in such obligations, either directly or in the form of securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the provisions of 15 USC section 80(a)-1 et seq., provided that the portfolio of such investment company or investment trust is limited to United States government obligations and to repurchase agreements fully collateralized by such obligations, and provided further that any such

ACTS, 1986. – Chaps. 508, 509.

investment company or investment trust shall take delivery of such collateral, either directly or through an authorized custodian. Nothing in this subsection shall alter the power, granted by section five, of a bank's trust department to invest funds or assets which it may receive and hold in a fiduciary capacity, nor shall anything in this subsection affect the degree of prudence and judgment which is required of fiduciaries generally under the common law of the commonwealth.

Approved November 4, 1986.

Chapter 508. AN ACT AUTHORIZING THE COMMONWEALTH TO REIMBURSE THE TOWN OF PROVINCETOWN FOR CERTAIN MONIES EXPENDED FOR VETERANS' SERVICES.

Be it enacted, etc., as follows:

There shall be allowed and paid out of the state treasury to the town of Provincetown, subject to appropriation and subject to the approval of the commissioner of veterans' services a sum, not exceeding thirty-six thousand eight hundred twenty-three dollars and twelve cents, as said town would have been entitled to receive in reimbursement for veterans' benefits paid by it from January first, nineteen hundred and seventy-six through April thirtieth, nineteen hundred and seventy-nine, under the provisions of section six of chapter one hundred and fifteen of the General Laws, had said town made a proper and seasonable report thereof to said commissioner, as required by said section six of said chapter one hundred and fifteen.

As a condition of payment of such sum, said commissioner shall require said town to present evidence that such sum was paid in compliance with section five of said chapter one hundred and fifteen.

Approved November 4, 1986.

Chapter 509. AN ACT FURTHER REGULATING ACCESS TO CERTAIN PERSONNEL RECORDS.

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by inserting after section 52B, inserted by section 1 of chapter 684 of the acts of 1985, the following section:–

Section 52C. As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:–

"Employee", a person currently employed or formerly employed by an employer.

"Employer", an individual, corporation, partnership, labor organization, unincorporated association or any other legal business, public or private, or commercial entity including agents of the employer.

"Personnel record", a record kept by an employer that identifies an employee, to the extent that the record is used or has been used, or may

affect or be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action. A personnel record shall include a record in the possession of a person, corporation, partnership or other association that has a contractual agreement with the employer to keep or supply a personnel record as provided in this section. A personnel record shall not include information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of such other person's privacy.

Any employer receiving a written request from an employee shall provide the employee with an opportunity to review his personnel record. The review shall take place at the place of employment and during normal business hours. An employee may obtain a copy of his personnel record upon submission of a written request to his employer.

If there is a disagreement with any information contained in a personnel record, removal or correction of such information may be mutually agreed upon by the employer and the employee. If an agreement is not reached, the employee may submit a written statement explaining the employee's position which shall thereupon be contained therein and shall become a part of such employee's personnel record. The statement shall be included when said information is transmitted to a third party as long as the original information is retained as part of the file. If an employer places in a personnel record any information which such employer knew or should have known to be false, then the employee shall have remedy through the collective bargaining agreement, other personnel procedures or judicial process to have such information expunged.

Whoever violates the provisions of this section shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars.

Approved November 4, 1986.

Chapter 510. AN ACT RELATIVE TO CERTAIN BIRTH, MARRIAGE AND DEATH RECORDS IN THE CUSTODY OF THE STATE SECRETARY.

Be it enacted, etc., as follows:

Section 4 of chapter 374 of the acts of 1983 is hereby amended by adding the following paragraph:–

Notwithstanding the provisions of any general or special law to the contrary, said copies of vital records books subsequently transferred to the state secretary and all original records of birth, marriage and death, corresponding to said copies, which are on file in the office of city and town clerks, shall be maintained as public records in accordance with chapter sixty-six of the General Laws upon such transfer of said copies to the office of the state secretary.

Approved November 4, 1986.

ACTS, 1986. – Chaps. 511, 512, 513.

Chapter 511. AN ACT EXEMPTING FIREFIGHTERS AND AMBULANCE PERSONNEL FROM THE REQUIREMENTS OF USING SAFETY BELTS WHILE IN THE PERFORMANCE OF DUTY.

Be it enacted, etc., as follows:

The second paragraph of section 7BB of chapter 90 of the General Laws, as appearing in section 3 of chapter 416 of the acts of 1985, is hereby amended by inserting after the word "officer", in line 21, the following clause:– (10) Any firefighter or ambulance personnel riding as a passenger in a motor vehicle while in the performance of his duties.

Approved November 4, 1986.

Chapter 512. AN ACT ALLOWING REGISTRARS TO REQUIRE CERTAIN APPLICATIONS BE SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 51 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:– The registrars may require that any such application be signed under the penalties of perjury.

SECTION 2. The third paragraph of section 4 of said chapter 51, as so appearing, is hereby amended by adding the following sentence:– Registrars, assistant registrars or boards in such cities or towns communicating with residents by mail for the purpose of obtaining such information may require a response under the penalties of perjury.

SECTION 3. Section 38 of said chapter 51, as so appearing, is hereby amended by inserting after the first sentence the following sentence:– They may, for this purpose, require that such application be signed under the penalties of perjury.

Approved November 4, 1986.

Chapter 513. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER CERTAIN LAND IN THE TOWN OF FOXBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized, pursuant to the provisions of section forty E to forty J, inclusive of chapter seven of the General Laws, to transfer the care custody and control of three parcels of land totalling sixty acres, more or less, located in the town of Foxborough on both sides of state highway route 140, formerly controlled by the

department of mental health, to the department of food and agriculture, subject to such terms and conditions as the deputy commissioner may prescribe in consultation with the department of mental health. Said parcels are described in section five.

SECTION 2. Notwithstanding the provisions of section forty F of chapter seven of the General Laws, the department of food and agriculture is hereby authorized to lease the parcels described in section five to the town of Foxborough to be managed and controlled by the Foxborough conservation commission, for a term not to exceed ten years and under such terms and conditions as are set forth in this act and as the department of food and agriculture may prescribe with the approval of the deputy commissioner of the division of capital planning and operations. Said lease may be extended by mutual agreement of the department of food and agriculture and the town of Foxborough, subject to the approval of the deputy commissioner of the division of capital planning and operations for additional terms in accordance with the provisions of section forty F of chapter seven of the General Laws. The lease shall provide that the land described as parcel one in section five may be used by the school department of the town of Foxborough for athletic fields in a manner that will not alter the agricultural value of the soils. Said school department shall submit plans for parcel one in accordance with the provisions of section six and shall be responsible for the costs of establishing and maintaining such fields. The lease shall further provided that the land described as parcels two and three in section five shall be used for agricultural and recreational purposes, in accordance with a management plan as required by section six.

SECTION 3. The town of Foxborough is hereby authorized to sublease all or part of the three parcels of land described in section five for agricultural purposes on such terms and conditions as the town may prescribe, subject to the approval of the department of food and agriculture, provided, however that the purposes of the sublease are in accordance with the terms and conditions of the lease authorized by this act between the department of food and agriculture and the town of Foxborough.

SECTION 4. As a condition of the lease described in section 2 by the department of food and agriculture to the town, there shall be established in the town treasury a guaranteed deposit fund which the treasurer of said town shall keep separate and apart from all other monies and wherein shall be kept all monies derived from the agriculture rental of the parcels described in this act. The principal and interest thereon shall be expended solely for the agricultural and recreational management of said parcels in accordance with the management plan described in section 6 of this act. Such monies shall not be used for the improvement, development or management of the parcel described as Parcel 1 in section 5 of this act if said parcel 1 is used by the school department as provided in Section 2 of this act. The town treasurer shall submit annually, on or before June thirteenth to the department of food and agriculture and to the deputy commissioner of the division of capital planning and operations a report including, but not limited to, the disbursement of any and all funds collected and deposited from the

agricultural rentals, together with a complete statement from the bank wherein such monies are kept. In the event that said lease between the department of food and agriculture and the town of Foxborough is to be terminated by either party in accordance with the provisions of said lease, all monies remaining in said guaranteed deposit fund in said treasury of the town shall revert to the general fund of the commonwealth.

SECTION 5. Parcel 1 is described as follows:

Beginning at a point marking the southeasterly corner of the premises; thence running approximately N 26 degrees W by land now or formerly of the town of Foxborough 1165.56' to a point; thence S 27 degrees 25'W 305.58' to a point;

thence southeasterly a distance of approximately 820' to a point marking the southwesterly corner of the premises and the northeasterly corner of Parcel Two; thence running northeasterly by Parcel Two approximately 420' to the point of beginning.

Said parcel contains 7.1 acres, more or less.

Parcel 2 is described as follows:

Beginning at a point on the northerly line of Walnut Street, said point being the southwest corner of the premises herein described: thence running northwesterly approximately 432.72' to a point;

thence continuing northwesterly approximately 1350' to a point, said point being the northwesterly corner of the premises and the southeasterly corner of parcel 1 described above;

thence in a Northeasterly direction approximately 420' to a point, said point being the southeasterly corner of parcel 1;

thence N 64 degrees 40' E 339.90' to a point;

thence N 66 degrees 45' E 586.08' to a point' thence N 65 degrees E 157.08' to a point, the preceding three lines taken from a plan drawn by Fred J. Wood, October, 1913 from a survey made by Henry T. Jones, December 1890, recorded with Norfolk County Registry of Deeds, Plan Book 83, Plan 4280.

Thence by land now or formerly of the Commonwealth of Massachusetts, S 36 degrees 35" 35'E, 752.19';

thence continuing by last named land S 65 degrees 45' 27" E, 85.59' to a point on the north-westerly line of Route #140; thence southwesterly by the northwesterly line of Route #140, approximately 1454' to a point at the intersection of the westerly line of Route 140 with the northwesterly line of Walnut Street; thence southwesterly by the northwesterly line of Walnut Street to a point of beginning;

Said parcel contains 43 acres, more or less.

Parcel 3 is described as follows:

Beginning at a point on the southeasterly line of Route 140, said point being the northwest corner of the premises herein described; thence S 38 degrees 25' 37" E, by land now or formerly of the Shell Oil Corporation 75.52' to a point; thence continuing S 38 degrees 25' 37" E by land now or formerly of the Trustees of the Norwood Hospital 655' to a point; thence S 52 degrees 55' 27" W by land now or formerly of the Trustees of the Norwood Hospital, approximately 760' to a point; thence running northwesterly by land of the Commonwealth of Massachusetts approximately 225, to a point on the southeasterly line of Route 140;

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thence running northeasterly by the easterly line of Route 140 to the point of beginning.

Said parcel contains 9.5 acres, more or less.

Parcels 2 and 3 are a portion of the premises conveyed to the commonwealth by deed of Ira C. Hersey, dated June 24, 1918 and recorded with the Norfolk county registry of deeds, Book 1398, Page 556. A plan showing the three parcels is on file at the division of capital planning and operations.

SECTION 6. Prior to the execution of the lease authorized in section 2 of this act, the town shall prepare a long term management plan for the property for the approval of the Department of Food and Agriculture in consultation with the Deputy Commissioner of the Division of Capital Planning and Operations.

Approved November 4, 1986.

Chapter 514. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE TOWN OF PLYMOUTH FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of chief of police in the town of Plymouth shall not be subject to chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding the position of chief of police in the town of Plymouth on the effective date of this act.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of Plymouth at an annual town election in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting:—

"Shall an act passed by the General Court in the year nineteen hundred and eighty-six, entitled 'An Act exempting the position of chief of police in the town of Plymouth from the provisions of the civil service law', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise.

Approved November 4, 1986.

Chapter 515. AN ACT AUTHORIZING THE TOWN OF NORFOLK TO RECEIVE AND ADMINISTER THE PROPERTY OF THE PONDVILLE CEMETERY CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. The Pondville Cemetery Corporation may, by deed duly executed, grant or convey to the town of Norfolk and said town is hereby authorized and empowered to receive, and thereafter to hold and

maintain for cemetery purposes only, and subject to all rights heretofore existing in any burial lots, the real and personal property of said Corporation not subject to any trust, and thereupon, and upon the transfer of the trust funds as hereinafter provided, said Corporation shall be dissolved; and the cemetery of said Corporation shall be a public burial place, ground and cemetery.

SECTION 2. Insofar as authorized by a decree of a court of competent jurisdiction and in compliance with the terms and conditions of such decree, said town may receive from said Corporation a conveyance and transfer of, and administer, all funds or other property held by said Corporation in trust for the perpetual care of the lots in the cemetery and for other purposes, and also any property devised or bequeathed to said Corporation under the will of any person living at the time of said transfer or conveyance or under the will of any deceased person not then probated. Interest and dividends accruing on funds deposited in trust with any savings bank under authority of section twenty-five of chapter one hundred and sixty-eight of the General Laws, or with any other banking institution, for the benefit of said Corporation, of any lots in the cemetery may, after such conveyance, be paid by such bank or institution to the treasurer of said town, and upon such payment said treasurer shall use the same for the purposes of said trusts.

SECTION 3. All real and personal property and property rights, acquired by said town from said Corporation under authority of this act, shall be held and managed by said town in the same manner in which cities and towns are authorized by law to hold and manage property for cemetery purposes; provided, however, that all rights which any persons have acquired in the cemetery of said Corporation or any lots therein shall remain in force to the same extent as if this act had not been enacted and such transfer had not occurred. The records of said Corporation shall be delivered to the clerk of said town and said clerk is authorized to certify copies thereof.

Approved November 4, 1986.

Chapter 516. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF BRIDGEWATER TO APPOINT A HIGHWAY SUPERINTENDENT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section sixty-six of chapter forty-one of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Bridgewater is hereby authorized to appoint a highway superintendent for a term of three years, who shall receive such compensation as said board of selectmen shall determine and who may be removed by said board for cause after a public hearing.

Approved November 4, 1986.

Chapter 517. AN ACT FURTHER REGULATING COST-OF-LIVING ADJUSTMENTS FOR CERTAIN FORMER EMPLOYEES OF THE COMMONWEALTH AND ITS POLITICAL SUBDIVISIONS.

Be it enacted, etc., as follows:

Section 102 of chapter 32 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:–

(c) In any case where such former employee, spouse, or other beneficiary is receiving an annual retirement allowance, pension or annuity which is nine thousand dollars or more exclusive of additional annuity obtained by special purchase under paragraph (g) of subdivision (1) of section twenty-two, or any similar law, the cost-of-living adjustment, shall be in an amount determined by applying the percentum of change determined by the general court to the sum of nine thousand dollars. Beginning annually in July, nineteen hundred and eighty-six, whenever the cost-of-living adjustment pursuant to paragraph (a) indicates an increase or decrease in the cost-of-living of at least three per cent, the dollar amounts of such increase or decrease as determined in the first sentence of this paragraph shall be added to or deducted from each retirement allowance, pension or annuity which is in excess of nine thousand dollars. The sum of the dollar amount of such cost-of-living adjustments, together with the amount of retirement allowance, pension or annuity to which the cost-of-living percentum factor is applied and any amounts in excess of said nine thousand dollars shall become the fixed retirement allowance, pension or annuity for all future purposes including the application of subsequent cost-of-living adjustments in future years; provided, however, that the limitations of this paragraph shall continue to apply.

Approved November 4, 1986.

Chapter 518. AN ACT AUTHORIZING PRISONERS TO MAIL LETTERS.

Be it enacted, etc., as follows:

Chapter 127 of the General Laws is hereby amended by striking out section 87, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 87. Every inmate of a correctional institution or any other penal institution in the commonwealth shall have the right to write letters and deposit them, sealed, in locked letter boxes. All letters so deposited shall be conveyed to federal postal authorities for delivery.

(The foregoing was laid before the Governor on the 23rd day of October, 1986 and after ten days it had the force of a law, as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chapter 519. AN ACT RELATIVE TO THE COMPENSATION OF CERTAIN COURT PERSONNEL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide compensation for certain court personnel, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 185 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

The salaries of the recorder, deputy recorder, chief title examiner, title examiners, and assistant clerks of the land court department shall be paid by the commonwealth, and shall be as follows:

recorder – forty-one thousand seven hundred and fifty dollars and thirty-eight cents.

deputy recorder – thirty-six thousand five hundred and thirty-one dollars and fifty-nine cents.

chief title examiner and first assistant clerk – thirty-five thousand four hundred and eighty-seven dollars and eighty-two cents.

title examiners and assistant clerks – thirty-one thousand three hundred and twelve dollars and seventy-nine cents.

SECTION 2. Said section 14 of said chapter 185 is hereby further amended by striking out the first paragraph, as so appearing, and inserting in place thereof the following paragraph:–

The salaries of the recorder, deputy recorder, chief title examiner, title examiners, and assistant clerks of the land court department shall be paid by the commonwealth, and shall be as follows:

recorder – forty-four thousand two hundred and fifty-five dollars and forty cents.

deputy recorder – thirty-eight thousand seven hundred and twenty-three dollars and forty-eight cents.

chief title examiner and first assistant clerk – thirty-seven thousand six hundred and seventeen dollars and nine cents.

title examiners and assistant clerks – thirty-three thousand one hundred and ninety-one dollars and fifty-six cents.

SECTION 3. Section 9A of chapter 185C of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

The clerk of the Boston division of the housing court department shall receive from the commonwealth a salary of forty-one thousand seven hundred and fifty dollars and thirty-eight cents. The clerks of the Hampden county division and the Worcester county division shall receive from the commonwealth a salary of forty thousand four hundred and eighty-five dollars and twenty-two cents. Assistant clerks appointed in the Hampden county division and the Worcester county division under the provisions of section eleven shall receive from the commonwealth a

salary of thirty-five thousand four hundred and twenty-four dollars and fifty-six cents in the instance of the first assistant clerk, and a salary of thirty thousand three hundred and sixty-three dollars and ninety-one cents for all other assistant clerks. Assistant clerks so appointed in the Boston division shall receive from the commonwealth a salary of thirty-six thousand five hundred and thirty-one dollars and fifty-nine cents in the instance of the first assistant clerk, and a salary of thirty-one thousand three hundred and twelve dollars and seventy-nine cents for all other assistant clerks.

SECTION 4. Said section 9A of said chapter 185C is hereby further amended by striking out the first paragraph, as so appearing, and inserting in place thereof the following paragraph:–

The clerk of the Boston division of the housing court shall receive from the commonwealth a salary of forty-four thousand two hundred and fifty-five dollars and forty cents. The clerks of the Hampden county division and the Worcester county division shall receive from the commonwealth a salary of forty-two thousand nine hundred and fourteen dollars and thirty-three cents. Assistant clerks appointed in the Hampden county division and the Worcester county division under the provisions of section eleven shall receive from the commonwealth a salary of thirty-seven thousand five hundred and fifty dollars and four cents in the instance of the first assistant clerk, and a salary of thirty-two thousand one hundred and eighty-five dollars and seventy-five cents for all other assistant clerks. Assistant clerks so appointed in the Boston division shall receive from the commonwealth a salary of thirty-eight thousand seven hundred and twenty-three dollars and forty-eight cents in the instance of the first assistant clerk, and a salary of thirty-three thousand one hundred and ninety-one dollars and fifty-six cents for all other assistant clerks.

SECTION 5. Section 9 of chapter 211B of the General Laws, as so appearing, is hereby amended by inserting after the eighth paragraph the following paragraph:–

Said justice shall annually determine those classes of minority persons, as defined in section forty C of chapter seven, who are under-represented in the various counties of the trial court in comparison to the proportion of such classes of persons within the general population of said counties. Said justice shall establish a plan for the recruitment of those persons comprising said under-represented classes into the service of the trial court. Said plan shall include, without limitation, goals for recruitment in each county within the trial court, specific timetables for meeting such goals, the progress made toward meeting such goals within the previous twelve months, and recommendations for modifications to said plan as required to address the failure, if any, to meet such goals or deadlines. Said plan, and any modifications thereto, shall be included in the annual report required by this section, and a copy of said plan shall be filed with the state office of affirmative action, and the clerk of the house of representatives and the clerk of the senate.

SECTION 6. Chapter 218 of the General Laws is hereby amended by striking out the second paragraph of section 8, as so appearing, and

inserting in place thereof the following paragraph:–

Each clerk appointed prior to January first, nineteen hundred and eighty-seven under the authority of this section and serving continuously thereafter shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Any such clerk may accumulate vacation and sick leave not used in any such year; provided, however, that the total amount of vacation days so accumulated shall not exceed sixty and the total amount of sick leave so accumulated shall not exceed one hundred and eighty days; and, provided further, that no additional such days shall be accumulated on or after said January first except in accordance with the policies and procedures established by the chief administrative justice pursuant to section eight of chapter two hundred and eleven B. All other clerks appointed under the authority of this section shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief administrative justice pursuant to said section eight.

SECTION 7. Section 10 of said chapter 218 is hereby amended by striking out the twelfth paragraph, as so appearing, and inserting in place thereof the following paragraph:–

Each assistant clerk appointed prior to January first, nineteen hundred and eighty-seven under the authority of this section and serving continuously in such appointment thereafter shall be entitled to thirty days vacation leave and thirty days sick leave in each calendar year. Any such assistant clerk may accumulate vacation and sick leave not used in any such year; provided, however, that the total amount of vacation days so accumulated shall not exceed sixty and the total amount of sick leave so accumulated shall not exceed one hundred and eighty days; and provided, further, that no additional such days shall be accumulated on or after January first, nineteen hundred and eighty-seven except in accordance with the policies and procedures established by the chief administrative justice pursuant to section eight of chapter two hundred and eleven B. All other assistant clerks appointed under the authority of this section shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief administrative justice pursuant to said section eight.

SECTION 8. Said section 10 of said chapter 218 is hereby further amended by striking out the thirteenth and fourteenth paragraphs, as so appearing, and inserting in place thereof the following two paragraphs:–

In the following courts, one of the assistant clerks shall be designated in charge of six-man jury sessions and shall receive as a salary thirty-six thousand five hundred and thirty-one dollars and fifty-nine cents:

third district court of eastern Middlesex

district court of Lowell

first district court of southern Middlesex at Framingham.

In the central district court of Worcester, the district court of Lowell, and the third district court of eastern Middlesex the clerk may designate one of his assistant clerks as assistant clerk in charge of the remand list; said list being for the trial of all cases transferred to said court from the superior court under the provisions of section one hundred and two C of chapter two hundred and thirty-one. The salary of said assistant clerk

shall be thirty-six thousand five hundred and thirty-one dollars and fifty-nine cents.

SECTION 9. Said section 10 of said chapter 218 is hereby further amended by striking out the thirteenth and fourteenth paragraphs, as so appearing, and inserting in place thereof the following two paragraphs:–

In the following courts, one of the assistant clerks shall be designated in charge of six-man jury sessions and shall receive as a salary thirty-eight thousand seven hundred and twenty-three dollars and forty-eight cents:

third district court of eastern Middlesex

district court of Lowell

first district court of southern Middlesex at Framingham.

In the central district court of Worcester, the district court of Lowell, and the third district court of eastern Middlesex the clerk may designate one of his assistant clerks as assistant clerk in charge of the remand list; said list being for the trial of all cases transferred to said court from the superior court under the provisions of section one hundred and two C of chapter two hundred and thirty-one. The salary of said assistant clerk shall be thirty-eight thousand seven hundred and twenty-three dollars and forty-eight cents.

SECTION 10. Section 53 of said chapter 218, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

There shall be a clerk and twelve assistant clerks of said court for criminal business and a clerk and twelve assistant clerks of said court for civil business. The assistant clerks shall be appointed by the clerks, respectively, subject to the approval of the justices or a majority of them, and the clerks shall be responsible for the doings of their assistants, and may remove them at pleasure. The salaries of the clerks and the assistant clerks shall be paid by the commonwealth as follows: the clerk of said court for criminal business and the clerk of said court for civil business shall each receive as a salary forty-one thousand seven hundred and fifty dollars and thirty-eight cents; the first assistant clerk and the assistant clerk in charge of jury appeals sessions, so designated by the clerk for criminal business, and the first assistant clerk for civil business shall each receive as a salary thirty-six thousand five hundred and thirty-one dollars and fifty-nine cents and all other assistant clerks shall each receive as a salary thirty-one thousand three hundred and twelve dollars and seventy-nine cents.

SECTION 11. Said section 53 of said chapter 218, as so appearing, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

There shall be a clerk and twelve assistant clerks of said court for criminal business and a clerk and twelve assistant clerks of said court for civil business. The assistant clerks shall be appointed by the clerks, respectively, subject to the approval of the justices or a majority of them, and the clerks shall be responsible for the doings of their assistants, and may remove them at pleasure. The salaries of the clerks and the assistant clerks shall be paid by the commonwealth as follows: the clerk of said court for criminal business and clerk of said court for

civil business shall each receive as a salary forty-four thousand two hundred and fifty-five dollars and forty cents; the first assistant clerk and the assistant clerk in charge of jury appeals sessions, so designated by the clerk for criminal business, and the first assistant clerk for civil business shall each receive as a salary thirty-eight thousand seven hundred and twenty-three dollars and forty-eight cents, and all other assistant clerks shall each receive as a salary thirty-three thousand one hundred and ninety-one dollars and fifty-six cents.

SECTION 12. Said section 53 of said chapter 218 is hereby further amended by striking out the third paragraph, as so appearing, and inserting in place thereof the following paragraph:–

Each clerk and assistant clerk of said court appointed to such position prior to January first, nineteen hundred and eighty-seven and serving continuously thereafter, shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Each such clerk may accumulate vacation leave and sick leave not used in any such year; provided, however, that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave so accumulated shall not exceed one hundred and eighty days; and provided, further, that no additional such days shall be accumulated on or after said January first except in accordance with the policies and procedures established by the chief administrative justice pursuant to section eight of chapter two hundred and eleven B. All other clerks and assistant clerks of said court shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief administrative justice pursuant to said section eight.

SECTION 13. Section 58 of said chapter 218, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:–

The salary of the clerks and assistant clerks in the juvenile court department shall be paid by the commonwealth as follows: the clerk of a division of the juvenile court department shall receive as a salary forty-one thousand seven hundred and fifty dollars and thirty-eight cents; the first assistant clerk of a division of said department shall receive as a salary thirty-six thousand five hundred and thirty-one dollars and fifty-nine cents; and all other assistant clerks shall receive as a salary thirty-one thousand three hundred and twelve dollars and seventy-nine cents. In the Boston division of said department one of the assistant clerks shall be designated by the clerk as an assistant clerk in charge of the appeals session and shall receive as a salary thirty-six thousand five hundred and thirty-one dollars and fifty-nine cents.

SECTION 14. Said section 58 of said chapter 218 is hereby further amended by striking out the fourth paragraph, as so appearing, and inserting in place thereof the following paragraph:–

The salary of the clerks and assistant clerks in the juvenile court department shall be paid by the commonwealth as follows: the clerk of a division of the juvenile court department shall receive as a salary forty-four thousand two hundred and fifty-five dollars and forty cents; the first assistant clerk of a division of said department shall receive as a salary thirty-eight thousand seven hundred and twenty-three dollars

and forty-eight cents; and all other assistant clerks shall receive as a salary thirty-three thousand one hundred and ninety-one dollars and fifty-six cents. In the Boston division of said department one of the assistant clerks shall be designated by the clerk as an assistant clerk in charge of the appeals session and shall receive as a salary thirty-eight thousand seven hundred and twenty-three dollars and forty-eight cents.

SECTION 15. Said section 58 of said chapter 218 is hereby further amended by striking out the sixth paragraph, as so appearing, and inserting in place thereof the following paragraph:-

Each clerk and assistant clerk of the juvenile court department appointed to such position prior to January first, nineteen hundred and eighty-seven and serving continuously in such position thereafter shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Each such clerk and assistant clerk may accumulate vacation leave and sick leave not used in any such year; provided, however, that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days; and provided, further, that no additional such days shall be accumulated on or after said January first except in accordance with the policies and procedures established by the chief administrative justice pursuant to section eight of chapter two hundred and eleven B. Any other clerk and assistant clerk of said department shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief administrative justice pursuant to said section eight.

SECTION 16. Paragraph (2) of section 79 of said chapter 218, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The clerk of a Class I district court division shall receive as salary forty-one thousand seven hundred and fifty dollars and thirty-eight cents; the clerk of a Class II district court division shall receive as a salary thirty-three thousand four hundred dollars and thirty cents; and the clerk of a Class III district court division shall receive as a salary twenty-nine thousand two hundred and twenty-five dollars and twenty-seven cents.

SECTION 17. Said paragraph (2) of said section 79 of said chapter 218 is hereby further amended by striking out the first paragraph, as so appearing, and inserting in place thereof the following paragraph:-

The clerk of a Class I district court division shall receive as salary forty-four thousand two hundred and fifty-five dollars and forty cents; the clerk of a Class II district court division shall receive as a salary thirty-five thousand four hundred and four dollars and thirty-two cents; and the clerk of a Class III district court division shall receive as a salary thirty thousand nine hundred and seventy-eight dollars and seventy-nine cents.

SECTION 18. Said paragraph (2) of said section 79 of said chapter 218 is hereby further amended by striking out the third paragraph, as so appearing, and inserting in place thereof the following paragraph:-

The clerks in the district court department appointed to said position

prior to January first, nineteen hundred and eighty-seven, and serving continuously thereafter shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Any such clerk may accumulate vacation and sick leave not used in any such year; provided, however, that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days; and provided, further, that no additional such days shall be accumulated after said January first except in accordance with the policies and procedures established by the chief administrative justice pursuant to section eight of chapter two hundred and eleven B. All other clerks in the district court department shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief administrative justice pursuant to said section eight.

SECTION 19. Section 80 of said chapter 218, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

In courts in which the salaries of clerks are established by section seventy-nine, the salaries of assistant clerks shall be as follows: in Class I district courts the first assistant clerk shall receive as a salary thirty-six thousand five hundred and thirty-one dollars and fifty-nine cents, and all other assistant clerks shall receive as a salary thirty-one thousand three hundred and twelve dollars and seventy-nine cents; in Class II district courts the first assistant clerk shall receive as a salary twenty-nine thousand two hundred and twenty-five dollars and twenty-nine cents and all other assistant clerks shall receive as a salary twenty-five thousand and fifty dollars and twenty-three cents, and in Class III district courts the first assistant clerks shall receive as salary twenty-five thousand five hundred and seventy-two dollars and twelve cents, and all other assistant clerks shall receive as a salary twenty-one thousand nine hundred and eighteen dollars and ninety-six cents.

SECTION 20. Said section 80 of said chapter 218 is hereby further amended by striking out the first paragraph, as so appearing, and inserting in place thereof the following paragraph:–

In courts in which the salaries of clerks are established by section seventy-nine, the salaries of assistant clerks shall be as follows: in Class I district courts the first assistant clerks shall receive as a salary thirty-eight thousand seven hundred and twenty-three dollars and forty-eight cents and all other assistant clerks shall receive as a salary thirty-three thousand one hundred and ninety-one dollars and fifty-six cents; in Class II district courts the first assistant clerk shall receive as a salary thirty thousand nine hundred and seventy-eight dollars and seventy-nine cents and all other assistant clerks shall receive as a salary twenty-six thousand five hundred and fifty-three dollars and twenty-four cents; and in Class III district courts the first assistant clerk shall receive as a salary twenty-seven thousand one hundred and six dollars and forty-five cents and all other assistant clerks shall receive as a salary twenty-three thousand two hundred and thirty-four dollars and nine cents.

SECTION 21. Said section 80 of said chapter 218 is hereby further

amended by striking out the third paragraph, as so appearing, and inserting in place thereof the following paragraph:–

The assistant clerks of the district court department appointed to said position prior to January first, nineteen hundred and eighty-seven and serving continuously thereafter shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Any such clerk may accumulate vacation and sick leave not used in any such year; provided, however, that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days; and provided, further, that no additional such days shall be accumulated after said January first except in accordance with the policies and procedures established by the chief administrative justice pursuant to section eight of chapter two hundred and eleven B. All other assistant clerks of said department shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief administrative justice pursuant to said section eight.

SECTION 22. Section 94 of chapter 221 of the General Laws, as so appearing, is hereby amended by striking out the first four paragraphs under the caption SUPERIOR COURT DEPARTMENT FOR CRIMINAL BUSINESS IN THE COUNTY OF SUFFOLK and inserting in place thereof the following four paragraphs:–

Clerk. – Forty-one thousand seven hundred and fifty dollars and thirty-eight cents.

First Assistant Clerk (so designated by the clerk). – Thirty-six thousand five hundred and thirty-one dollars and fifty-nine cents.

Second Assistant Clerk (so designated by the clerk). – Thirty-five thousand four hundred and eighty-seven dollars and eighty-two cents.

All Other Assistant Clerks. – Thirty-one thousand three hundred and twelve dollars and seventy-nine cents; provided, however, that one assistant clerk, designated as assistant clerk/magistrate (so designated by the clerk/magistrate with the approval of the administrative justice of the superior court department to assist the court in case management, and assignment of criminal cases for trial and hearings, under the direction of the court), thirty-five thousand four hundred and eighty-seven dollars and eighty-two cents.

SECTION 23. Said section 94 of said chapter 221 is hereby further amended by striking out the first four paragraphs under the caption SUPERIOR COURT DEPARTMENT FOR CRIMINAL BUSINESS IN THE COUNTY OF SUFFOLK, as so appearing, and inserting in place thereof the following four paragraphs:–

Clerk. – Forty-four thousand two hundred and fifty-five dollars and forty cents.

First Assistant Clerk (so designated by the clerk). – Thirty-eight thousand seven hundred and twenty-three dollars and forty-eight cents.

Second Assistant Clerk (so designated by the clerk). – Thirty-seven thousand six hundred and seventeen dollars and nine cents.

All Other Assistant Clerks. – Thirty-three thousand one hundred and ninety-one dollars and fifty-six cents; provided, however, that one assistant clerk, designated as assistant clerk/magistrate (so designated by the clerk/magistrate with the approval of the administrative justice

of the superior court department to assist the court in case management, and assignment of criminal cases for trial and hearings, under the direction of the court) thirty-seven thousand six hundred and seventeen dollars and nine cents.

SECTION 24. Said section 94 of said chapter 221 is hereby further amended by striking out the first five paragraphs under the caption SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK, as so appearing, and inserting in place thereof the following five paragraphs:–

Clerk. – Forty-one thousand seven hundred and fifty dollars and thirty-eight cents. The clerk shall have and perform the duties as clerk pertaining to proceedings in which equitable relief is sought in the superior court department in his county and as clerk for said department when court is sitting in Boston for the hearing of cases from any other county. He shall receive a salary therefor an amount equal to ten per cent of and in addition to his regular salary.

First Assistant Clerk (so designated by the clerk). – Thirty-six thousand five hundred and thirty-one dollars and fifty-nine cents.

First Assistant Clerk for Equitable Relief (so designated by the clerk). – Thirty-six thousand five hundred and thirty-one dollars and fifty-nine cents.

Second Assistant Clerk (so designated by the clerk). – Thirty-five thousand four hundred and eighty-seven dollars and eighty-two cents.

All Other Assistant Clerks. – Thirty-one thousand three hundred and twelve dollars and seventy-nine cents; provided, however, that one assistant clerk, designated as magistrate, pursuant to section sixty-two B, shall be designated to assist the court in case management; and assignment of civil actions for trial or hearings, under the direction of the court, thirty-five thousand four hundred and eighty-seven dollars and eighty-two cents.

SECTION 25. Said section 94 of said chapter 221 is hereby further amended by striking out the first five paragraphs under the caption SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK, as so appearing, and inserting in place thereof the following five paragraphs:–

Clerk. – Forty-four thousand two hundred and fifty-five dollars and forty cents. The clerk shall have and perform the duties as clerk pertaining to proceedings in which equitable relief is sought in the superior court department in his county and as clerk for said department when court is sitting in Boston for the hearing of cases from any other county. He shall receive a salary therefor an amount equal to ten per cent of and in addition to his regular salary.

First Assistant Clerk (so designated by the clerk). – Thirty-eight thousand seven hundred and twenty-three dollars and forty-eight cents.

First Assistant Clerk for Equitable Relief (so designated by the clerk). – Thirty-eight thousand seven hundred and twenty-three dollars and forty-eight cents.

Second Assistant Clerk (so designated by the clerk). – Thirty-seven thousand six hundred and seventeen dollars and nine cents.

All Other Assistant Clerks. – Thirty-three thousand one hundred and ninety-one dollars and fifty-six cents; provided, however, that one

assistant clerk, designated as magistrate, pursuant to section sixty-two B, shall be designated to assist the court in case management, and assignment of civil actions for trial or hearings, under the direction of the court, thirty-seven thousand six hundred and seventeen dollars and nine cents.

SECTION 26. Said section 94 of said chapter 221 is hereby further amended by striking out the sixth and seventh paragraphs under the caption SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK, as so appearing, and inserting in place thereof the following two paragraphs:–

In all other counties, the salaries of the clerks of the courts shall be as follows:

| | |
|------------|---|
| Middlesex | Forty-one thousand seven hundred and fifty dollars and thirty-eight cents |
| Essex | Forty thousand four hundred and eighty-five dollars and twenty-two cents |
| Worcester | Forty thousand four hundred and eighty-five dollars and twenty-two cents |
| Norfolk | Forty thousand four hundred and eighty-five dollars and twenty-two cents |
| Hampden | Forty thousand four hundred and eighty-five dollars and twenty-two cents |
| Bristol | Forty thousand four hundred and eighty-five dollars and twenty-two cents |
| Plymouth | Forty thousand four hundred and eighty-five dollars and twenty-two cents |
| Berkshire | Thirty-two thousand eight hundred and ninety-four dollars and twenty-four cents |
| Hampshire | Thirty-two thousand eight hundred and ninety-four dollars and twenty-four cents |
| Barnstable | Thirty-two thousand eight hundred and ninety-four dollars and twenty-four cents |
| Franklin | Thirty-two thousand eight hundred and ninety-four dollars and twenty-four cents |
| Dukes | Twenty-two thousand two hundred and sixty dollars |
| Nantucket | Twenty-two thousand two hundred and sixty dollars |

Assistant clerks in such other counties shall receive salaries as follows:

| | |
|------------------------|---|
| Middlesex | |
| First Assistant Clerk | Thirty-six thousand five hundred and thirty-one dollars and fifty-nine cents |
| Second Assistant Clerk | Thirty-six thousand three hundred and twenty-two dollars and eighty-four cents |
| Other Assistant Clerks | Thirty-one thousand three hundred and twelve dollars and seventy-nine cents |
| Hampden | |
| First Assistant Clerk | Thirty-three thousand one hundred and ninety-seven dollars and eighty-eight cents |

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| | |
|------------------------|---|
| Other Assistant Clerks | Thirty thousand three hundred and sixty-three dollars and ninety-one cents |
| Plymouth | |
| First Assistant Clerk | Thirty-three thousand one hundred and ninety-seven dollars and eighty-eight cents |
| Other Assistant Clerks | Thirty thousand three hundred and sixty-three dollars and ninety-one cents |
| Bristol | |
| First Assistant Clerk | Thirty-five thousand four hundred and twenty-four dollars and fifty-six cents |
| Other Assistant Clerks | Thirty thousand three hundred and sixty-three dollars and ninety-one cents |
| Barnstable | |
| First Assistant Clerk | Twenty-seven thousand nine hundred and sixty dollars and eleven cents |
| Other Assistant Clerks | Twenty-four thousand six hundred and seventy dollars and sixty-eight cents |
| Franklin | |
| First Assistant Clerk | Twenty-seven thousand nine hundred and sixty dollars and eleven cents |
| Essex | |
| First Assistant Clerk | Thirty-five thousand four hundred and twenty-four dollars and fifty-six cents |
| Other Assistant Clerks | Thirty thousand three hundred and sixty-three dollars and ninety-one cents |
| Worcester | |
| First Assistant Clerk | Thirty-five thousand four hundred and twenty-four dollars and fifty-six cents |
| Other Assistant Clerks | Thirty thousand three hundred and sixty-three dollars and ninety-one cents |
| Norfolk | |
| First Assistant Clerk | Thirty-five thousand four hundred and twenty-four dollars and fifty-six cents |
| Other Assistant Clerks | Thirty thousand three hundred and sixty-three dollars and ninety-one cents |
| Berkshire | |
| First Assistant Clerk | Twenty-eight thousand seven hundred and eighty-two dollars and forty-seven cents |
| Hampshire | |
| First Assistant Clerk | Twenty-eight thousand seven hundred and eighty-two dollars and forty-seven cents |
| Dukes | |
| First Assistant Clerk | Nineteen thousand four hundred and seventy-seven dollars and fifty cents |
| Nantucket | |
| First Assistant Clerk | Nineteen thousand four hundred and seventy-seven dollars and fifty cents |

SECTION 27. Said section 94 of chapter 221 is hereby further amended by striking out the sixth and seventh paragraphs under the caption SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK, as so appearing, and inserting in place

thereof the following two paragraphs:–

In all other counties, the salaries of the clerks of the courts shall be as follows:

| | |
|------------|--|
| Middlesex | Forty-four thousand two hundred and fifty-five dollars and forty cents |
| Essex | Forty-two thousand nine hundred and fourteen dollars and thirty-three cents |
| Worcester | Forty-two thousand nine hundred and fourteen dollars and thirty-three cents |
| Norfolk | Forty-two thousand nine hundred and fourteen dollars and thirty-three cents |
| Hampden | Forty-two thousand nine hundred and fourteen dollars and thirty-three cents |
| Bristol | Forty-two thousand nine hundred and fourteen dollars and thirty-three cents |
| Plymouth | Forty-two thousand nine hundred and fourteen dollars and thirty-three cents |
| Berkshire | Thirty-four thousand eight hundred and sixty-seven dollars and eighty-nine cents |
| Hampshire | Thirty-four thousand eight hundred and sixty-seven dollars and eighty-nine cents |
| Barnstable | Thirty-four thousand eight hundred and sixty-seven dollars and eighty-nine cents |
| Franklin | Thirty-four thousand eight hundred and sixty-seven dollars and eighty-nine cents |
| Dukes | Twenty-three thousand five hundred and ninety-five dollars and sixty cents |
| Nantucket | Twenty-three thousand five hundred and ninety-five dollars and sixty cents |

Assistant clerks in such other counties shall receive salaries as follows:

| | |
|-------------------------|--|
| Middlesex | |
| First Assistant Clerk | Thirty-eight thousand seven hundred and twenty-three dollars and forty-eight cents |
| Second Assistant Clerks | Thirty-eight thousand five hundred and two dollars and twenty-one cents |
| Other Assistant Clerks | Thirty-three thousand one hundred and ninety-one dollars and fifty-six cents |
| Hampden | |
| First Assistant Clerk | Thirty-five thousand one hundred and eighty-nine dollars and seventy-five cents |
| Other Assistant Clerks | Thirty-two thousand one hundred and eighty-five dollars and seventy-five cents |
| Plymouth | |
| First Assistant Clerk | Thirty-five thousand one hundred and eighty-nine dollars and seventy-four cents |
| Other Assistant Clerks | Thirty-two thousand one hundred and eighty-five dollars and seventy-five cents |
| Bristol | |
| First Assistant Clerk | Thirty-seven thousand five hundred and fifty dollars and four cents |

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| | |
|------------------------|---|
| Other Assistant Clerks | Thirty-two thousand one hundred and eighty-five dollars and seventy-five cents |
| Barnstable | |
| First Assistant Clerk | Twenty-nine thousand six hundred and thirty-seven dollars and seventy-one cents |
| Other Assistant Clerks | Twenty-six thousand one hundred and fifty dollars and ninety-two cents |
| Franklin | |
| First Assistant Clerk | Twenty-nine thousand six hundred and thirty-seven dollars and seventy-one cents |
| Essex | |
| First Assistant Clerk | Thirty-seven thousand five hundred and fifty dollars and four cents |
| Other Assistant Clerks | Thirty-two thousand one hundred and eighty-five dollars and seventy-five cents |
| Worcester | |
| First Assistant Clerk | Thirty-seven thousand five hundred and fifty dollars and four cents |
| Other Assistant Clerks | Thirty-two thousand one hundred and eighty-five dollars and seventy-five cents |
| Norfolk | |
| First Assistant Clerk | Thirty-seven thousand five hundred and fifty dollars and four cents |
| Other Assistant Clerks | Thirty-two thousand one hundred and eighty-five dollars and seventy-five cents |
| Berkshire | |
| First Assistant Clerk | Thirty thousand five hundred and nine dollars and forty-one cents |
| Hampshire | |
| First Assistant Clerk | Thirty thousand five hundred and nine dollars and forty-one cents |
| Dukes | |
| First Assistant Clerk | Twenty thousand six hundred and forty-six dollars and fifteen cents |
| Nantucket | |
| First Assistant Clerk | Twenty thousand six hundred and forty-six dollars and fifteen cents |

SECTION 28. (1) The office of the chief administrative justice of the trial court is authorized and directed to commission a professional study of the job responsibilities and compensation of the following personnel: the clerks of the superior court and their assistants, whose compensation is provided for in section ninety-four of chapter two hundred and twenty-one of the General Laws; the registers of probate and their assistants, whose compensation is provided for in sections thirty-five A and thirty-five B of chapter two hundred and seventeen of the General Laws; the clerk/magistrates of the district court and their assistants, whose compensation is provided for in sections seventy-nine and eighty of chapter two hundred and eighteen of the General Laws; the clerks of the Boston municipal court and their assistants, whose compensation is provided for in section fifty-three of said chapter two hundred and eighteen; the clerks of the juvenile court department and their assistants, whose compensation is provided for in section fifty-eight of

said chapter two hundred and eighteen; the clerks of the housing court department and their assistants, whose compensation is provided for in section nine A of chapter one hundred and eighty-five C of the General Laws; and the recorder of the land court department and all personnel within the land court department, whose compensation is provided for in section fourteen of chapter one hundred and eighty-five of the General Laws. The chief administrative justice shall report the results of said study to the house and senate within ninety days of the effective date of this act.

(2) (a) Notwithstanding the provisions of any general or special law to the contrary, all positions the compensation of which is established pursuant to section fourteen of chapter one hundred and eighty-five of the General Laws, section nine A of chapter one hundred and eighty-five C of the General Laws, sections thirty-five A and thirty-five B of chapter two hundred and seventeen of the General Laws, sections fifty-three, fifty-eight, seventy-nine, and eighty of chapter two hundred and eighteen of the General Laws, and section ninety-four of chapter two hundred and twenty-one of the General Laws shall, as of November first, nineteen hundred and eighty-six, be allocated to and paid in accordance with a schedule of positions as recommended in writing by the chief administrative justice and approved by the house and senate committees on ways and means. Said schedule shall be amended only upon the recommendation of said chief administrative justice, as approved by said committees on ways and means, or in accordance with the provisions of clause (b) of this subsection.

(b) In the event any such schedule as recommended by the chief administrative justice is disapproved by the house and senate committees on ways and means, said committees shall return said schedule together with a notice of such disapproval to said chief administrative justice. Said chief administrative justice may then resubmit any such disapproved schedule or submit a new schedule to the house and senate committees on ways and means, and said committees on ways and means shall either (i) approve said resubmitted or new schedule, or (ii) recommend legislation relative to the subject matter contained therein.

(c) All schedules pursuant to this subsection shall group into single classes all such positions, regardless of agency, department, or geographical location, which are substantially alike in the duties, responsibilities, organizational relationships, qualifications, and other significant characteristics, and all positions in the same class shall be allocated to the same job group. For the purposes of the allocation of said positions, the following positions shall be grouped into single classes as follows:

- Class I. All Clerks of Court in the Superior Ct. Dept.
All Clerk/Magistrates in the District Ct. Dept.
All Clerk/Magistrates in the Boston Municipal Ct. Dept.
All Clerk/Magistrates in the Juvenile Court Dept.
All Clerks of Court in Housing Court. Dept.
All Registrars of Probate in the Probate & Family Ct. Dept.
The Recorder of the Land Court Dept.
- Class II. All 1st. Asst. Clerks of the Superior Court Dept.
All 1st. Asst. Clerks of the District Court Dept.
All 1st. Asst. Clerks of the Boston Municipal Ct. Dept.

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All 1st. Asst. Clerks of the Juvenile Court Dept.
All 1st. Asst. Clerks of the Housing Court Dept.
All 1st. Asst. Registrars of the Probate & Family Ct. Dept.
The Chief Title Examiner in the Land Court Dept.
All Deputy Recorders of the Land Court Dept.
The 1st. Asst. Clerk of the Land Court Dept.
And any other Asst. Clerk currently paid equal to a 1st. Asst. Clerk in the various departments of the Trial Court.
Class III. All other Asst. Clerks in the Superior Court Dept.
All other Asst. Clerks in the District Court Dept.
All other Asst. Clerks in the Boston Municipal Ct. Dept.
All other Asst. Clerks in the Juvenile Court Dept.
All other Asst. Clerks in the Housing Court Dept.
All other Asst. Registrars of Probate in the Probate & Family Court Dept.
All other Title Examiners in the Land Court Dept.
All other Asst. Clerks in the Land Court Dept.

Said chief administrative justice is hereby authorized and directed to classify and allocate to said schedule any title created by said aforementioned statutes but not appearing in the aforementioned three classes.

(3) The chief administrative justice may also commission a professional study of the job responsibilities and compensation of nonjudicial personnel in the offices of the appeals court and the supreme judicial court, whose compensation is not set by statute or by a collective bargaining agreement, as well as personnel within the office of the commissioner of probation whose compensation is established pursuant to section ninety-nine D of chapter two hundred and seventy-six of the General Laws, and shall report his findings to the general court within ninety days of the effective date of this act.

SECTION 29. Sections one, three, eight, ten, thirteen, sixteen, nineteen, twenty-two, twenty-four, and twenty-six of this act shall take effect as of June thirtieth, nineteen hundred and eighty-five. Sections two, four, nine, eleven, fourteen, seventeen, twenty, twenty-three, twenty-five, and twenty-seven shall take effect as of July sixth, nineteen hundred and eighty-six. All other sections shall take effect upon its passage.

Approved November 6, 1986.

Chapter 520. AN ACT ESTABLISHING A PAY PLAN FOR CHIEF PROBATION OFFICERS OF THE TRIAL COURT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a pay plan for chief probation officers of the trial court, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 276 of the General Laws is hereby amended by striking out section 98, as amended by section 17 of chapter 279 of the acts of 1986, and inserting in place thereof the following section:–

Section 98. There shall be a commissioner of probation who shall have executive control and supervision of the probation service. He shall be appointed for a term of six years by the chief administrative justice and shall devote his full time during business hours to the duties of his office. The commissioner of probation may appoint an administrative assistant. Said administrative assistant shall perform such duties as the commissioner may from time to time define. There shall be an associate commissioner of probation who shall have at least fifteen years experience as a probation officer, five of which shall be as a chief probation officer in a court in the commonwealth having twenty or more probation officers. He shall be appointed by the chief administrative justice, upon the recommendation of the commissioner of probation.

The commissioner, with the approval of the chief administrative justice, shall appoint five deputy commissioners and may, with like approval, for cause, remove them. The commissioner may designate one deputy commissioner as first deputy commissioner. Each deputy commissioner shall devote his full time during business hours to the duties of his office.

The commissioner of probation shall appoint four supervisors of court probation services and one assistant supervisor of court probation services. There shall also be a supervisor of probation for the superior court and an assistant supervisor of probation for the superior court designated according to the provisions of section eighty-three.

Said supervisors of court probation services and assistant supervisors of court probation services shall, in addition to other duties imposed upon them by said commissioner, be responsible for the evaluation of the probation service in each court in the commonwealth, for the recruitment, training, educational development and evaluation of the work performance of probation officers. They shall plan, initiate and develop volunteer, diversion and other programs in consultation with probation officers throughout the commonwealth and shall supervise and evaluate all programs within the probation service. Said commissioner may appoint a chief administrative clerk and two senior clerk typists to assist the supervisors of services in the performance of their duties.

The commissioner of probation shall be provided with suitable accommodations in the Suffolk county court house or elsewhere, and may, subject to appropriation, employ such assistants as may be necessary for the performance of his duties, including a director of research and other research assistants, and to compile, evaluate and make available for official use and public education the statistical information on delinquency, crime and appropriate family service matters available in his records.

The commissioner of probation, associate commissioner, administrative assistant, deputy commissioners, supervisors of court probation services, the assistant supervisor of court probation services, the supervisor of probation for the superior court and the assistant supervisor of probation for the superior court shall be paid by the commonwealth in accordance with a schedule of salaries as recommended in writing by the chief administrative justice of the trial court and filed with the house and senate committees on ways and means.

SECTION 2. Section 99B of said chapter 276, as appearing in the 1984 Official Edition, is hereby amended by striking out subsections (1) and (2) and inserting in place thereof the following two subsections:–

(1) In those courts or regions having fewer than fifteen probation officers, all persons serving as chief probation officer or acting chief probation officer shall be allocated to the title of Chief or Acting Chief Probation Officer I, and in those courts or regions having fifteen or more probation officers, all persons so-serving shall be allocated to the title of Chief or Acting Chief Probation Officer II.

(2) All probation officers, except the chief probation officer, shall be compensated in accordance with the provisions of the applicable collective bargaining agreement, pursuant to the provisions of chapter one hundred and fifty E. The salaries of chief probation officers and acting chief probation officers shall be paid by the commonwealth in accordance with a schedule of salaries as recommended in writing by the chief administrative justice of the trial court and filed with the house and senate committees on ways and means.

SECTION 3. Section ninety-nine D of said chapter two hundred and seventy-six is hereby repealed.

SECTION 4. If on June thirtieth, nineteen hundred and eighty-five, any of the personnel referred to in section two of this act or the supervisor and assistant supervisor of probation for the superior court referred to in section one, and if on the effective date of this act any other personnel referred to in said section one is receiving a salary set by law which is greater than the salary provided for in the step in range in the job group to which the office or position occupied by said personnel has been allocated, on the schedule of salaries maintained by the chief administrative justice, the said personnel shall receive a salary under the said schedule which is nearest to the rate then paid but at least equal to the salary to which he was entitled on said June thirtieth, nineteen hundred and eighty-five, or on the said effective date, as applicable; provided, however, that if any such personnel is receiving a salary so set by law which is higher than any salary provided in the job group to which his position has been allocated in the said schedule, the said personnel shall receive a salary which is no less than the one to which he was so-entitled. When the appointment or term of such personnel expires or if the said personnel vacates the position for any reason, his successor in such position shall be paid in accordance with the position allocation in such schedule then in effect.

SECTION 5. When any of the personnel whose salary, on June thirtieth, nineteen hundred and eighty-five in the case of the personnel referred to in section three or the supervisor and assistant supervisor of probation for the superior court referred to in section one, or on the effective date of this act in the case of any other personnel referred to in said section three, was set by law is initially placed in a step in range in one of the job groups in the schedule of salaries maintained by the chief administrative justice, such personnel shall be placed in the step in range which corresponds to his time in service in the office or position which he had established as of said June thirtieth or as of said effective date, as applicable, unless the provisions of section four of this act shall apply.

SECTION 6. Notwithstanding the provisions of any general or special law to the contrary, all allocations, classifications and schedules of salaries as recommended by the chief administrative justice of the trial court pursuant to the provisions of this act shall be subject to the approval of the house and senate committees on ways and means. All persons serving as chief probation officers or acting chief probation officers on the effective date of this act shall be allocated to the titles of Chief or Acting Chief Probation Officer I or Chief or Acting Chief Probation Officer II, in accordance with the provisions of section two of this act.

SECTION 7. Sections two and three of this act, and so much of section one as relates to the compensation of the supervisor and assistant supervisor of probation for the superior court, shall take effect as of June thirtieth, nineteen hundred and eighty-five.

Approved November 6, 1986.

Chapter 521. AN ACT RELATIVE TO DIMENSIONS AND WEIGHTS OF TRUCKS AND TRAILERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is relative to dimensions and weights of trucks and trailers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The third paragraph of section 19 of chapter 90 of the General Laws, is hereby amended by striking out the sixth sentence, as amended by chapter 141 of the acts of 1985, and inserting in place thereof the following sentence:— Except as provided in this section, no trailer which with its load weighs more than five thousand pounds, other than a semitrailer, a heavy duty platform trailer, a cable-reel trailer, a house trailer, a trailer having at least two axles and used to collect and carry bulk milk from dairy farms to processing plants, a trailer which is an apparatus or other object on wheels not used to transport other things for delivery, or a trailer having at least two axles which, when used for agricultural purposes with its load weighs not more than ten thousand pounds; provided, however, that the gross weight of such vehicle as operated does not exceed the gross vehicle weight rating as established by the original manufacturer of the trailer, shall be operated or drawn on any way without a permit so to operate from the board or officer having charge of such way or, in case of a state highway or a way determined by the department of public works to be a through route, from said department.

Approved November 6, 1986.

Chapter 522. AN ACT EXEMPTING THE TOWN OF NANTUCKET FROM THE REQUIREMENT OF APPOINTING FENCE VIEWERS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter forty-nine of the General Laws to the contrary, the town of Nantucket shall be exempt from the annual appointment of two fence viewers.

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

Approved November 12, 1986.

Chapter 523. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary is hereby authorized, in the manner set forth under said section thirty-nine, to solemnize a marriage by Leonard Garfield in the city of Quincy on November sixteenth, nineteen hundred and eighty-six between Peter Agnes, Jr. of the town of Framingham, and Eileen Garfield Vodoklys, of the town of Framingham, and the state secretary shall issue to said Leonard Garfield a certificate of such authorization.

Approved November 12, 1986.

Chapter 524. AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS IN THE TOWN OF WELLESLEY.

Be it enacted, etc., as follows:

Chapter fifty-five of the acts of nineteen hundred and eighty-five is hereby repealed.

Approved November 12, 1986.

Chapter 525. AN ACT REGULATING THE COMPENSATION PAYABLE TO THE CLERK AND ASSISTANT CLERKS OF THE APPEALS COURT OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 211A of the General Laws is hereby amended by striking out the third and fourth sentences and inserting in

place thereof the following sentence:– Subject to appropriation, said clerk and assistant clerks shall receive such salaries as the chief justice shall, with the approval of the chief justice of the supreme judicial court, determine, consistent with the methodology employed in and the salaries payable for personnel allocated to the job classification and pay plan maintained by the chief administrative justice of the trial court under section eight of chapter two hundred and eleven B; provided further that no such salary shall take effect unless and until it shall have been included in a schedule of permanent offices and positions filed by the chief justice with the house and senate committees on ways and means.

SECTION 2. If immediately prior to July first, nineteen hundred and eighty-six, any clerk or assistant clerk of the appeals court is receiving a salary which is greater than the salary determined pursuant to section one, such clerk or assistant clerk shall receive a salary equal to the salary to which he was entitled immediately prior to said date. When the appointment or term of such clerk or assistant clerk expires or if such clerk or assistant clerk vacates his position for any reason, his successor in such position shall be paid a salary in accordance with the provisions of section one.

SECTION 3. The chief administrative justice of the trial court, with the approval of the chief justice of the supreme judicial court and in consultation with the chief justice of the appeals court, is authorized and directed to commission a professional study of the job responsibilities and compensation of the clerk and assistant clerks of the appeals court. Such study shall be consistent with the methodology and economic assumptions employed in determining the job classification and pay plan maintained by the chief administrative justice of the trial court under the provisions of sections eight and nine of chapter two hundred and eleven B of the General Laws. Not later than January first, nineteen hundred and eighty-seven, the chief administrative justice of the trial court shall forward a copy of the results and recommendations of said study to the clerk of the house of representatives who shall forward copies to the house and senate committees on ways and means. The chief justice of the appeals court shall make an initial determination as provided for in section one, consistent with said result and recommendations; provided, however, that notwithstanding the provisions of said section one, no increase in the salaries payable to the clerk and assistant clerks of the appeals court shall take effect unless and until (a) it shall have been recommended in writing by the chief justice of the appeals court to the house and senate committees on ways and means and (b) it shall have been included in a schedule of permanent offices and positions approved by the house and senate committees on ways and means.

SECTION 4. Said clerk and assistant clerks shall be compensated in accordance with the provisions of this act as of July first, nineteen hundred and eighty-six, and the initial salary determined pursuant to section three shall be effective as of said July first.

Approved November 12, 1986.

Chapter 526. AN ACT FURTHER REGULATING THE INSTALLATION OF AUTOMATIC SPRINKLER SYSTEMS.

Be it enacted, etc., as follows:

The second paragraph of section 26G of chapter 148 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the third sentence the following sentence:– Sprinkler systems shall not be required in open-air parking structures, defined as: buildings, structures, or portions thereof, used for parking motor vehicles and having not less than twenty-five per cent of the total wall area open to atmosphere at each level, utilizing at least two sides of the structure.

Approved November 12, 1986.

Chapter 527. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF HOLDEN TO ABATE A CERTAIN SEWER ASSESSMENT ON PROPERTY OWNED BY RICHARD F. SWANSON AND JOAN L. SWANSON.

Be it enacted, etc., as follows:

Chapter 237 of the acts of 1979 is hereby amended by striking out, in lines 3 and 4, the words "five hundred forty-nine dollars and twenty-seven" and inserting in place thereof the words:– one thousand twenty-seven dollars and twenty-nine.

Approved November 12, 1986.

Chapter 528. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

The charter of the town of Saugus which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by inserting after section 3 the following section:–

Section 3A. Any person who is appointed or reappointed to any town board, committee, commission, council, or task force, by whomever appointed, shall be a presently domiciled resident of the town of Saugus. All such appointments shall terminate immediately when the aforesaid Saugus residency ends. This shall not apply to town employees appointed to temporary ad hoc type committees.

Approved November 12, 1986.

Chapter 529. AN ACT FURTHER REGULATING THE TREATMENT OF CERTAIN MENTALLY ILL PATIENTS.

Be it enacted, etc., as follows:

SECTION 1. Section 21 of chapter 123 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the fourth and fifth paragraphs and inserting in place thereof the following six paragraphs:—

Any minor placed in restraint shall be examined within fifteen minutes of the order for restraint by a physician or, if a physician is not available, by a registered nurse or a certified physician assistant; provided, however, that said minor shall be examined by a physician within one hour of the order for restraint. A physician or, if a physician is not available, a registered nurse or a certified physician assistant, shall review the restraint order, by personal examination of the minor or consultation with ward staff attending the minor, every hour thereafter.

No minor shall be secluded for more than two hours in any twenty-four hour period; provided, however, that no such seclusion of a minor may occur except in a facility with authority to use such seclusion after said facility has been inspected and specially certified by the department. The department shall issue regulations establishing procedures by which a facility may be specially certified with authority to seclude a minor. Such regulations shall provide for review and approval or disapproval by the commissioner of a biannual application by the facility which shall include (i) a comprehensive statement of the facility's policies and procedures for the utilization and monitoring of restraint of minors including a statistical analysis of the facility's actual use of such restraint, and (ii) a certification by the facility of its ability and intent to comply with all applicable statutes and regulations regarding physical space, staff training, staff authorization, record keeping, monitoring and other requirements for the use of restraints.

Any use of restraint on a minor exceeding one hour in any twenty-four hour period shall be reviewed within two working days by the director of the facility. The director shall forward a copy of his or her report on each such instance of restraint to the human rights committee of that facility and, in the event that there is no human rights committee, to the appropriate body designated by the commissioner of mental health. The director shall also compile a record of every instance of restraint in the facility and shall forward a copy of said report on a monthly basis to the human rights committee or the body designated by the commissioner of mental health.

No order for restraint for an individual shall be valid for a period of more than three hours beyond which time it may be renewed upon personal examination by the superintendent, director, authorized physician or, for adults, by a registered nurse or a certified physician assistant; provided, however, that no adult shall be restrained for more than six hours beyond which time an order may be renewed only upon personal examination by a physician. The reasons for the original use of restraint, the reason for its continuation after each renewal and the reason for its cessation shall be noted upon the restraining form by the superintendent, director or authorized physician or, when applicable, by the registered nurse or certified physician assistant at the time of each occurrence.

When a designated physician is not present at the time and site of the emergency, an order for chemical restraint may be issued by a

designated physician who has determined, after telephone consultation with a physician, registered nurse or certified physician assistant who is present at the time and site of the emergency and who has personally examined the patient, that such chemical restraint is the least restrictive, most appropriate alternative available; provided, however, that the medication so ordered has been previously authorized as part of the individual's current treatment plan.

No person shall be kept in restraint without a person in attendance specially trained to understand, assist and afford therapy to the person in restraint. The person may be in attendance immediately outside the room in full view of the patient when an individual is being secluded without mechanical restraint; provided, however, that in emergency situations when a person specially trained is not available, an adult, may be kept in restraint unattended for a period not to exceed two hours. In that event, the person kept in restraints must be observed at least every five minutes; provided, further, that the superintendent, director, or designated physician shall attach to the restraint form a written report as to why the specially trained attendant was not available. The maintenance of any adult in restraint for more than eight hours in any twenty-four hour period must be authorized by the superintendent or facility director or the person specifically designated to act in the absence of the superintendent or facility director; provided, however, that when such restraint is authorized in the absence of the superintendent or facility director, such authorization must be reviewed by the superintendent or facility director upon his return.

SECTION 2. The eighth paragraph of said section 21 of said chapter 123, as so appearing, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:– No later than twenty-four hours after the period of restraint, a copy of the restraint form shall be delivered to the person who was in restraint.

Approved November 13, 1986.

Chapter 530. AN ACT RELATIVE TO INTEREST CHARGES IN CERTAIN CONSUMER CREDIT TRANSACTIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 255B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– A retail seller may charge, receive and collect for any new or used motor vehicle, a finance charge not in excess of an annual percentage rate of twenty-one per cent.

SECTION 2. Section 11 of chapter 255D of the General Laws, as so appearing, is hereby amended by striking out subsection B and inserting in place thereof the following subsection:–

B. An installment seller may, in a retail installment sales agreement, contract for, and if so contracted for the holder thereof may charge, receive, and collect a finance charge computed on the original amount

financed of the contract or obligation not in excess of an annual percentage rate of twenty-one per cent.

Approved November 13, 1986.

Chapter 531. AN ACT ESTABLISHING A COMMISSION FOR LICENSING RADIOLOGIC TECHNOLOGISTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 111 of the General Laws is hereby amended by inserting after section 5K the following section:-

Section 5L. There shall be an advisory commission for radiologic technologists, in this section called the commission, consisting of nine members to be appointed by the governor. Members of the commission shall be citizens of the United States and residents of the commonwealth. One member of the commission shall be the commissioner of public health or his designee and shall serve as chairman. Four members of the commission shall be registered technologists, certified by the American Registry of Radiologic Technologists, or any other nationally recognized certifying body and shall represent the following modalities: radiography, therapy, and nuclear medicine. Three members shall be physicians licensed under the provisions of chapter one hundred and twelve, and shall represent each of the following specialties: diagnostic radiology, radiation therapy and nuclear medicine. One member shall be a consumer. Appointments shall be for a period of three years except for one initial appointment of which two shall be for one year, three shall be for two years, and three shall be for three years. No member shall serve for more than two consecutive terms.

In the event of vacancy in the office of a member of the commission other than by expiration of term, the governor shall appoint a person to fill the vacancy for the unexpired term.

Five members of the commission shall constitute a quorum to do business. The commission shall meet quarterly or more frequently upon the call of the chairperson.

Members shall receive no compensation for their services but shall be entitled to reasonable travel and other expenses.

The commission shall establish the requirements for registration, collect registration fees, establish ethical standards, require and establish continuing educational requirements, evaluate the qualifications of the applicants, investigate complaints, supervise examinations and grant licenses to those who pass the examination and who are determined to be qualified radiologic technologists. No person shall perform the duties of a radiologic technologist without such license, however, the commission may grant a temporary waiver for three months upon a finding that the public convenience and necessity require such a waiver. The fee for such license and renewal shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven.

An applicant for licensure as a radiologic technologist shall at the time of application be at least eighteen years of age, and have

successfully completed a four year course of study in a secondary school approved by the department of education, or hold a high school diploma from another state, or have passed an approved equivalency test. Moreover, each applicant for a license as a radiographer, radiation therapy technologist, and nuclear medicine technologist, shall have satisfactorily completed a course of study in radiography, radiation therapy or nuclear medicine, respectively. The curriculum for each course of study shall be no less stringent than the standard approved by the committee on allied health education and accreditation. The commission shall have the authority to promulgate rules and regulations with respect to the educational and professional qualifications of an applicant for licensure.

The commission may accept, in lieu of its own examination, a current certificate of the American Registry of Radiologic Technologists or any other nationally recognized certifying body issued on the basis of an examination satisfactory to the commission, provided that the standards of that body are at least as stringent as those established by the commission.

Nothing in this section shall be construed as preventing or restricting the practice, services or activities of:–

(i) any person licensed in the commonwealth by any other statute from engaging in the profession for which he is licensed, or

(ii) any person employed as a radiologic technologist by the government of the United States or any agency of it, if such person provides services solely under the direction or control of the organization by which he is employed.

Applicants for license renewal shall submit proof of having successfully completed continuing education courses as a continuing requirement for renewal as prescribed by regulation.

SECTION 2. For a period not to exceed two years from the effective date of this act, the commission shall admit to examination for licensure a person who has been employed, for a minimum of three of the immediately preceding past five years, as a radiation therapy technologist, radiographer, or nuclear medicine technologist, notwithstanding the educational requirements set forth in section one of this act.

SECTION 3. The licensing requirements, as set forth in section five L of chapter one hundred and eleven of the General Laws, inserted by section one of this act, shall become operative on January first, nineteen hundred and eighty-eight.

Approved November 13, 1986.

Chapter 532. AN ACT AUTHORIZING THE TOWN OF CHATHAM TO COMBINE THE POWERS AND DUTIES OF THE WATER COMMISSIONERS AND THE WATER POLLUTION CONTROL BOARD AS AN APPOINTIVE BODY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Chatham is hereby authorized to combine the powers and duties of the water commissioners and the water pollution control board. The board of selectmen of said town shall appoint persons to a three member board which shall assume such powers and duties, one of whom shall serve for one year, one of whom shall serve for two years and one of whom shall serve for three years. At the expiration of each term, the board of selectmen shall thereafter appoint persons to such board for terms of three years.

SECTION 2. This act shall take effect on January first, nineteen hundred and eighty-seven.

Approved November 13, 1986.

**Chapter 533. AN ACT AUTHORIZING THE ACQUISITION OF LAND
IN THE TOWN OF WENHAM BY THE CITY OF
BEVERLY.**

Be it enacted, etc., as follows:

The city of Beverly is hereby authorized to take by eminent domain under the provisions of chapter seventy-nine of the General Laws or acquire by purchase or otherwise a certain parcel of land in the town of Wenham owned by Deven H. Hamlen, Charles W. Doner, and Jonathan Z. Larsen for open space, land conservation and the protection of the water and drinking supply for the city of Beverly and the city of Salem and other neighboring communities.

Said parcel of land is more particularly bounded and described as follows:

Beginning at a point about 730 feet northeasterly of Cabot Street at land N/F of Dearborn and N/F of Hamlen at the Beverly-Wenham Town line and running;

NORTHEASTERLY by land formerly of Dearborn now of Nickerson about 260 feet to a drill hole in the stone wall as shown on a plan hereinafter mentioned, then turning and running;

NORTHWESTERLY again by land formerly of Dearborn, now of Nickerson 260 feet more or less to the center of a brook as shown, then turning and running;

NORTHEASTERLY by the centerline of the brook 210 feet more or less to Wenham Lake, then running generally;

SOUTHERLY, EASTERLY, NORTHERLY, EASTERLY, and again SOUTHERLY by the shoreline of Wenham Lake as shown 4750 feet more or less to the Beverly-Wenham line then turning and running;

NORTHWESTERLY by the Beverly-Wenham line about 122 feet to the shoreline of Wenham Lake as shown, then running;

NORTHWESTERLY again but more NORTHERLY and SOUTHERLY by the shoreline of Wenham Lake about 110 feet again to the Beverly-Wenham line then turning and running;

NORTHWESTERLY by the Beverly-Wenham Town line about 2205 feet to the point of beginning;

containing 29.61 acres and shown as all the land area north of the

ACTS, 1986. – Chaps. 534, 535.

Beverly-Wenham line on a plan on file at the South Essex Registry of Deeds as Plan 61 in Plan Book 112.

Approved November 13, 1986.

EMERGENCY LETTER: November 13, 1986 @ 3:48 P.M.

Chapter 534. AN ACT RELATIVE TO VETERANS' BENEFITS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately make eligible for certain veterans' benefits certain persons who performed wartime service with the Lebanese peace keeping force and the Grenada rescue mission, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Clause Forty-third of section 7 of chapter 4 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

"Wartime service" shall mean service performed by a "Spanish War veteran", a "World War I veteran", a "World War II veteran", a "Korean veteran", a "Vietnam veteran", a "Lebanese peace keeping force veteran", a "Grenada rescue mission veteran", or a member of the "WAAC" as defined in this clause during any of the periods of time described herein or for which such medals described below are awarded.

SECTION 2. Said clause Forty-third of said section 7 of said chapter 4 is hereby further amended by inserting after the eighth paragraph, as so appearing, the following two definitions:-

"Lebanese peace keeping force veteran" shall mean any person who performed such wartime service and received a campaign medal for such service during the period commencing August twenty-fifth, nineteen hundred and eighty-two and ending when the President of the United States shall have withdrawn armed forces from the country of Lebanon.

"Grenada rescue mission veteran" shall mean any person who performed such wartime service and received a campaign medal for such service during the period commencing October twenty-fifth, nineteen hundred and eighty-three to December fifteenth, nineteen hundred and eighty-three, inclusive.

Approved November 18, 1986.

Chapter 535. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF DEBORAH A. LANCASTER AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for

appointment of Deborah A. Lancaster as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Deborah A. Lancaster for appointment as a police officer according to the grade she received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that she had attained the maximum age for said position; provided, however, that she fulfills all other requirements for certification as such police officer.

Approved November 18, 1986.

Chapter 536. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF JAMES ZABELSKI AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of James Zabelski as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The personnel administrator of the department of personnel administration shall certify James Zabelski for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved November 18, 1986.

Chapter 537. AN ACT ESTABLISHING A ONE TRIAL SYSTEM FOR CRIMINAL CASES IN ESSEX AND HAMPDEN COUNTIES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of the sixth paragraph of subparagraph (1) of paragraph (a) of subdivision (1) of section twenty-four of chapter ninety of the General Laws, if a defendant in Essex or Hampden counties waives right to a jury trial pursuant to section eight of this act on a complaint under the aforementioned subdivision (1), he shall be deemed to have waived right to a jury trial on all elements of said complaint.

SECTION 2. Notwithstanding the provisions of the first sentence of paragraph (c) of subdivision (2) of said section twenty-four of said chapter ninety, in Essex and Hampden counties, the registrar, after having revoked the license or right to operate of any person under paragraph (b) of said subdivision (2), in his discretion may issue a new license or reinstate the right to operate to him, if the prosecution of such person has terminated in favor of the defendant, or after an investigation or upon hearing, may issue a new license or reinstate the right to operate to a person convicted in any court of the violation of any provision of paragraph (a) of said subdivision (2); provided, that no new license or right to operate shall be issued by the registrar to any person convicted of going away without stopping and making known his name, residence and the register number of his motor vehicle after having, while operating such vehicle upon any way or in any place to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, knowingly collided with or otherwise caused injury to any person, or to any person adjudged a delinquent child by reason thereof under the provisions of section fifty-eight B of chapter one hundred and nineteen of the General Laws, until one year after the date of revocation following his original conviction or adjudication if for a first offense or until two years after the date of revocation following any subsequent conviction or adjudication, or to any person convicted of using a motor vehicle knowing that such use is unauthorized until one year after the date of revocation following his original conviction or adjudication if for a first offense or until three years after the date of revocation following any subsequent conviction or adjudication, or to any person convicted of violating any other provisions of said paragraph (a) until sixty days after the date of revocation following his original conviction if for a first offense, or one year after the date of revocation following any subsequent conviction within a period of three years.

SECTION 3. Notwithstanding the provisions of the first paragraph of section fifty-six of chapter one hundred and nineteen of the General Laws, in Essex and Hampden counties, hearings upon cases arising under sections fifty-two to sixty-three, inclusive, of said chapter one hundred and nineteen may be adjourned from time to time. A child adjudged a delinquent child in said counties may, upon adjudication, appeal to a jury session in the district courts for the county where the hearing is held, as designated by the administrative justice for the district court department, except as provided in section fifty-seven of chapter two hundred and eighteen of the General Laws. Said child may also appeal to said jury session at the time of the order of commitment or sentence and both at the time of such adjudication and also at the time of such order of commitment or sentence, said child shall be notified of his right to appeal. If said child appeals to the jury session at either of said times, the said jury session shall thereupon have jurisdiction of such case, and such case shall forthwith be entered in the appropriate jury session, and all papers in the case shall be transferred to the jury session by the clerk of the court where the appeal is claimed. The appeal, if taken, shall be tried and determined in like manner as jury trials in criminal cases, except that the trial of such an appeal shall not be in conjunction with

the other business of the district court, but shall be held in a session set apart and devoted exclusively to the trial of juvenile cases. This shall be known as the juvenile appeals session, and shall have a separate trial list and docket. All appealed juvenile cases in the district and juvenile courts shall be transferred to such list, and shall be tried, unless otherwise disposed of, by direct order of the court.

SECTION 4. Notwithstanding the provisions of the third paragraph of said section fifty-six of said chapter one hundred and nineteen, in Essex and Hampden counties, subject to the limitations set forth in section three of this act, and further subject to the limitations set forth in the second paragraph of section fifty-six of said chapter one hundred and nineteen, the justice presiding over a jury session shall have and exercise all the powers and duties which a justice sitting in the superior court department has and may exercise in the trial and disposition of criminal cases. No justice so sitting shall act in a case in which he has sat or held an inquest or otherwise taken part in any proceeding therein. Trials by juries shall proceed in accordance with the provisions of law applicable to trials by jury in the superior court, except that the number of peremptory challenges shall be limited to two to each defendant. The commonwealth shall be entitled to as many challenges as equal the whole number to which all the defendants in the case are entitled. For the jury sessions the superior court shall make available jurors from the pool of jurors for the jury sessions in the superior court; provided, however, that in district courts governed by chapter two hundred and thirty-four A of the General Laws, jurors shall be provided by the office of the jury commissioner in accordance with the provisions of said chapter two hundred and thirty-four A. Trial by jury shall be by juries of six persons, except that in those cases where trial would be only an indictment were the child an adult, said child shall be entitled to a jury of twelve.

SECTION 5. Notwithstanding the provisions of the fourth paragraph of section sixty-one of said chapter one hundred and nineteen, in Essex and Hampden counties, if the court orders that the delinquency complaint against a child be dismissed it shall cause to be issued a criminal complaint. The case shall thereafter proceed according to the usual course of criminal proceedings and in accordance with the provisions of section thirty of chapter two hundred and eighteen of the General Laws. When such complaint is issued, section sixty-eight of said chapter one hundred and nineteen shall apply to any person committed under this section for failure to recognize pending final disposition in the superior court.

SECTION 6. Notwithstanding the provisions of section twenty of chapter one hundred and twenty of the General Laws, in Essex and Hampden counties: (a) If under the provisions of sections eighteen and nineteen of said chapter one hundred and twenty the court confirms an order, the person whose liberty is involved may appeal to a district court jury session for a reversal or modification of the confirmation. The appeal shall be taken in the manner provided by law for appeal to the said jury session from judgments of a justice sitting without jury in criminal cases in counties other than Essex and Hampden. (b) After the hearing of the appeal the jury session may affirm the order of the

justice, or modify it, or reverse it and order the appellant to be discharged by the board. (c) Pending the appeal the appellant shall remain under the control of the board.

SECTION 7. Notwithstanding the provisions of the first paragraph of section ten of chapter two hundred and eleven A of the General Laws, in Essex and Hampden counties, subject to such further appellate review by the supreme judicial court as may be permitted pursuant to section eleven of said chapter two hundred and eleven A or otherwise, the appeals court shall have concurrent appellate jurisdiction with the supreme judicial court, to the extent review is otherwise allowable, with respect to a determination made in the appellate tax board and in the superior court department, the housing court department, the land court department, the probate and family court department, the Boston municipal court department in jury session, the Boston municipal court department appellate division, the juvenile court department, the district court department in criminal session or civil jury session, except in review of convictions for first degree murder. A report from any such department of the trial court of any case, in whole or in part, on any question of law arising therein shall be deemed to be within the concurrent appellate jurisdiction of the supreme judicial court and the appeals court.

Without regard to whether review is by appeal, report or otherwise, appellate review of decisions made in the appellate tax board and in the superior court department, the housing court department, the land court department, the probate and family court department, the Boston municipal court department and the appellate division thereof, the juvenile court department, and the district court department, in criminal session or civil jury session, if within the jurisdiction of the appeals court, shall be in the first instance by the appeals court except in the following cases in which appellate review shall be directly by the supreme judicial court without the necessity of any prior hearing or decision by the appeals court on the merits of the issues sought to be reviewed:

(A) Whenever two justices of the supreme judicial court issue an order for direct review by the supreme judicial court in any case on appeal, either at the request of one of the parties or at the court's own initiative, upon finding that the questions to be decided are: (1) questions of first impression or novel questions of law which should be submitted for final determination to the supreme judicial court; (2) questions of law concerning the Constitution of the commonwealth or questions concerning the Constitution of the United States which have been raised in a court of the commonwealth; (3) questions of such public interest that justice requires a final determination by the supreme judicial court.

(B) Whenever the appeals court as a body or a majority of the justices of the appeals court considering a particular case certifies that direct review by the supreme judicial court is in the public interest.

In each case where appellate review is not within the jurisdiction of the appeals court, an appellate review shall be directly by the supreme judicial court, unless such case is transferred by the supreme judicial court to the appeals court for determination in accordance with section twelve of said chapter two hundred and eleven A.

SECTION 8. Notwithstanding the provisions of section twenty-six A of chapter two hundred and eighteen of the General Laws, in Essex and Hampden counties, trial of criminal offenses in the divisions of the district court department shall be by a jury of six, unless the defendant files a written waiver and consent to be tried by the court without a jury. Such waiver shall not be received unless the defendant is represented by counsel or has filed a written waiver of counsel. No decision on such waiver shall be required until after the completion of a pretrial conference and a hearing on the results of such conference and until after the disposition of any pretrial discovery motions and compliance with any order of the court pursuant to said motions. Such waiver shall be filed in accordance with the provisions of section eleven of this act; provided, however, that defense counsel shall execute a certificate signed by said counsel indicating that he has made all the necessary explanations and determinations regarding such waiver. The form of such certificate shall be prescribed by the administrative justice for the district court department.

Upon the motion of a defendant consistent with criminal procedure, the judge shall issue an order of discovery requiring any requested information to which the defendant is entitled and also requiring that the defendant be permitted to discover, inspect, and copy any material and relevant evidence, documents, statements of persons, or reports of physical or mental examinations of any person or of scientific tests or experiments, within the possession, custody, or control of the prosecutor or persons under his direction and control. Upon motion of the defendant the judge shall order the production by the commonwealth of the names and addresses of the prospective witnesses and the production by the probation department of the record of prior convictions of any such witness.

Trials by jury shall be in those jury sessions designated in accordance with section nine of this act. Where the defendant has properly filed a waiver and consent to be tried without a jury as hereinbefore provided, trial shall proceed in accordance with the provisions of law applicable to jury waived trials in the superior court; provided, however, that at the option of the defendant, the trial may be before a judge who has not rejected an agreed recommendation or dispositional request made by the defendant pursuant to the provisions of section nineteen of this act. Review in such cases may be had directly by the appeals court, by appeal, report or otherwise in the same manner provided for trials of criminal cases in the superior court.

The justice presiding over such jury waived trials shall have and exercise all of the powers and duties which a justice sitting in the superior court department has and may exercise in the trial and disposition of criminal cases including the power to report questions of law to the appeals court, but in no case may he impose a sentence to the state prison.

The justice presiding at such jury waived session shall, upon the request of the defendant, appoint a stenographer; provided, however, that where the defendant claims indigency, such appointment is determined to be reasonably necessary in accordance with the provisions of chapter two hundred and sixty-one of the General Laws. Such stenographer shall be sworn, and shall take stenographic notes of all the testimony given at the trial, and shall provide the parties thereto with a

transcript of his notes or any part thereof taken at the trial or hearing for which he shall be paid by the party requesting it at the rate fixed by the administrative justice for the district court department; and provided, further, that such rate shall not exceed the rate provided by section eighty-eight of chapter two hundred and twenty-one of the General Laws. Said administrative justice may make regulations not inconsistent with law relative to the assignments, duties and services of stenographers appointed for sessions in his department and any other matter relative to stenographers. The compensation and expenses of a stenographer shall be paid by the commonwealth.

The request for the appointment of a stenographer to preserve the testimony at a trial shall be given to the clerk of the court by the defendant in writing no later than forty-eight hours prior to the proceeding for which the stenographer has been requested. The defendant shall file with such request an affidavit of indigency and request for payment by the commonwealth of the cost of the transcript and the court shall hold a hearing on such request prior to appointing a stenographer, in those cases where the defendant will be unable to pay said cost. Said hearing shall be governed by the provisions of chapter two hundred and sixty-one of the General Laws, and the cost of such transcript shall be considered an extra cost as provided therein. If the court is unable, for any reason, to provide a stenographer, the proceedings may be recorded by electronic means. The original recording of proceedings in a division of the district court department made with a recording device under the exclusive control of the court shall be the official record of such proceedings. Said record or a copy of all or a part thereof, certified by the administrative justice for the district court department, or his designee, to be an accurate electronic reproduction of said record or part thereof, or a typewritten transcript of all or a part of said record or copy thereof, certified to be accurate by the court or by the preparer of said transcript, or stipulated to by the parties, shall be admissible in any court as evidence of testimony given whenever proof of such testimony is otherwise competent. The defendant may request payment by the commonwealth of the cost of said transcript subject to the same provisions regarding a transcript of a stenographer as provided hereinbefore.

In any case heard in a jury waived session where a defendant is placed on probation or placed under probation supervision, he shall thereafter be supervised by the probation officer of the court in which the case originated, unless the trial justice shall order otherwise and unless the regulations of the commissioner of probation provide otherwise.

SECTION 9. Notwithstanding the provisions of section twenty-seven A of said chapter two hundred and eighteen, Essex and Hampden county divisions of the district court department are authorized to hold jury of six sessions for the purpose of conducting jury trials of cases commenced in said divisions of criminal offenses over which said divisions have original jurisdiction under the provisions of section twenty-six of said chapter two hundred and eighteen. The administrative justice for the district court department shall designate at least one division in each of said counties for the purpose of conducting jury trials; provided, however, that with the approval of the administrative justice for the superior court department, facilities of said superior court may be

designated by the chief administrative justice of the trial court for the conduct of jury trials in cases commenced in said divisions of the district court department.

The administrative justice for the district court department may also designate one or more divisions in each of said counties for the purpose of conducting jury waived trials of cases commenced in any division of said county consistent with the requirements of the proper administration of justice.

A defendant in said divisions of the district court department who waives his right to jury trial as provided in section eight of this act shall be provided a jury waived trial in the same division if such has been established in said division. If such has not been so established, the defendant shall be provided a jury waived trial as hereinbefore designated.

A defendant in said divisions of the district court department who does not waive his right to jury trial as provided in section eight of this act shall be provided a jury trial in a jury of six session in the same division if such has been established in said division. If such session has not been so established, the defendant shall be provided a jury trial in a jury of six session as hereinbefore designated. In cases where the defendant declines to waive the right to jury trial, the clerk shall forthwith transfer the case for trial in the appropriate jury session. Such transfer shall be governed by procedures to be established by the administrative justice for the district court department.

The justice presiding over a jury of six session shall have and exercise all powers and duties which a justice sitting in the superior court department has and may exercise in the trial and disposition of criminal cases including the power to report questions of law to the appeals court, but in no case may he impose a sentence to the state prison.

Trials by juries of six shall proceed in accordance with the provisions of law applicable to trials by jury in the superior court except that the number of peremptory challenges shall be limited to two to each defendant. The commonwealth shall be entitled to as many challenges as equal the whole number to which all the defendants in the case are entitled.

For the jury of six session, the superior court shall make available jurors from the pool of jurors for the jury sessions in either civil or criminal sessions in the superior court; provided, however, that in district courts governed by chapter two hundred and thirty-four A of the General Laws, jurors shall be provided by the office of the jury commissioner in accordance with provisions of said chapter.

The district attorney for the district in which the alleged offense or offenses occurred shall appear for the commonwealth in all cases in which the right to jury trial has not been waived and may appear in any other case. The administrative justice for the district court department shall arrange for the sittings of the jury sessions and shall assign justices thereto, to the end that speedy trials may be provided. Review may be had directly by the appeals court, by appeal, report or otherwise in the same manner provided for trials of criminal cases in the superior court.

The justice presiding at such jury of six session shall, upon the request of the defendant, appoint a stenographer; provided, however, that where the defendant claims indigency, such appointment is determined to be reasonably necessary in accordance with the provisions of chapter two

hundred and sixty-one of the General Laws. Such stenographer shall be sworn, and shall take stenographic notes of all the testimony given at the trial, and shall provide the parties thereto with a transcript of his notes or any part thereof taken at the trial or hearing for which he shall be paid by the party requesting it at the rate fixed by the administrative justice for the district court department; and provided, further, that such rate shall not exceed the rate provided by section eighty-eight of chapter two hundred and twenty-one of the General Laws. Said administrative justice may make regulations not inconsistent with law relative to the assignments, duties and services of stenographers appointed for sessions in his department and any other matter relative to stenographers. The compensation and expenses of a stenographer shall be paid by the commonwealth.

The request for the appointment of a stenographer to preserve the testimony at a trial shall be given to the clerk of the court by the defendant in writing no later than forty-eight hours prior to the proceeding for which the stenographer has been requested. The defendant shall file with such request an affidavit of indigency and request for payment by the commonwealth of the cost of the transcript and the court shall hold a hearing on such request prior to appointing a stenographer, in those cases where the defendant will be unable to pay said cost. Said hearing shall be governed by the provisions of chapter two hundred and sixty-one of the General Laws, and the cost of such transcript shall be considered an extra cost as provided therein. If the court is unable, for any reason, to provide a stenographer, the proceedings may be recorded by electronic means. The original recording of proceedings in a division of the district court department made with a recording device under the exclusive control of the court shall be the official record of such proceedings. Said record or a copy of all or a part thereof, certified by the administrative justice for the district court department, or his designee, to be an accurate electronic reproduction of said record or part thereof, or a typewritten transcript of all or a part of said record or copy thereof, certified to be accurate by the court or by the preparer of said transcript, or stipulated to by the parties, shall be admissible in any court as evidence of testimony given whenever proof of such testimony is otherwise competent. The defendant may request payment by the commonwealth of the cost of said transcript subject to the same provisions regarding a transcript of a stenographer as provided hereinbefore.

In any case heard in a jury of six session where a defendant is placed on probation or placed under probation supervision, he shall thereafter be supervised by a probation officer of the court in which the case originated, unless the trial justice shall order otherwise and unless the regulations of the commissioner of probation provide otherwise.

SECTION 10. The provisions of section thirty-one of said chapter two hundred and eighteen shall not apply in Essex and Hampden counties.

SECTION 11. Notwithstanding the provisions of section six of chapter two hundred and sixty-three of the General Laws, in Essex and Hampden counties, a person complained against or indicted for a crime shall not be convicted thereof except by the entry of a finding of guilt by the court following the submission and acceptance of a plea of guilty, by the

verdict of the jury accepted and recorded by the court or, in any criminal case other than a capital case, by judgment of the court. Any defendant in a criminal case other than a capital case, whether begun by indictment or upon complaint, may, if he shall so elect, when called upon to plead, or later and before a jury has been impanelled to try him upon such indictment or complaint, waive his right to trial by jury by signing a written waiver thereof and filing the same with the clerk of the court. If the court consents to the waiver, he shall be tried by the court instead of by a jury, but not, however, unless all the defendants, if there are two or more charged with related offenses, whether prosecuted under the same or different indictments or complaints, shall have exercised such election before a jury has been impanelled to try any of the defendants; and in every such case the court shall have jurisdiction to hear and try such cause and render judgment and sentence thereon. Except where there is more than one defendant involved as aforesaid, consent to said waiver shall not be denied in the district court if the waiver is filed before the case is transferred for jury trial to the appropriate jury session, as provided in section eight of this act.

SECTION 12. Notwithstanding the provisions of section four of chapter two hundred and seventy-five of the General Laws, in Essex and Hampden counties, if the person complained of is convicted, he may be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months. He may appeal as in other criminal cases in the divisions of the district court. Instead of imposing sentence, the court or justice may order the person complained of to enter into a recognizance, with sufficient sureties, in such sum as the court or justice orders, to keep the peace toward all the people of the commonwealth, and especially toward the person requiring such security, for such term, not exceeding six months, as the court or justice may order. The court or justice may, for good cause, revoke such order or reduce the amount of the recognizance, or order that it be taken without surety.

SECTION 13. Notwithstanding the provisions of section eight of said chapter two hundred and seventy-five, in Essex and Hampden counties, whoever having waived jury trial in accordance with the provisions of section eight of this act is aggrieved by an order of the district court, requiring him to recognize as provided in section twelve of this act may, upon giving the security required, appeal to the jury session designated pursuant to section nine of this act for the conduct of jury trials in cases brought in the division wherein said order was made.

SECTION 14. The provisions of section ten of said chapter two hundred and seventy-five shall not apply in Essex and Hampden counties.

SECTION 15. Notwithstanding the provisions of section eleven of said chapter two hundred and seventy-five, in Essex and Hampden counties, if the appellant fails to prosecute his appeal of an order of recognizance, his recognizance shall remain in full force and effect as to any breach of the condition, without an affirmation of the judgment or order of the court or justice, and shall also stand as security for any expenses of prosecution which the justice in the jury session may order the appellant to pay.

SECTION 16. Notwithstanding the provisions of section thirteen of said chapter two hundred and seventy-five, in Essex and Hampden counties, upon a breach of the condition of a recognizance taken pursuant to the provisions of sections twelve to fifteen, inclusive, of this act, an action thereon shall be commenced by the district attorney in the court in which the recognizance is then on file.

SECTION 17. Notwithstanding the provisions of the sixth paragraph of section fifty-eight of chapter two hundred and seventy-six of the General Laws, in Essex or Hampden counties, except where the defendant has defaulted on his recognizance or has been surrendered by a probation officer, an order of bail or recognizance shall not be revoked, revised or amended by the district court because the defendant has been bound over to the superior court; provided, however, that if any court, in its discretion, finds that changed circumstances or other factors not previously known or considered, make the order of bail or recognizance ineffective to reasonably assure the appearance of said defendant before the court, the court may make a further order of bail, either by increasing the amount of the recognizance or requiring sufficient surety or both, which order will not revoke the order of bail or recognizance previously in force and effect. The court may also review such changed circumstances or other factors not previously known or considered in accordance with the provisions of the third paragraph of said section fifty-eight.

SECTION 18. Notwithstanding the provisions of section sixty-five of said chapter two hundred and seventy-six, in Essex and Hampden counties, the condition of a recognizance of a person, either with or without surety, binding him to appear before a court or justice to answer to a charge against him or to prosecute an appeal shall be so framed as to bind him personally to appear at the time so expressed, and at any subsequent time to which the case may be continued, unless previously surrendered or discharged, and so from time to time, until the final decree, sentence or order of the court or justice thereon, and to abide such final sentence, order or decree, and not depart without leave. The condition of a recognizance of a person held to answer to a charge before a district court shall be further so framed as to bind him to appear before the district court to answer to the charge or to answer to any indictment which may be returned against him. The superior court shall by rule provide for the forms of recognizances and bail bonds. A recognizance of a person held to answer to a complaint before a district court which is required by law to sit in more than one municipality may, with his consent or at his request, be conditioned for his appearance at the next sitting of the court at any one of said municipalities.

SECTION 19. Notwithstanding the provisions of any law to the contrary, in Essex and Hampden counties a defendant who is before a district court on a criminal offense within the court's original jurisdiction shall plead not guilty or guilty, or with the consent of the court, *nolo contendere*. Such plea of guilty shall be submitted by the defendant and acted upon by the court; provided, however, that in said divisions of the district court a defendant with whom the commonwealth cannot reach agreement for a recommended disposition shall be allowed

to tender a plea of guilty together with a request for a specific disposition. Such request may include any disposition or dispositional terms within the court's jurisdiction, including, unless otherwise prohibited by law, a dispositional request that a guilty finding not be entered, but rather the case be continued without a finding to a specific date thereupon to be dismissed, such continuance conditioned upon compliance with specific terms and conditions or that the defendant be placed on probation pursuant to the provisions of section eighty-seven of chapter two hundred and seventy-six of the General Laws. If such a plea, with an agreed upon recommendation or with a dispositional request by the defendant, is tendered in the district court, the court shall inform the defendant that it will not impose a disposition that exceeds the terms of the agreed upon recommendation or the dispositional request by the defendant, whichever is applicable, without giving the defendant the right to withdraw the plea.

If a defendant, notwithstanding the requirements set forth hereinbefore, attempts to enter a plea or statement consisting of an admission of facts sufficient for finding of guilt, or some similar statement, such admission shall be deemed a tender of a plea of guilty for purposes of the procedures set forth in this section.

Any pretrial motion filed in a criminal case pending in the district court and decided before entry of defendant's decision on waiver of the right to jury trial shall not be refiled or reheard thereafter, except in the discretion of the court as substantial justice requires. Any such pretrial motion not filed or filed but not decided prior to entry of the defendant's decision on waiver of the right to jury trial may be filed thereafter but not later than twenty-one days after entry of said decision on waiver of the right to jury trial, except for good cause shown.

SECTION 20. The provisions of sections eighteen, nineteen, twenty and twenty-two of chapter two hundred and seventy-eight of the General Laws shall not apply in Essex and Hampden counties.

SECTION 21. Notwithstanding the provisions of section twenty-three of chapter two hundred and seventy-eight of the General Laws, in Essex and Hampden counties, at the trial of a criminal case in the superior court, upon indictment, or in a district court, the fact that the defendant did not testify at any preliminary hearing in the first court, or that at such hearing he waived examination or did not offer any evidence in his own defense, shall not be used as evidence against him, nor be referred to or commented upon by the prosecuting officer.

SECTION 22. The provisions of sections twenty-four, twenty-five and twenty-six of said chapter two hundred and seventy-eight shall not apply in Essex and Hampden counties.

SECTION 23. Notwithstanding the provisions of section twenty-eight of said chapter two hundred and seventy-eight, in Essex and Hampden counties a defendant aggrieved by a judgment of a district court or of the superior court in any criminal proceeding may appeal therefrom to the supreme judicial court.

SECTION 24. The provisions of the second paragraph of section one A

of chapter two hundred and seventy-nine of the General Laws shall not apply in Essex and Hampden counties.

SECTION 25. The administrative justice for the district court department, with the approval or at the direction of the supreme judicial court, may request the general court to suspend this act if he finds that circumstances have arisen which seriously delay the trial of cases and seriously impede the administration of justice.

SECTION 26. The provisions of this act shall be implemented by the chief administrative justice for the district court department and shall be effective in Essex and Hampden counties for a period of two years commencing on July first, nineteen hundred and eighty-seven and shall apply only to criminal prosecutions commenced on or after July first, nineteen hundred and eighty-seven, said commencement to be defined as the date of arrest, or in cases not initiated by arrest, the date of the issuance of a criminal complaint.

SECTION 27. In the event that the provisions of this act are not extended by the general court prior to July first, nineteen hundred and eighty-nine, or in the event that the provisions of this act are suspended by the general court prior to said date, criminal prosecutions pending or initiated in district courts in Essex and Hampden counties in which the defendant has not elected, as of the date of such expiration or suspension, either a trial by a jury of six or a trial by a court without a jury shall be conducted pursuant to all applicable provisions of the General Laws and shall not be subject to the provisions of this act; provided, however, that criminal prosecutions pending in said counties as of the date of such expiration or suspension in which the defendant has elected either a trial by a jury of six or a trial by a court without a jury shall continue to be conducted according to the provisions of this act.

SECTION 28. The administrative justice for the district court department of the trial court, in consultation with the district attorneys for Essex and Hampden counties and the committee for public counsel services, shall prepare and file with the clerks of the senate and house of representatives and the house committee on ways and means, an initial report on the implementation of this act, on or before January first, nineteen hundred and eighty-eight, an interim report on said implementation, on or before January first, nineteen hundred and eighty-nine, and a final report on said implementation, on or before January first, nineteen hundred and ninety. Said reports shall provide detailed information concerning the status and effect of implementation of this act, including but not limited to any costs incurred as a result of such implementation as well as a statistical analysis of the disposition of criminal prosecutions conducted pursuant to the provisions of this act which indicate for each district court the total number of cases entered, the number of cases disposed before trial, the number of cases tried by a jury of six, the number of cases tried by a court without a jury and the average time between entry and disposition of cases in each such category.

Approved November 18, 1986.

Chapter 538. AN ACT FURTHER INCREASING THE AMOUNT OF MONEY THE TOWN OF DUXBURY MAY BORROW FOR THE REPAIR OF A CERTAIN PUBLIC WAY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 653 of the acts of 1974 is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 61 of the acts of 1986, and inserting in place thereof the following section:–

Section 1. The town of Duxbury, for the purpose of the improvement and repair of a certain public way in said town known as Powder Point bridge, may borrow from time to time, such sums as may be necessary, not to exceed in the aggregate, three million two hundred thousand dollars, and may issue bonds or notes of the town therefor, which shall bear on the face the words, Town of Duxbury Bridge Repair Loan, Act of 1974. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

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

Approved November 25, 1986.

Chapter 539. AN ACT REMOVING THE AGE RESTRICTIONS ON CORPORATORS OF SAVINGS BANKS AND MEMBERS OF THE BOARD OF DIRECTORS OF CREDIT UNIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately remove the age restrictions limiting the service of corporators of savings banks and members of the board of directors of credit unions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 168 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– Corporators shall be elected for a term of ten years.

SECTION 2. Section 14 of chapter 171 of the General Laws, as so appearing, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:– Directors shall be elected for not less than one nor more than three years, as the by-laws shall provide.

Approved November 25, 1986.

Chapter 540. AN ACT PROVIDING FOR PUBLIC COUNTING OF OVERSEAS ABSENTEE BALLOTS RECEIVED ON OR AFTER ELECTION DAY.

Be it enacted, etc., as follows:

The second paragraph of section 95 of chapter 54 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following two sentences:– Such ballots from outside the United States, received on or after the day of a state election in accordance with section ninety-nine, and which are counted at the office of the registrars, shall be counted at a public meeting of the board of registrars of voters after five o'clock in the afternoon on the tenth day following such state election. Written notice of such meeting shall be given by said board to the chairman of the city or town committee of each political party and to all candidates on said ballots, three days at least before such meeting.

Approved November 25, 1986.

Chapter 541. AN ACT REQUIRING EQUAL ACCESS TO COMMONWEALTH TIDELANDS.

Be it enacted, etc., as follows:

Chapter 91 of the General Laws is hereby amended by inserting after section 10C the following section:–

Section 10D. No person shall be denied access during daylight hours to commonwealth tidelands across any land available to the public for swimming or recreation which is owned or controlled by the commonwealth or any of its political subdivisions for the purpose of scuba diving or skin diving which activities are hereby declared to be water dependent uses; provided, however, that if such tidelands are at any time closed to access by the general public, such access by such scuba diver or skin diver shall not be permitted.

Approved November 25, 1986.

Chapter 542. AN ACT AUTHORIZING THE TOWN OF LINCOLN TO SELL WATER TO THE WARBLER SPRINGS DEVELOPMENT.

Be it enacted, etc., as follows:

The town of Lincoln is hereby authorized to supply and sell water for domestic purposes and for the extinguishment of fires to that portion of the Warbler Springs development, so-called, located in the town of Weston, which is contiguous to the town of Lincoln.

No subsequent connections to the town of Lincoln water system shall be authorized by this act. All houses in the town of Weston within the Warbler Springs development to be connected to the water supply system

of the town of Lincoln shall be properly metered prior to being so connected.

Approved November 25, 1986.

Chapter 543. AN ACT FURTHER REGULATING CERTAIN CONDUCT OF MEMBERS AND FORMER MEMBERS OF THE BOARD OF REGENTS OF HIGHER EDUCATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate certain conduct of members and former members of the board of regents of higher education, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 15A of the General Laws, as amended by section 1 of chapter 609 of the acts of 1985, is hereby further amended by inserting after the fifth paragraph the following paragraph:—

A person affiliated with an independent institution of higher education shall be eligible for membership on said board of regents. No member of said board of regents shall be found to be in violation of section six of chapter two hundred and sixty-eight A for conduct which involves his participation, as a member of said board of regents, in a particular matter before said board which may affect the financial interest of an independent institution of higher education with which he is affiliated; provided, however, that said member, his immediate family or partner, has no personal and direct financial interest in said particular matter; and provided, further, that such affiliation is disclosed to said board and recorded in the minutes of said board.

SECTION 2. Notwithstanding the provisions of section one or any general or special law to the contrary, no present or former member of the board of regents of higher education shall be the subject of an enforcement action or found to be in violation of section six of chapter two hundred and sixty-eight A of the General Laws for conduct occurring prior to the effective date of this act which involves his participation, as a member of said board of regents, in a particular matter before said board which may affect the financial interest of an independent institution of higher education with which such present or former member is affiliated; provided, however, that said present or former member or his immediate family or partner, has no personal and direct financial interest in said particular matter.

(This Bill, returned by the Governor, to the House of Representatives, the Branch in which it originated, with his objections thereto, was passed by the House of Representatives, November 24, 1986, and in concurrence, by the Senate, November 24, 1986, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution, and thereby has "the force of a law".)

Chapter 544. AN ACT DESIGNATING A CERTAIN SECTION OF PARK LAND IN THE DORCHESTER SECTION OF THE CITY OF BOSTON AS THE POPE JOHN PAUL II PARK.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately designate the park located at the site formerly known as the Neponset Drive-in and the thirteen adjacent acres of metropolitan district commission park land as the Pope John Paul II Park, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The metropolitan district commission park land located at the site formerly known as the Neponset Drive-in and the thirteen adjacent acres of metropolitan district commission park land in the Dorchester section of the city of Boston shall be designated and known as the Pope John Paul II Park in recognition of Pope John Paul II's visit to the city of Boston, the first American city to be visited by John Paul II as Pope. A suitable marker bearing such designation may be attached thereto by the metropolitan district commission.

Approved December 1, 1986.

Chapter 545. AN ACT RELATIVE TO REDUCTION IN RANK FOR CERTAIN PUBLIC EMPLOYEES IN THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-nine of chapter thirty-one of the General Laws or any other general or special law or regulation to the contrary, demotions due to reduction in force in the fire department in the city of New Bedford, in all ranks above the rank of full-time, permanent firefighter of such service, and any subsequent reinstatements, shall be based solely on seniority in rank after permanent promotion.

In determination of seniority in rank higher than the rank of permanent full-time firefighter of such service, the time in rank of any employee shall be the accumulated permanent time in any rank above the said rank of permanent full-time firefighter (date of rank).

SECTION 2. This act shall only apply to demotions in higher ranks and shall not effect the overall seniority of any employee within the service.

Approved December 2, 1986.

Chapter 546. AN ACT LIMITING THE AMOUNT OF FIRE INSURANCE FOR CERTAIN POLICIES.

Be it enacted, etc., as follows:

ACTS, 1986. – Chaps. 547, 548.

SECTION 1. Chapter 183 of the General Laws is hereby amended by adding the following section:–

Section 66. A bank, lending institution, mortgage company or any mortgagee doing business in the commonwealth, when making a mortgage loan, shall not require, as a condition of a mortgage or as a term of a mortgage deed, that the mortgagor purchase casualty insurance on property which is the subject of the mortgage in an amount in excess of the replacement cost of the buildings or appurtenances on the mortgaged premises.

For purposes of this section, a bank, lending institution, mortgage company or mortgagee shall include, but not be limited to, any bank as defined in section one of chapter one hundred and sixty-seven, any national bank, national banking association, federal savings bank, federal savings and loan association and federal credit union. The terms "replacement cost", "buildings" or "appurtenances" as used in this section shall be consistent in meaning with such terms as used in policy forms approved by the commissioner of insurance.

SECTION 2. This act shall apply to all mortgage loans made on or after April first, nineteen hundred and eighty-seven.

Approved December 2, 1986.

Chapter 547. AN ACT RELATIVE TO MUNICIPAL ADVERTISING.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by striking out section 6A, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 6A. A city or town which accepts the provisions of this section may appropriate annually a sum for the purpose of advertising its resources, advantages and attractions. The money so appropriated shall be expended under the direction of the mayor and city council of the city or the board of selectmen of the town. Two or more municipalities having resources, advantages or attractions in common may join in advertising the same hereunder.

Approved December 2, 1986.

Chapter 548. AN ACT RELATIVE TO THE MEMBERSHIP OF THE CONSERVATION COMMISSION OF THE TOWN OF MASHPEE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eight C of chapter forty of the General Laws, the board of selectmen of the town of Mashpee are hereby authorized to appoint three associate members of the

ACTS, 1986. – Chaps. 549, 550, 551.

conservation commission of said town for terms not to exceed one year. The chairman of said commission may designate any such associate member to sit on the board in case of absence of a quorum or failure of a quorum by reason of conflict of interest or other reason or in the event of a vacancy on said commission until said vacancy is filled in the manner provided in said section eight C of said chapter forty.

Approved December 2, 1986.

**Chapter 549. AN ACT RELATIVE TO TERMINATION OF CHARIT-
ABLE TRUSTS.**

Be it enacted, etc., as follows:

Section 25 of chapter 203 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:–

In the event that two or more petitions for the termination of charitable trusts are brought in the same division of the probate court, the court may, in order to reduce the expense of such petitions, consolidate such cases and hear them concurrently.

Approved December 2, 1986.

**Chapter 550. AN ACT PROVIDING FOR THE ELECTION OF A
PLANNING BOARD IN THE TOWN OF FRANKLIN.**

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Franklin, which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out section 3-1-1 and inserting in place thereof the following section:–

Section 3-1-1. At the annual town election to be held in the year nineteen hundred and eighty-seven, five persons shall be elected to the planning board, one until the expiration of three years, two until the expiration of two years and two until the expiration of one year. Thereafter, their successors shall be elected for terms of three years.

SECTION 2. The present appointed members of the planning board of the town of Franklin shall continue in office until their successors are elected and qualified.

Approved December 2, 1986.

**Chapter 551. AN ACT DISSOLVING THE OLD COLONY WATER
POLLUTION CONTROL DISTRICT.**

Be it enacted, etc., as follows:

SECTION 1. The board of the Old Colony Water Pollution Control District, established by chapter fifty-one of the acts of nineteen hundred and seventy-three, is hereby authorized and directed to return all funds held by said district to the member towns thereof in amounts to be determined by said board.

SECTION 2. Upon completion of the acts authorized by section one by the board of the Old Colony Water Pollution Control District, said district shall be dissolved.

Approved December 2, 1986.

Chapter 552. AN ACT PROVIDING FOR THE ELIGIBILITY OF THE MASSACHUSETTS OSTEOPATHIC HOSPITAL AND MEDICAL CENTER FOR PROPERTY TAX EXEMPTION AND APPLICATION FOR ABATEMENT OF CERTAIN TAXES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately enable the Massachusetts Osteopathic Hospital and Medical Center which failed to file seasonably the necessary list to qualify for local property tax exemption, to file such list on or before January first, nineteen hundred and eighty-seven, and thereby qualify for such exemption, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of paragraph (b) of clause Third of section five of chapter fifty-nine of the General Laws, the Massachusetts Osteopathic Hospital and Medical Center, a charitable corporation chartered under the provisions of chapter one hundred and eighty of the General Laws, shall be eligible for the tax exemption provided in said section five for the taxable years during the period commencing January first, nineteen hundred and seventy-five and ending June thirtieth, nineteen hundred and seventy-six, and also the period commencing January first, nineteen hundred and seventy-seven and ending June thirtieth, nineteen hundred and seventy-eight; provided, however, that the list of property required by section twenty-nine of said chapter fifty-nine is filed on or before January first, nineteen hundred and eighty-seven, and all other requirements for such exemption are complied with. If the said Massachusetts Osteopathic Hospital and Medical Center files the required list of property on or before January first, nineteen hundred and eighty-seven, and, but for the failure to file said list with the respective assessors for taxable years during the period commencing January first, nineteen hundred and seventy-five and ending June thirtieth, nineteen hundred and seventy-six, and also the period

commencing January first, nineteen hundred and seventy-seven and ending June thirtieth, nineteen hundred and seventy-eight, would have received a property tax exemption in said years, said Massachusetts Osteopathic Hospital and Medical Center may file an application for an abatement of any property taxes assessed or paid in said taxable years in the manner provided by section fifty-nine of said chapter fifty-nine on or before March first, nineteen hundred and eighty-seven, and, if said Massachusetts Osteopathic Hospital and Medical Center would otherwise be eligible for such exemption, the taxes so assessed shall be abated.

Approved December 3, 1986.

Chapter 553. AN ACT AUTHORIZING THE CITY OF ATTLEBORO TO IMPOSE A LIEN FOR UNPAID REFUSE COLLECTION CHARGES.

Be it enacted, etc., as follows:

SECTION 1. The city of Attleboro, is hereby authorized to impose a lien on the particular real estate serviced for unpaid charges for the collection of domestic refuse due under the provisions of Section 16-15 of the Revised Ordinances of the city of Attleboro.

The collector of taxes for the city of Attleboro is further authorized to itemize all paid and unpaid charges with any interest furnished by the department of public works thereon on the statement of liens furnished by the collector of taxes under section twenty-three of chapter sixty of the General Laws.

Such lien shall take effect by operation of law on the day immediately following the due date of said charges and unless sooner dissolved by payment of the charges for which said lien is security, continue for three years thereafter at which time said lien shall terminate unless sooner committed as a tax under this act.

Notwithstanding such lien for the collection of domestic refuse any unpaid charge may be collected by all other legal means including, but not limited to recovery by an action in contract, from the owner of the real estate within the time allowed by law.

The department of public works for the city of Attleboro is further authorized to abate in whole or in part any charge, or part of charge, imposed illegally or erroneously for the collection of domestic refuse.

If a charge for which a lien is in effect under this act has not been added to or committed as a tax and remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed by them, the collector of taxes shall certify such charge including interest and late charges, to the assessors who shall forthwith add such charge to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as part of such tax. If the property to which such charge relates is tax exempt such charge shall nevertheless remain as a lien.

Said lien for the unpaid charges for the collection of domestic refuse shall be effective upon the recording of this act in the Bristol county northern district registry of deeds by the city of Attleboro.

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

Approved December 3, 1986.

**Chapter 554. AN ACT PROVIDING FOR TIMELY AND EFFECTIVE
CLEANUP AND EMERGENCY RELIEF AT OIL AND
HAZARDOUS MATERIAL DISPOSAL SITES.**

Be it enacted by the People, and by their authority:

SECTION 1. Section 2 of chapter 21E of the General Laws is hereby amended by inserting the following definitions:–

"Chief municipal officer," the city manager in any city having a city manager, the mayor in any other city; the town manager in any town having a town manager, the board of selectmen in any other town.

"Disposal site," any structure, well, pit, pond, lagoon, impoundment, ditch, landfill or other place or area, excluding ambient air or surface water, where uncontrolled oil or hazardous material has come to be located as a result of any spilling, leaking, pouring, abandoning, emitting, emptying, discharging, injecting, escaping, leaching, dumping, discarding or otherwise disposing of such oil or hazardous material. The term shall not include any site containing only oil or hazardous materials which: are lead-based paint residues emanating from a point of original application of such paint; resulted from emissions from the exhaust of an engine; are building materials still serving their original intended use or emanating from such use; or resulted from a release of source, byproduct or special nuclear material from a nuclear incident, as those terms are defined in 42 USC Sec. 2014, if such release was subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under 42 USC Sec. 2210.

"Exposure," any contact, ingestion, inhalation or assimilation of or with oil or hazardous materials, including irradiation.

"Imminent hazard," a hazard which poses a significant or otherwise unacceptable risk of harm to health, safety, public welfare, or the environment if it were present even for a short period of time.

"Priority disposal site," a disposal site which constitutes a substantial hazard to health, safety, public welfare, or the environment.

"Substantial hazard," a hazard which would pose a significant or otherwise unacceptable risk of harm to health, safety, public welfare, or the environment if it continued to be present for several years.

SECTION 2. Chapter 21E of the General Laws is hereby amended by inserting after section 3 the following:–

Section 3A. Timetables and Specifications for Action at Disposal Sites

The following timetable and specifications shall apply to the activities of the department in implementing this chapter.

(a) By May 1, 1987 the department shall submit to the general court alternative plans including a plan recommended by the department, for the future staffing, equipping and funding of its programs under this chapter.

The department shall develop such plans in consultation with the governor.

These plans shall specify future staff, equipment, funding and resource needs, the timing of those needs, and changes in current staffing and equipping procedures necessary to ensure that the program will conform to the requirements of this chapter and this section without undermining the progress of any other programs of the department.

In developing the future funding portions of the plan, the department shall project the amount of funding needed to fulfill the requirements of this chapter over time, and shall consider and evaluate the needs for, and possible mechanisms for, sources of additional funding; including selling bonds, expanding taxes or assessments already established for the purposes of this chapter, and establishing new taxes or assessments.

Beginning in the year 1988, the department and the department of public health shall revise and update on an annual basis the plans required by this subsection, and shall submit such updated plans to the general court by September 30 of each year, along with an assessment of the progress of the programs under this chapter.

(b) By January 15, 1987 the department shall publish a list of all disposal sites confirmed by the department to that date, and a list of locations to be investigated as possible disposal sites. Thereafter, such lists shall be updated and published on at least a quarterly basis. Such lists shall denote the assessment or response action status of each of the sites or locations, provided, however, that the department may hold confidential for up to 180 days all information regarding any location to be investigated as a possible disposal site if the department determines that public disclosure may interfere with enforcement action by the department or the attorney general, except that for a location held confidential the department shall list its city or town and the number of locations in such city or town held confidential, and the department shall provide on a confidential basis to any person who has reported a location to the department as a potential disposal site a statement as to whether such site has been deemed by the department to be a location to be investigated.

Except as otherwise allowed by this section, the department shall include on the list of locations to be investigated as possible disposal sites each location which, based upon the uses of the property, the conditions reported, or other information the department has, is reasonably likely to be a disposal site.

In developing the initial list of locations to be investigated, the department shall consider any existing lists of potential disposal sites previously compiled by the department or the United States Environmental Protection Agency, and all active or inactive public and private landfills known to the department.

Further, in developing and updating the list of locations to be investigated the department may assign a site a priority according to the likelihood of such site being a disposal site, and may hold some of the lower priority locations in reserve, rather than immediately listing them as locations to be investigated, provided, however, that the department shall list, to the extent it has identified or has had reported to it, the following numbers of locations:

- (1) by January 15, 1987, at least 400 such locations;
- (2) by January 15, 1988, at least 600 additional locations beyond those listed in the previous year;
- (3) by January 15, 1989, at least 1000 additional locations beyond those listed in the previous year; and
- (4) for each subsequent year, at least 1000 additional locations. For any locations reported to the department by a Massachusetts resident after May 1, 1987, the department shall decide whether to list such location as a location to be investigated no later than one month after it was reported to the department.

(c) By November 1, 1988, the department shall undertake and complete a comprehensive program to identify potential disposal sites by: using notifications required by this chapter and other laws; encouraging businesses and members of the general public through financial and/or other incentives to provide information anonymously or otherwise on the location of potential disposal sites; identifying locations within the commonwealth which are particularly likely disposal sites, for example, vacant or formerly vacant land adjacent to industries of a type that typically have used or disposed of oil or hazardous materials in the past, surface impoundments, and reclaimed or abandoned mines or quarries; where appropriate, interviewing persons and/or examining the records of persons who have been involved in activities such as production, use, transportation or disposal of oil or hazardous materials; or using any other methods which the department deems appropriate.

(d) The department shall address the confirmed disposal sites listed in its initial list of confirmed sites and all locations which it lists as locations to be investigated in accordance with the following procedures and timetables:

(1) As quickly as possible and at most within one year of the listing of any location to be investigated the department shall complete a preliminary assessment of the location. A preliminary assessment shall include a review of available existing data and an offsite reconnaissance visit to the location to determine whether there is a need to further investigate the location to confirm if it is a disposal site.

(2) For a location for which a preliminary assessment indicates further investigation is warranted, as soon as possible and at most within two years after the listing of such location, the department shall complete a site investigation of the location and shall evaluate whether the location is a disposal site or priority disposal site. A site investigation shall include observations, including testing, necessary to determine whether the location is a disposal site or a priority disposal site. Procedures and criteria for evaluating whether a site is a priority disposal site shall be established by the department in accordance with subsection (m) of this section.

(3) If a location is confirmed to be a priority disposal site, as soon as possible and at most within four years of the listing of the location as a location to be investigated, the department shall ensure that the full extent of environmental contamination due to oil or hazardous materials resulting in or from the priority disposal site is evaluated, the interim remedial response actions are taken consistent with the requirements of subsection (f) of this section, and that a plan is developed for final

remedial response at the disposal site consistent with the requirements of subsection (g) of this section. For any confirmed disposal sites listed on the initial list of confirmed disposal sites required by this section which are determined to be priority disposal sites, within three years of the initial listing the department shall ensure that the actions described in this paragraph are achieved.

(4) If a location is confirmed to be a disposal site, but not a priority disposal site, or for confirmed disposal sites listed on the initial list of confirmed sites which are determined not to be priority disposal sites, within seven years of the first listing of such location or site pursuant to this section, the department shall ensure that the full extent of environmental contamination due to oil or hazardous materials resulting in or from the disposal site is evaluated and that a plan is developed for final remedial response at the disposal site consistent with the requirements of subsection (g) of this section.

(e) If significant evidence exists at any time of an imminent hazard to public health, safety, welfare, or the environment from oil or hazardous materials at or from the disposal site, the department shall immediately ensure, using its response powers under section four and its enforcement powers under other sections, that, at a minimum, action is taken to control the potential for health damage, human exposure, safety hazards and environmental harm through appropriate short term measures such as, but not limited to, limiting access to the site, evacuating the area or relocating residents, blocking environmental movement of oil or hazardous materials, providing alternative water supplies, or taking other similar temporary action that will remain effective until other remedial measures of the extent described in subsections (f) or (g) of this section can be implemented.

(f) At each priority disposal site an interim remedial response shall be completed within the deadlines of this section. Such a response shall ensure that, at a minimum, temporary solutions are implemented to the extent feasible for an interim period prior to the implementation of permanent solutions as described in subsection (g). Such solutions shall eliminate any substantial hazard to health, safety, public welfare, or the environment which is presented by the disposal site or any oil or hazardous materials from the site in the environment, and may include, but not be limited to, containment or removal of oil or hazardous materials, relocation, or the provision of alternative water supplies. The department shall ensure that permanent solutions are required under subsection (g) of this section are implemented within the deadlines for an interim remedial response if the department finds that such permanent solutions are feasible and that the immediate implementation of such solutions would be more cost-effective than phased implementation of temporary and permanent solutions.

Any temporary measures implemented in accordance with this section involving construction relative to oil or hazardous materials at a site shall be designed to be effective for a minimum of fifteen years, unless there is established a schedule pursuant to subsection (g) which will ensure the implementation of permanent measures prior to the expiration of fifteen years, in which case, such temporary measures may be designed to be effective for an appropriately shorter period of time.

At each site at which temporary measures are implemented, appropriate systems to monitor the effectiveness of the required measures shall be installed, maintained and used. Where these systems indicate failure of any temporary measures, steps necessary to restore effectiveness shall be taken immediately. At each site when the temporary measures applied initially do not eliminate all substantial hazards to health, safety, public welfare, or the environment, additional temporary measures shall be implemented as they become feasible. Temporary solutions shall be designed to facilitate the permanent solutions required by subsection (g) of this section.

The removal of oil or hazardous materials or contaminated soil or water from a site for land disposal at another location shall not be a satisfactory interim remedial response unless there is no other feasible and acceptable temporary solution.

The order in which priority sites are addressed under this subsection shall be determined in accordance with the Massachusetts Contingency Plan.

(g) The department shall ensure that a final remedial response plan shall be developed for each disposal site within the deadlines of this section. Such final remedial response plan shall establish for a site a timetable of definitive and enterprising steps to be taken by the department and/or other specified persons to identify, develop, and implement a feasible, permanent solution at the site. Where permanent solutions are not yet feasible, the plan shall specify actions to be taken toward making such solutions feasible including, where appropriate, the development of technologies to be applied at the site, and shall ensure that any temporary solutions on the site remain effective until a permanent solution is effectuated.

For the purposes of this section, a "permanent solution" shall mean a measure or combination of measures that, at a minimum, will ensure the attainment of a level of control of each identified substance of concern at disposal site or in the surrounding environment such that no such substance of concern will present a significant or otherwise unacceptable risk of damage to health, safety, public welfare, or the environment during any foreseeable period of time. In determining whether the risks remaining following implementation of such solution will be significant, the department shall consider existing public health or environmental standards where applicable or suitably analogous, and any current or reasonably foreseeable uses of the disposal site and the surrounding environment that may be affected by the oil or hazardous materials at the site or in the surrounding environment.

If appropriate, permanent solutions may be implemented on portions of a site. Where feasible, permanent remedial action shall include measures designed to reduce to the extent possible the level of oil or hazardous materials in the environment to the level that would exist in the absence of the disposal site of concern.

(h) Response actions required pursuant to subsections (f) and (g) of this section shall be deemed to be feasible unless:

- (1) no technology exists to achieve the extent of response action mandated by the applicable subsection; or
- (2) the costs of conducting, or the risks resulting from, the response

action mandated would not be justified by the benefits, considering such factors as potential damage to the environment or health, costs of environmental restoration, long-term operation and maintenance costs, and nonpecuniary values; or

(3) individuals with the expertise needed to effectively implement available solutions would not be available, regardless of the arrangement for securing their services; or

(4) the only available means of achieving applicable response action would necessitate land disposal other than at the site itself and no off-site facility is available in the commonwealth or in other states that is in full compliance with all applicable federal and state regulatory requirements.

(i) By November 1, 1988 the department shall:

(1) establish, in cooperation with federal agencies, universities, other states, private corporations and others, research, development, and demonstration programs to develop and demonstrate the viability of technologies necessary to accomplish the specifications for final remedial responses provided in subsection (g). Such programs shall be designed to help to ensure that permanent cleanup as described in subsection (g) is achievable at all sites by January 1, 1997.

(2) establish, in cooperation with federal agencies, universities, other states, private corporations and others, training programs designed to help to ensure that the department has access to individuals with the expertise necessary to accomplish the requirements of this section. Such programs shall provide for the further training of current department personnel and for training of potential future department personnel.

(j) The commonwealth may provide incentives to encourage voluntary cleanup efforts, and may negotiate with persons potentially liable for response actions under section 5(a) of this chapter to ensure that they undertake needed response actions at disposal sites, provided, however, that the department shall ensure that all of the action deadlines specified in this section are met. Toward that end, the department shall establish and implement intermediate deadlines for each disposal site, including but not limited to, deadlines for compliance with orders and termination of settlement discussions which will ensure action by the department or other persons consistent with the deadlines of this section. To the extent that action by any person is not being undertaken at a time, rate or manner that will meet the specifications and deadlines of this section, the department shall utilize its authority under section four of this chapter to ensure response action within the specifications and deadlines of this section, and earlier if possible.

(k) The department shall make every effort to provide the documentation required under CERCLA in order to make sites eligible for federal response action monies. In entering or revising cooperative agreements and contracts with the federal government under CERCLA, the department shall, to the greatest extent possible, seek to include in each agreement or contract sufficient flexibility and authority to allow response actions to be undertaken utilizing federal monies within the deadlines and specifications of this section.

(l) In the event that conditions beyond the control of the department and peculiar to a particular disposal site substantially impede compliance

with a deadline for interim remedial response action at such disposal site, or if the department reasonably anticipates that federal monies will be available for such response actions but such monies are not available soon enough to meet the timelines or specifications of this section, the department may extend for up to one year any deadline of this section for completing an interim remedial response action at the site.

(m) By January 1, 1988, the department shall revise or complete the Massachusetts contingency plan mandated by subsection (b) of section 3 of this chapter to conform to the requirements of this section. Such plan shall include simple, standardized methods and criteria for evaluating the degree of hazard present at a disposal site including whether the disposal site is an imminent or substantial hazard and whether it is a priority disposal site, and the feasibility and effectiveness of response actions mandated by subsections (f) and (g). Such methods and criteria may comport with and complement the methods and criteria of the National Contingency Plan prepared under the authority of 33 U.S.C. Sec. 1321 (c) and 42 U.S.C. Sec. 9605, and shall be biased to be protective of health, safety, public welfare and environment.

(n) Nothing in this section shall be construed to limit the authority of the department under this chapter or any other provision of the General Laws to take actions to protect public health, safety, welfare or the environment.

SECTION 3. Said Chapter 21E is hereby amended by inserting after section 13 the following:

Section 14. Public Notice and Participation.

(a) Within thirty days after the completion of each site investigation required by section 3A of this chapter, the department shall publish in newspapers, which circulate to communities potentially affected by oil or hazardous materials from the location investigated, a notice summarizing the results of the investigation, stating whether there is a disposal site at the location, stating whether it has been deemed to be a priority disposal site, and summarizing the rights of local residents pursuant to this chapter. The department shall concurrently with such notice submit to said newspapers a press release with the same type of information.

(b) Upon written petition of ten or more residents of a municipality in which a disposal site is located, or of a municipality potentially affected by a disposal site, the department shall hold a public meeting at a time and location convenient to the affected public, and at such meeting shall present a proposed plan for involving the public in decisions regarding response actions at the site. The department shall inform residents of potentially affected communities of the meeting in the manner described in subsection (a). The department shall design the proposed plan to ensure: that interested members of the public will have sufficient notice, access to documents, and opportunity to comment to enable them to affect decisions regarding response actions at the disposal site; that all public meetings or hearings will be held at locations and times convenient to the affected public; and that public documents regarding the site will be available at locations and times convenient to the affected public. Following the meeting on the proposed plan, the

department shall revise the plan to reflect comments it receives and make it available to the public. Nothing in this section shall preclude the development of a public participation plan or the conducting of public meetings or hearings by the department in the absence of a petition.

(c) Subject to appropriation, the department may provide for limited grants to be given to any group of individuals who may be affected by oil or hazardous materials from any disposal site. Any recipient group shall use such grant to obtain advice and technical assistance on matters relating to handling of disposal sites pursuant to this chapter. The department shall promulgate by November 6, 1987 regulations specifying terms and conditions of eligibility for and use of such grant.

(d) The chief municipal officer of a city or town in which a disposal site is located may appoint from members of the potentially affected public an individual, or individuals, to inspect the site on behalf of the community. Such individual or individuals shall be given reasonable opportunities by the department and the site owner or operator to inspect such site prior to, during, and after the implementation of major response actions, and may bring with them on such inspections experts on oil or hazardous materials releases or responses.

Section 15. Citizen Enforcement.

In any suit by Massachusetts residents to enforce the requirements of this chapter, or to abate a hazard related to oil or hazardous materials in the environment, the court may award costs, including reasonable attorney and expert witness fees, to any party other than the commonwealth who advances the purposes of this chapter.

SECTION 4. The provisions of this act are severable, and if any of its provisions or an application thereof shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions or other applications thereof.

STATE ELECTION: NOVEMBER 4, 1986

CERTIFIED BY THE EXECUTIVE COUNCIL: DECEMBER 4, 1986

Chapter 555. AN ACT PHASING OUT THE SURTAX ON THE STATE PERSONAL INCOME TAX AND LIMITING STATE TAX REVENUE GROWTH TO THE LEVEL OF GROWTH IN STATE WAGES AND SALARIES.

Be it enacted by the People, and by their authority:

SECTION 1. Repeal of Surtax on State Income Tax

Section 1. Section eighty-eight of chapter six hundred and eighty-four of the Acts of nineteen hundred and seventy-five is hereby repealed.

Section 2. For taxable years commencing on or after January 1, 1986 and before January 1, 1987, there is hereby imposed, in addition to the taxes levied under the provisions of chapter sixty-two of the General Laws, a tax equal to three and seventy-five one hundredths percent of

the taxes levied under the provisions of said chapter. All provisions of law relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, levied under said chapter shall, so far as pertinent be applicable to the tax imposed by this section.

SECTION 2. Limitation on the Growth of State Tax Revenues

The General Laws are hereby amended by inserting after Chapter 62E, the following new chapter, Chapter 62F:

Section 1. Preamble. It is the intent of this chapter that there be established for each fiscal year a state tax revenue growth limit calculated on the basis of the level of growth in total wages and salaries of the citizens of the Commonwealth. Further, although not specifically required by anything contained in this chapter, it is assumed that from allowable state tax revenues as defined herein the Commonwealth will give priority attention to the funding of state financial assistance to local governmental units, obligations under the state governmental pension systems, and payment of principal and interest on debt and other obligations of the Commonwealth. Any other provisions of the general or special laws of the Commonwealth notwithstanding, the following provisions shall be effective.

Section 2. Definitions.

For the purposes of this chapter the following definitions apply:

"Allowable State Tax Revenues" means for any fiscal year beginning after June 30, 1986 an amount equal to the computed maximum state tax revenues, as defined herein, for said fiscal year. Provided, however, that if the computed maximum state tax revenues for a fiscal year are less than the amount of allowable state tax revenues for the immediately preceding fiscal year, then allowable state tax revenues for said fiscal year shall be equal to the allowable state tax revenues for the immediately preceding fiscal year. Provided further, that only for the fiscal year ending on June 30, 1986, allowable state tax revenues for said fiscal year shall be equal to the net state tax revenues for said fiscal year.

"Allowable State Tax Growth Factor" for a fiscal year means a number which equals one-third of the sum derived by adding together for each of the three calendar years ending immediately prior to said fiscal year the quotients which result for each of said calendar years from dividing total Massachusetts wages and salaries for each of said calendar years by total Massachusetts wages and salaries for the calendar year immediately preceding each of said calendar years. Provided, however, that in calculating the allowable state tax growth factor for any fiscal year, the same total for Massachusetts wages and salaries for a calendar year utilized in prior calculations involving said calendar year shall be utilized in subsequent calculations involving said calendar year, notwithstanding periodic adjustments by the Bureau of Economic Analysis of the United States Department of Commerce made in total Massachusetts wages and salaries for said calendar year.

"Commissioner" means the Commissioner of Revenue as defined in section four (a) of chapter seven of the general laws.

"Computed Maximum State Tax Revenues" means for any fiscal year

beginning after June 30, 1986 an amount determined by multiplying the computed maximum state tax revenues for the immediately preceding fiscal year by the allowable state tax growth factor, as defined herein, for the then current fiscal year. Provided, however, that only for the fiscal year ending on June 30, 1986, computed maximum state tax revenues for said fiscal year shall be equal to the net state tax revenues for said fiscal year.

"Excess State Tax Revenues" means the amount by which net state tax revenues, as defined herein, for a fiscal year exceed the allowable state tax revenues, as defined herein, for said fiscal year.

"Local Governmental Unit" means any city, town, county, district or other political subdivision of the Commonwealth.

"Massachusetts Wages and Salaries" means the most current data on annual wages and salaries of citizens of the Commonwealth for the most recently completed calendar year as compiled by the Bureau of Economic Analysis of the United States Department of Commerce, or its successor agency.

"Net State Tax Revenues" means state tax revenues, as defined herein, as decreased by the amount of state tax revenues abated or refunded.

"State Tax Revenues" means the revenues of the Commonwealth from every tax, surtax, receipt, penalty and other monetary exaction, and interest in connection therewith, including but not limited to, taxes and surtaxes on personal income, excises and taxes on retail sales and use, meals, motor vehicle fuels, businesses and corporations, public utilities, alcoholic beverages, tobacco, inheritances, estates, deeds, room occupancy and pari-mutuel wagering; but excluding federal reimbursements, proceeds from bond issues, earnings on investments, tuitions, fees, service charges and other departmental revenues, and revenues directly attributable to the additional taxes levied pursuant to section eighty-eight of chapter six hundred and eighty-four of the Acts of nineteen hundred and seventy-five.

"Taxable Year" means the taxable year as defined in the Internal Revenue Code of the United States as from time to time amended.

Section 3. Limitation on Growth of Allowable State Tax Revenues.

Except as otherwise specifically provided herein, the governor and the general court in exercising their respective constitutional and statutory duties shall endeavor in each fiscal year to establish and approve a budget for the Commonwealth and set rates of taxation for the citizens of the Commonwealth such that net state tax revenues for said fiscal year shall not exceed allowable state tax revenues for said fiscal year.

Section 4. Adjustments to Allowable State Tax Revenues. Allowable state tax revenues for a fiscal year shall be reduced, if, after the effective date of this chapter, by an enactment of the general court, authority is granted to local governmental units by local option or otherwise to impose or levy a new, or to increase an existing, tax or excise. The amount by which allowable state tax revenues for such fiscal year shall be reduced shall be as nearly as possible equal to the additional amount of revenues to be derived by local governmental units by the tax or excise as determined by the Commissioner. Provided, however, that any reduction in allowable state tax revenues for a fiscal year required by this subsection shall first occur in the allowable state

tax revenues for the fiscal year beginning immediately after the effective date of the enactment of the general court which gives rise to the reduction herein required.

Section 5. State Auditor; Oversight.

(a) Within thirty days of the end of the fiscal year ending June 30, 1987 and within thirty days of the end of each subsequent fiscal year, the Commissioner shall prepare a report of the net state tax revenues and the allowable state tax revenues of the Commonwealth for said fiscal year, and shall submit the report to the State Auditor. The Auditor shall review the report for completeness and accuracy, and may make or request the Commissioner to make any necessary adjustments or modifications to assure its completeness and accuracy.

(b) The State Auditor shall also on or before August 15, 1987, and on or before August 15 of each succeeding year, independently determine whether net state tax revenues for the immediately preceding fiscal year exceeded the allowable state tax revenues for said fiscal year. If the State Auditor determines that the allowable state tax revenues for the immediately preceding fiscal year were exceeded, except as otherwise specifically authorized herein, he shall report that determination and the amount by which allowable state tax revenues were exceeded to the Governor, the President of the Senate, the Speaker of the House, the respective Chairpersons of the Committees on Ways and Means of the Senate and the House, and the Commissioner. Thereafter, the Commissioner shall take all necessary action to effectuate the provisions of section six of this chapter.

(c) Except as otherwise provided herein, the determination of the State Auditor both as to the existence and the amount of an excess of net state tax revenues over the allowable state tax revenues in a fiscal year shall be conclusive for purposes of section six of this chapter.

Section 6. Effect of Net State Tax Revenues in Excess of Allowable State Tax Revenues: Tax Credit. If net state tax revenues in any fiscal year exceed allowable state tax revenues for said fiscal year the amount of such excess, as determined by the State Auditor and reported to the Commissioner pursuant to section five of this chapter, shall result in a credit equal to the total amount of such excess. The credit shall be applied to the then current personal income tax liability of all taxpayers on a proportional basis to the personal income tax liability incurred by all taxpayers in the immediately preceding taxable year.

The Commissioner shall take such action and shall have the authority to issue such rules and regulations as are necessary to effectuate the requirements of this section.

Section 7. Taxpayer Suits

The Supreme Judicial Court or Superior Court may, upon the petition of not less than twenty-four taxable inhabitants of the Commonwealth, not more than six of whom shall be from any one county, enforce the provisions of this chapter. If successful, said taxable inhabitants shall be entitled to recover reasonable attorneys' fees and other costs from the Commonwealth incurred in maintaining such suit.

Section 8. Severability

The provisions of this law are severable, and if any clause, sentence, paragraph, or section of this chapter or an application thereof shall be

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adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or section adjudged invalid.

STATE ELECTION: NOVEMBER 4, 1986

CERTIFIED BY THE EXECUTIVE COUNCIL: DECEMBER 4, 1986

Chapter 556. AN ACT AUTHORIZING THE LICENSING AUTHORITY OF THE CITY OF NEW BEDFORD TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES OF THE ZEITERION THEATRE, 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 of the city of New Bedford is hereby authorized to issue a license for the sale of all alcoholic beverages to be drunk on the premises under the provision of section twelve of said chapter one hundred and thirty-eight to the Zeiterion Theatre, 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 licensing authority shall not approve the transfer of said license to any other person, organization, corporation or location; and provided, further, that the issuing of this license shall reduce by one any increase in licenses issued due to census reapportionment under said section seventeen.

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

Approved December 8, 1986.

Chapter 557. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN CERTAIN GENERAL AND SPECIAL LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain corrective changes in certain general and special laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 63 of chapter 3 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:– The committees shall have the power to summon witnesses, administer oaths, take testimony and compel the

production of books, papers, documents and other evidence in connection with any authorized examination and review.

SECTION 2. The second paragraph of section 64 of said chapter 3, as so appearing, is hereby amended by striking out, in line 8, the word "know" and inserting in place thereof the word:– known.

SECTION 3. Section 1 of chapter 5 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words "commission of administration and finance" and inserting in place thereof the words:– commissioner of administration.

SECTION 4. Chapter 6 of the General Laws is hereby amended by striking out section 17, as amended by section 1 of chapter 737 of the acts of 1985, and inserting in place thereof the following section:–

Section 17. The armory commission, the art commission, the executive office for administration and finance, the board of regents of higher education, the commissioners of uniform state laws, the public bequest commission, the state ballot law commission, and the superintendent, the board of trustees of the Soldiers' Home in Holyoke, who shall have the title of superintendent and is appointed by the board of trustees of the Soldiers' Home in Holyoke, the Schooner Ernestina commission, the alcoholic beverages control commission, the trustees of the state library, the state racing commission, the Greylock reservation commission, the Port of Boston commission, the Massachusetts commission against discrimination, the office of handicapped affairs, the state airport management board, weather amendment board, the boxers' fund board, finance advisory board, medical, dental and nursing scholarship board, retirement law commission, the Massachusetts aeronautics commission, the obscene literature control commission, the mobile homes commission, the consumers' council, the Massachusetts police training council, the Massachusetts rehabilitation commission, the service corps commission, the World War II memorial commission, the health and welfare commission, the advisory council on home and family, state council on juvenile behavior, governor's mansion commission, the American and Canadian French cultural exchange commission, Massachusetts educational communications commission, the committee on criminal justice, the commission on employment of the handicapped, and the nutrition board, shall serve under the governor, and shall be subject to such supervision as the governor deems necessary and proper.

SECTION 5. Clause (a) of section 79 of said chapter 6, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 9, the second time it appears, the word "with".

SECTION 6. Section 84 of said chapter 6, as so appearing, is hereby amended by striking out, in line 8, the words "of the General Laws".

SECTION 6A. Said section 84 of said chapter 6, as so appearing, is hereby further amended by striking out, in line 19, the word "psychologist" and inserting in place thereof the word:– psychologist.

SECTION 7. Section 133A of said chapter 6, as so appearing, is hereby amended by striking out, in line 5, the words "learning. Notwithstanding" and inserting in place thereof the following words:– learning, notwithstanding any general or special law to the contrary.

SECTION 8. Section 190 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 17 and 18, the word "twenty-three C" and inserting in place thereof the word:– twenty-three D.

SECTION 9. Section 28B of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word "behaviorial" and inserting in place thereof the word:– behavioral.

SECTION 10. Section 38A of said chapter 7, as so appearing, is hereby amended by striking out, in line 2, the word "six C" and inserting in place thereof the word:– six B.

SECTION 11. Said chapter 7 is hereby further amended by striking out sections 40C to 40D, inclusive, as so appearing, and inserting in place thereof the following two sections:–

Section 40C. The deputy commissioner of capital planning and operations shall:

(1) develop and operate automated management and information systems and provide data processing services;

(2) develop and maintain all necessary accounting and financial systems;

(3) develop, justify and monitor internal operating budgets;

(4) provide business services including central filing, printing, and reproduction, correspondence and word processing services;

(5) develop and maintain all necessary systems to administer payments to those contracting for the provision of services and supply of materials;

(6) develop and operate an accounting, reporting, and financial management system that will permit proper management of the capital facility program;

(7) perform or contract for performance of research on innovative methods for the acquisition, planning, design, construction, demolition, installation, and repair and maintenance of capital facilities;

(8) give counsel on all legal matters affecting capital facility projects provided that this provision shall not preclude the employment of counsel by any office within the division of capital planning and operations;

(9) approve project budgets and the award of contracts;

(10) recommend and where appropriate, certify for disbursement monies appropriated or authorized for capital facility projects;

(11) establish guidelines and requirements for the preparation and retention of records and reports pertaining to the nature, scope and progress of capital facility projects; and

(12) perform such other acts to assure the proper management of the operation of the division of capital planning and operation and the proper coordination of the work of and effective operation of the individual offices located therein.

The deputy commissioner shall, after providing an opportunity for the attorney general and other interested parties to comment, promulgate and from time to time revise uniform contract conditions appropriate to the type of service being rendered to be incorporated in all contracts for services of that type related to capital facility projects. Such uniform contract conditions may be supplemented by but shall take precedence over additional contract conditions for any particular capital facility project.

The deputy commissioner may from time to time establish within the division of capital planning and operations such administrative units, in addition to the offices of programming, project management and facilities management and the bureau of state office buildings, necessary for efficient and economical administration of the work of said division; and when necessary for such purpose, s/he may abolish such unit or may merge any two or more of them. The said deputy commissioner shall prepare and keep current a general statement of the organization of said division and of the assignment of functions to its various administrative units, officials, and employees. Said statement shall be known as the "description of organization" of said division, and shall be kept on file in said division.

The deputy commissioner shall develop quantitative performance measures for each individual office and other administrative unit located therein and for the division as a whole. Using such measures, the deputy commissioner shall once each year prepare and submit to the commissioner of administration a report on the performance of the individual offices and of the division as a whole, comparing that performance with that of the previous three years, the reasons for any change, and recommending changes in the operation of the division and its offices, as will improve their performance.

The directors of individual offices and the heads of other administrative units located in the division shall, upon request by the deputy commissioner conduct internal, operational, financial, and compliance audits.

Section 40D. The deputy commissioner shall, no less often than once every three months, prepare a comprehensive report on the progress of all capital facility projects subject to the jurisdiction of the division of capital planning and operations as defined by section forty B but not including those for which a city or town is the administering agency. At the discretion of the deputy commissioner, said reports may exclude capital facility projects with a total project cost of less than twenty-five thousand dollars for which the administering agency is other than a state agency. Said report shall include, but not be limited to, a statement of the name of each project, the administering agency and the using agency, a brief current description of the project and any substantial changes in the description of the project during the past three months, the source of funds, the state of progress of the project, a summary of the total and major costs of the projects as originally estimated and as currently expended or currently estimated to be expended, the original project schedule and the current and estimated progress of the project, and such other information as the deputy commissioner may require be included. Said report shall be submitted to

the commissioner of administration and the clerks of the house of representatives and the senate and shall be a public document.

The deputy commissioner of capital planning and operations shall by February fifteenth of each year prepare a comprehensive annual report on the progress of all capital facility projects subject to the jurisdiction of the division of capital planning and operation defined by section forty A. At the discretion of the deputy commissioner, said annual report need not include capital facility projects with a total project cost of less than twenty-five thousand dollars for which the administering agency is other than a state agency. Said annual report shall constitute one of the four reports required by the previous paragraph of this section but shall contain in addition to the information required in the previous paragraph for each capital facility project, the following data: the authorizations for and sources of funds and expenditure and unencumbered balances thereof; identification of the designers and contractors who have contracted with the administering agency to provide materials or services therefor, the administering agency's project and contract numbers, the value of the contracts and the amount of money paid in accordance with the contracts; and such other information as the deputy commissioner may require be included. The deputy commissioner shall also include in said report a statement of the problems which have arisen in the capital facility procurement programs and procedures of public agencies and specific recommendations for administrative and legislative action which are necessary to remedy such problems. Said report shall be submitted to the commissioner of administration and the general court and shall be a public document available for general distribution.

The deputy commissioner shall by February fifteenth of each year prepare a comprehensive report including, but not limited to, an analysis of the utilization, cost and method of acquisition of real property acquired for the use of state agencies; the sale or rental of such real property and revenue realized therefrom; and problems which have arisen in the management of real property by the commonwealth, with specific recommendations for administrative and legislative action necessary to remedy such problems. Said report shall be submitted to the commissioner of administration, the joint committee on state administration, and the general court and shall be a public document available for general distribution.

The deputy commissioner shall develop and annually revise a proposed capital repair and maintenance plan for state buildings subject to the jurisdiction of the division of capital planning and operations. The plan shall be based upon repair and maintenance schedules formulated for each building and group of buildings by the director of facilities management in accordance with the provisions of sections forty-three A, forty-three C, and forty-three E. In addition to developing capital repair and maintenance schedules for state buildings, the plan shall analyze the costs and benefits of continuing minor repairs versus the costs and benefits of major renovation, rehabilitation, or replacement of the state buildings. The deputy commissioner shall by February fifteenth of each year, submit the proposed capital repair and maintenance plan required by this paragraph to the house and senate ways and means committees and the chairmen of the joint committee on state administration.

The deputy commissioner shall keep an up-to-date record, by years and cumulatively, on all capital repair and maintenance projects completed, in process, or scheduled for the future, on all building projects subject to the jurisdiction of the division of capital planning and operations.

The deputy commissioner shall, by February fifteenth of each year, prepare a report, by years and cumulatively, on all capital repair and maintenance projects completed, in process, or scheduled for the future, on all capital facility projects, said report shall include narrative statements indicating why such repairs or maintenance on such projects have been or will be postponed or cancelled. A copy of said report shall be sent to the house and senate committees on ways and means, and to the chairmen of the joint committee on state administration.

The governor may, include in his capital outlay budget or request, a budget narrative statement, indicating why any and all repairs or maintenance on capital facility projects of the commonwealth, have been or will be postponed or cancelled.

Upon completion of the final design of each state building project estimated to cost in excess of five million dollars, the deputy commissioner shall prepare an analysis detailing the maintenance costs projected annually over the useful life of the building. The deputy commissioner shall, by February sixteenth of each year, prepare a report summarizing the annual maintenance costs projected for each building project described in this paragraph, for which final design was completed during the prior year. The report shall be filed with the chairmen of the joint committee on state administration and the agency responsible for the operation and maintenance of the building project.

In subsequent fiscal years for which the maintenance report indicates that maintenance will be required, the agency responsible for the operation and maintenance of the building shall include the projected annual maintenance costs contained in the report in its annual budget request, provided that revisions to the maintenance costs originally projected by the deputy commissioner shall be addressed in the agency's budget narrative.

The deputy commissioner shall be responsible for providing state agencies with comprehensive maintenance manuals for all new building projects constructed on behalf of an agency.

SECTION 13. Said chapter 7 is hereby further amended by inserting after section 40M, as so appearing, the following section:–

Section 40N. As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Minority", a person with a permanent residence in the United States who is American Indian, Black, Cape Verdean, Western Hemisphere Hispanic, Aleut, Eskimo, or Asian.

"Minority business", any contracting or subcontracting business, or business that supply the contractors and subcontractors which is beneficially owned by one or more minority persons as follows:

(1) the business must be at least fifty-one per cent owned by minority persons; in the case of a corporation having more than one class of stockholders, the ownership requirement must be met as to each class of stock;

(2) the minority owners must demonstrate that they have dominant control over management;

(3) the business has not been established solely for the purpose of taking advantage of a special program which has been developed to assist minority businesses;

(4) in the case of a joint venture between a minority business meeting the requirements of clauses (1) to (3), inclusive, and a nonminority business, the joint venture shall be found to be a minority business if the minority business meeting the requirements of said clauses (1) to (3), inclusive, shall have more than one-half control over management of the project bid upon and shall have the right to receive more than one-half of the profits deriving from that project.

"Women-owned business", any contracting or subcontracting business which is beneficially owned by one or more women meeting the requirements set forth in clauses (1) to (4), inclusive, of the definition of minority business, except that the terms "women", "women owners", and "women-owned business", shall be substituted for the terms "minority" and "minority persons", "minority owners", and "minority business" appearing in said definition. "Material Supplier", refers to a vendor engaged in sales to the construction industry from an established place of business or source of supply and that vendor manufactures goods from raw materials or substantially alters them before resale or provides and maintains a storage facility for materials utilized in the work consistent with normal industry practice. A material supplier may be given one hundred per cent credit of the total purchase order if it manufactures or substantially alters the materials supplied. A material supplier that does not manufacture supplies may be entitled to a credit in the amount of ten per cent of the total purchase order for the supplies.

The deputy commissioner, with the cooperation and approval of the state office of minority business assistance (SOMBA) established by section forty-one of chapter twenty-three A, shall, at the beginning of each fiscal year, establish a specific annual dollar value of contracting and subcontracting work on capital facility projects subject to the supervision and control of the division of capital planning and operations which shall be reserved for minority-owned businesses and women-owned businesses. The total specific annual dollar value reserved for minority-owned businesses under this section shall not constitute less than five per cent of the value of the contracts awarded on capital facility projects during the preceding fiscal year. The total specific annual dollar value when established shall be binding on both the division and SOMBA; both agencies are required to cooperate and to take whatever steps they jointly deem necessary to implement the requirements of this section. The deputy commissioner of the division and the director of SOMBA shall meet on a quarterly basis to determine what portion of the total specific dollar value reserved for minority-owned and women-owned businesses the division has already awarded to such businesses and what further steps both agencies deem necessary to achieve the purpose of this section.

The deputy commissioner will reserve five per cent of the estimated construction cost of each capital facility project for minority-owned businesses, and five per cent for women-owned businesses, except as follows:-

(1) A greater percentage may be reserved to reflect the percentage of the minority population within the standard metropolitan statistical or labor market area in which the capital facility is located; to reflect the numbers of minority-owned and women-owned businesses available to perform work on a project; or to achieve the specific annual dollar value reserved for minority-owned or women-owned businesses.

(2) If because of the size, nature, or location of a particular capital facility project, it is not feasible to reserve a minimum of five per cent for a minority-owned or women-owned business, the division may either reserve a lesser portion of work for minority-owned or women-owned businesses or waive the participation requirements on that particular project.

SOMBA may hold any project for up to thirty days for review, before bid specifications are made public, if it believes that the size, nature, or location of the project does not justify a reduction in the women or minority business set-aside below five per cent.

No portion of contracting or subcontracting work reserved for minority-owned businesses under the provisions of this section shall be awarded to any women-owned business not meeting the requirements of a minority-owned business under this section; nor shall any portion of contracting and subcontracting work reserved for women-owned businesses under the provisions of this section be awarded to any minority-owned business not meeting the requirements of a women-owned business under this section.

The deputy commissioner with the cooperation and approval of SOMBA shall develop the contract specifications, terms, conditions, and language and shall take the administrative steps necessary to carry out the purpose of this section. SOMBA shall be responsible for establishing and updating, by periodic additions and deletion, a list of minority-owned and women-owned businesses under this section, and shall cause the list to be published in the central register established by section twenty of chapter nine, and filed with the joint committee on state administration, and in such other publications as the deputy commissioner shall designate.

The deputy commissioner shall by March fifteenth of each year submit to SOMBA, the commissioner of administration, the state commission against discrimination, the joint committee on state administration, and the general court a report describing the number of contracts and subcontracts awarded by the division of capital planning and operations to minority-owned and women-owned businesses within the preceding calendar year. The report shall, at a minimum, show the name and address of each such business, its designation as a minority-owned or women-owned business, the contract, or subcontract price, a description of the work performed on such contract by class of work and project type, and shall show separately the total number of contracts awarded to minority-owned and women-owned businesses as a percentage of the total number of contracts awarded and as a percentage of the total contract price.

SECTION 14. The third paragraph of section 41B of said chapter 7, as so appearing, is hereby amended by striking out clause (5) and inserting in place thereof the following clause:—

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(5) upon request by using agencies assist the staff of using agencies, and at the discretion of said director assist others providing such services to using agencies in their performance of plans, studies, or programs to assure conformity with the rules and regulations, standards and guidelines for such plans, studies, and programs.

SECTION 15. The last paragraph of section 42B of said chapter 7, as so appearing, is hereby amended by striking out, in line 77, the word "than" and inserting in place thereof the word:– that.

SECTION 16. The second paragraph of section 50 of said chapter 7, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– There shall be within the division of public employee retirement administration a unit to be known as the pension investment advisory unit.

SECTION 17. Chapter 8 of the General Laws is hereby amended by striking out section 6, as so appearing, and inserting in place thereof the following section:–

Section 6. Subject to the provisions of sections thirty to thirty-eight, inclusive, of chapter six A, whenever the same shall be applicable, he shall direct the making of all repairs and improvements in the state house, the John W. McCormack State Office Building, the Leverett Saltonstall State Office Building, the Springfield Office Building, the Pittsfield Office Building, the Erich Lindemann Building, the Charles F. Hurley Building, and any other state properties as are designated by law to be the responsibility of the superintendent of state office buildings, and on the grounds of the state house and of any such building; and all executive and administrative departments and officers shall make requisition upon him for any such repairs or improvements.

SECTION 18. Section 5 of chapter 15A of the General Laws is hereby amended by striking out clause (aa), inserted by section 2 of chapter 609 of the acts of 1985, and inserting in place thereof the following clause:– ; (aa) recognize the duly elected student government association at each public university, college or community college as the official representative of the student body.

SECTION 19. Section 15 of chapter 17 of the General Laws, as appearing in chapter 177 of the acts of 1985, is hereby amended by striking out, in line 9, the word "consecutive" and inserting in place thereof the following word:– consecutive.

SECTION 20. Section 29 of chapter 19A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 7, the word "meridiem", both times it appears, and inserting in place thereof, in each instance, the following word:– meridian.

SECTION 20A. Said section 29 of said chapter 19A, as so appearing, is hereby further amended by striking out, in line 9, the word "affect" and inserting in place thereof the following word:– effect.

SECTION 21. Chapter 20 of the General Laws is hereby amended by striking out the title, as so appearing, and inserting in place thereof the following title:– DEPARTMENT OF FOOD AND AGRICULTURE.

SECTION 22. The third paragraph of section 1 of said chapter 20, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– There shall be a commissioner of food and agriculture who shall be appointed and may be removed by the secretary of environmental affairs with the approval of the governor.

SECTION 23. Section 16 of said chapter 20, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– The bureau shall notify the gardeners or farmers of said notice of termination.

SECTION 24. Section 21 of said chapter 20, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– Payment shall be deducted by the dealer from monies owed by the dealer to the producers in the amount of five cents per hundred weight.

SECTION 25. Chapter 21 of the General Laws is hereby amended by striking out the title, as so appearing, and inserting in place thereof the following title:– DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

SECTION 26. Said chapter 21 is hereby further amended by striking out section 6A, as amended by section 5 of chapter 231 of the acts of 1985, and inserting in place thereof the following section:–

Section 6A. It shall be the duty of the division of law enforcement to enforce all penal laws which it is the duty of any agency within the executive office of environmental affairs to enforce, provisions of the general laws or any special laws to the contrary notwithstanding.

Nothing in this section shall be construed as divesting other officers or employees of the commonwealth of the duty to enforce laws as provided for in the general laws or any special laws. It shall also direct all inspections, claims and investigations. All police agencies shall at once notify the division of law enforcement or an environmental police officer thereof of a person presumed to be lost in any of the woodlands of the commonwealth.

SECTION 27. Said chapter 21 is hereby further amended by striking out section 6D, inserted by section 8 of said chapter 231, and inserting in place thereof the following section:–

Section 6D. The secretary, commissioner, his assistants, director, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers and deputy environmental police officers, may in the performance of their duties enter upon and pass through or over private property or lands whether or not covered by water, and may keep or dispose of sick, dead, injured, or helpless fish, birds or mammals that may come into their possession, subject to such

rules and regulations as said director, with the approval of said commissioner, is hereby authorized to adopt.

SECTION 28. Section 8C of said chapter 21, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 4, the word "additional" and inserting in place thereof the word:– addition.

SECTION 29. Section 37 of said chapter 21, as so appearing, is hereby amended by striking out, in line 19, the word "contracted" and inserting in place thereof the word:– constructed.

SECTION 30. Section 8 of chapter 21A of the General Laws is hereby amended by striking out the sixth paragraph, as amended by section 17 of chapter 231 of the acts of 1985, and inserting in place thereof the following paragraph:–

The director of the division of marine fisheries shall be appointed and may be removed by the commissioner of the department of fisheries, wildlife and environmental law enforcement with the approval of the marine fisheries advisory commission.

SECTION 31. Section 8A of said chapter 21A is hereby amended by striking out, in line 23, as appearing in the 1984 Official Edition, the word "from" and inserting in place thereof the word:– for.

SECTION 32. Chapter 22A of the General Laws is hereby amended by striking out sections 7 and 8, as so appearing, and inserting in place thereof the following section:–

Section 7. Notwithstanding the provisions of any special or general law to the contrary, the department of social services, the department of youth services, the department of public health, and the department of mental health shall report a missing child under its custody to the central register and shall provide said central register with available identifying data relating to said missing child.

SECTION 33. Subsection (r) of section 3 of chapter 23B of the General Laws is hereby amended by striking out the last sentence, added by section 24 of chapter 748 of the acts of 1985.

SECTION 34. Said subsection (r) of said section 3 of said chapter 23B, as appearing in the 1984 Official Edition, is hereby further amended by inserting after the word "supplementation", in lines 102 and 103, the following words:– ; provided, however, that no regulation promulgated by the executive office of communities and development which concerns tenant selection in state aided housing shall supercede the tenant selection requirements outlined in sections thirty-two and thirty-four of chapter one hundred and twenty-one B as they relate to local preference, emergency cases, or veterans preference.

SECTION 35. Section 5 of chapter 23D of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word "three" and inserting in place thereof the following word:– four.

SECTION 36. Section 6 of said chapter 23D, as so appearing, is hereby amended by striking out, in line 2, the word "three" and inserting in place thereof the following word:– four.

SECTION 37. Section 8G of chapter 26 of the General Laws, as so appearing, is hereby amended by striking out, in line 26, the first time it appears, the word "to".

SECTION 37A. Said section 8G of said chapter 26, as so appearing, is hereby further amended by striking out, in line 29, the word "possessed" and inserting in place thereof the following word:– possesses.

SECTION 38. Section 2D of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 19, the word "and".

SECTION 38A. Said section 2D of said chapter 29, as so appearing, is hereby further amended by striking out clause (e) and inserting in place thereof the following clause:–

(e) The annual income of the Massachusetts School Fund; and.

SECTION 39. Section 7C of said chapter 29, as so appearing, is hereby amended by striking out, in line 77, the word "toal" and inserting in place thereof the following word:– total.

SECTION 40. Section 7E of said chapter 29, as so appearing, is hereby amended by striking out, in lines 38 and 39, the words "thirty B to thirty P, inclusive," and inserting in place thereof the following words:– thirty-eight A 1/2 to thirty-eight O, inclusive, of chapter seven.

SECTION 41. The definition of "Eligible list" in section 1 of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out, in line 56, the word "or" and inserting in place thereof the following word:– of.

SECTION 42. Section 35 of said chapter 31, as so appearing, is hereby amended by striking out, in line 21, the word "tranferred" and inserting in place thereof the following word:– transferred.

SECTION 43. Section 5 of chapter 31A of the General Laws, as so appearing, is hereby amended by striking out, in lines 15 and 39, the word "recission" and inserting in place thereof, in each instance, the following word:– rescission.

SECTION 44. Paragraph (a) of subdivision (1) of section 5 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word "or", the second time it appears, and inserting in place thereof the following word:– on.

SECTION 45. Subsection (3) of section 8 of said chapter 32, as so appearing, is hereby amended by inserting after the word "actual", in line 123, the following word:– earnings.

SECTION 46. Subdivision (4 3/4) of section 20 of said chapter 32, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Said system shall be managed by a retirement board which shall have the general powers and duties set forth in subdivision (5). Said board shall consist of three members as follows: The treasurer of the Authority who shall be a member ex officio, a second member who shall be elected by the members in or retired from service of such system from among their members, for a term not exceeding three years, as the chairman of the Authority shall determine, and a third member who shall be appointed for a term of three years by the Authority. Future elections of the second member shall be held under the supervision of such retirement board and the term of the second member shall be so arranged as not to expire in the year of expiration of the term of the third member. Each member of such retirement board shall continue to hold office until the expiration of his term and until the qualification of his successor. Upon the expiration of the term of office of an elected or appointed member or in case of a vacancy in either of said offices, his successor shall be elected or appointed as aforesaid for a three year term or for the unexpired part thereof, as the case may be, except that in no event shall the term of the second member expire in the same year as the term of the third member.

SECTION 47. Paragraph (b) of subdivision (4 7/8) of said section 20 of said chapter 32, as so appearing, is hereby amended by striking out, in line 432, the word "System" and inserting in place thereof the following word:- system.

SECTION 48. Paragraph (a) of subdivision (2A) of section 23 of said chapter 32, as so appearing, is hereby amended by striking out, in line 278, the first time it appears, the word "members" and inserting in place thereof the following word:- board.

SECTION 49. Paragraph (b) of said subdivision (2A) of said section 23 of said chapter 32, as so appearing, is hereby amended by striking out, in line 313, the word "diclosed" and inserting in place thereof the following word:- disclosed.

SECTION 50. Paragraph (a) of subdivision (4) of section 28 of said chapter 32, as so appearing, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following two sentences:- The commissioner shall also notify the county commissioners, the mayor or the board of selectmen, and the retirement board of such county, city or town or the state board of retirement, as the case may be, within which such district lies, of the acceptance of such sections by the district and of the date as of which such sections shall become operative for its employees, except that in a mosquito control project or district the vote only of the district board of commissioners shall be required to accept said provisions; and except, that in the county cooperative extension service of the county of Suffolk the vote only of the trustees shall be required to accept said provisions.

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Any employees who become a member of a retirement system by the acceptance by a mosquito control project or district of this paragraph or by the acceptance by the county cooperative extension service of the county of Suffolk of this paragraph shall be credited with prior service in accordance with the provisions of sections one to twenty-eight, inclusive.

SECTION 51. Section 10 of chapter 32B of the General Laws, as so appearing, is hereby amended by inserting after the word "of", in line 4, the first time it appears, the following words:– the county commissioners; in a city having a Plan D or Plan E charter by majority vote of its city council, in any other city by vote of its city council, approved by the mayor, in a municipality having a town council form of government, by vote of the town council, subject to the provisions of the charter of such municipality; in a district, except as hereinafter provided, by vote of.

SECTION 52. The first paragraph of section 11A of said chapter 32B, as so appearing, is hereby amended by striking out the schedule and inserting in place thereof the following schedule:–

| IF ANNUAL COMPENSATION IS | | OPTIONAL | |
|---------------------------|------------------|---|---|
| At Least | But Less Than | Additional Amount Of Group Life Insurance Shall Not Exceed | Additional Amount Of Accidental Death and Dismemberment Insurance Shall Not Exceed |
| \$ 2,000 | \$ 3,000 | \$ 1,000 | \$ 1,000 |
| 3,000 | 4,000 | 2,000 | 2,000 |
| 4,000 | 5,000 | 3,000 | 3,000 |
| 5,000 | 6,000 | 4,000 | 4,000 |
| 6,000 | 7,000 | 5,000 | 5,000 |
| 7,000 | 8,000 | 6,000 | 6,000 |
| 8,000 | 9,000 | 7,000 | 7,000 |
| 9,000 | 10,000 | 8,000 | 8,000 |
| 10,000 | 11,000 | 9,000 | 9,000 |
| 11,000 | 12,000 | 10,000 | 10,000 |
| 12,000 | 13,000 | 11,000 | 11,000 |
| 13,000 | 14,000 | 12,000 | 12,000 |
| 14,000 | 15,000 | 13,000 | 13,000 |
| 15,000 | 16,000 | 14,000 | 14,000 |
| 16,000 | 17,000 | 15,000 | 15,000 |
| 17,000 | 18,000 | 16,000 | 16,000 |
| 18,000 | 19,000 | 17,000 | 17,000 |
| 19,000 | 20,000 | 18,000 | 18,000 |
| 20,000 | 21,000 | 19,000 | 19,000 |
| 21,000 | 22,000 | 20,000 | 20,000 |

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| IF ANNUAL COMPENSATION IS | | OPTIONAL | |
|---------------------------|------------------|---|---|
| At Least | But Less Than | Additional Amount Of Group Life Insurance Shall Not Exceed | Additional Amount Of Accidental Death and Dismemberment Insurance Shall Not Exceed |
| 22,000 | 23,000 | 21,000 | 21,000 |
| 23,000 | 24,000 | 22,000 | 22,000 |
| 24,000 | 25,000 | 23,000 | 23,000 |
| 25,000 | 26,000 | 24,000 | 24,000 |
| 26,000 | 27,000 | 25,000 | 25,000 |
| 27,000 | 28,000 | 26,000 | 26,000 |
| 28,000 | 29,000 | 27,000 | 27,000 |
| 29,000 | 30,000 | 28,000 | 28,000 |
| 30,000 | 31,000 | 29,000 | 29,000 |
| 31,000 | 32,000 | 30,000 | 30,000 |
| 32,000 | 33,000 | 31,000 | 31,000 |
| 33,000 | 34,000 | 32,000 | 32,000 |
| 34,000 | 35,000 | 33,000 | 33,000 |
| 35,000 | 36,000 | 34,000 | 34,000 |
| 36,000 | 37,000 | 35,000 | 35,000 |
| 37,000 | 38,000 | 36,000 | 36,000 |
| 38,000 | 39,000 | 37,000 | 37,000 |
| 39,000 | 40,000 | 38,000 | 38,000 |
| 40,000 | 41,000 | 39,000 | 39,000 |
| 41,000 | 42,000 | 40,000 | 40,000 |
| 42,000 | 43,000 | 41,000 | 41,000 |
| 43,000 | 44,000 | 42,000 | 42,000 |
| 44,000 | 45,000 | 43,000 | 43,000 |
| 45,000 | 46,000 | 44,000 | 44,000 |
| 46,000 | 47,000 | 45,000 | 45,000 |
| 47,000 | 48,000 | 46,000 | 46,000 |
| 48,000 | 49,000 | 47,000 | 47,000 |
| 49,000 | 50,000 | 48,000 | 48,000 |
| 50,000 | 51,000 | 49,000 | 49,000 |
| 51,000 | 52,000 | 50,000 | 50,000 |
| 52,000 | 53,000 | 51,000 | 51,000 |
| 53,000 | 54,000 | 52,000 | 52,000 |
| 54,000 | 55,000 | 53,000 | 53,000 |
| 55,000 | 56,000 | 54,000 | 54,000 |
| 56,000 | 57,000 | 55,000 | 55,000 |
| 57,000 | 58,000 | 56,000 | 56,000 |
| 58,000 | 59,000 | 57,000 | 57,000 |
| 59,000 | 60,000 | 58,000 | 58,000 |
| 60,000 | 61,000 | 59,000 | 59,000 |
| 61,000 | 62,000 | 60,000 | 60,000 |

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| IF ANNUAL COMPENSATION IS | | OPTIONAL | |
|---------------------------|------------------|---|---|
| At Least | But Less Than | Additional Amount Of Group Life Insurance Shall Not Exceed | Additional Amount Of Accidental Death and Dismemberment Insurance Shall Not Exceed |
| 62,000 | 63,000 | 61,000 | 61,000 |
| 63,000 | 64,000 | 62,000 | 62,000 |
| 64,000 | 65,000 | 63,000 | 63,000 |
| 65,000 | 66,000 | 64,000 | 64,000 |
| 66,000 | 67,000 | 65,000 | 65,000 |
| 67,000 | 68,000 | 66,000 | 66,000 |
| 68,000 | 69,000 | 67,000 | 67,000 |
| 69,000 | 70,000 | 68,000 | 68,000 |
| 70,000 | 71,000 | 69,000 | 69,000 |
| 71,000 | 72,000 | 70,000 | 70,000 |
| 72,000 | 73,000 | 71,000 | 71,000 |
| 73,000 | 74,000 | 72,000 | 72,000 |
| 74,000 | 75,000 | 73,000 | 73,000 |
| 75,000 | No Limit | 74,000 | 74,000 |

SECTION 53. Paragraph (i) of subsection (C) of section 17 of chapter 34A of the General Laws, as appearing in chapter 807 of the acts of 1985, is hereby amended by striking out clauses (o) and (p) and inserting in place thereof the following two clauses:–

(n) Actions specified as resolutions; and

(o) The expression of such board policies or opinions as required no formal action by the governing body.

SECTION 54. Section 6 of chapter 40A of the General Laws is hereby amended by inserting after the word "to", in line 71, as appearing in the 1984 Official Edition, the following word:– in.

SECTION 55. Section 7 of said chapter 40A, as so appearing, is hereby amended by striking out, in lines 14 and 15, the word "therefore" and inserting in place thereof the following word:– therefor.

SECTION 56. Section 14 of chapter 40B of the General Laws, as so appearing, is hereby amended by striking out, in line 31, the word "subdistricts." and inserting in place thereof the following word:– subdistricts;.

SECTION 58. Section 12 of chapter 40J of the General Laws, as so appearing, is hereby amended by striking out, in lines 19 and 24, the word "Commonwealth" and inserting in place thereof, in each instance, the following word:– commonwealth.

ACTS, 1986. – Chap. 557.

SECTION 58A. Said section 12 of said chapter 40J, as so appearing, is hereby further amended by striking out, in line 119, the word "thirty-seven" and inserting in place thereof the following word:– thirty-eight.

SECTION 59. Said section 12 of said chapter 40J, as so appearing, is hereby further amended by striking out, in line 32, the word "two" and inserting in place thereof the following word:– one.

SECTION 60. Said section 12 of said chapter 40J, as so appearing, is hereby amended by striking out, in line 75, the word "thirty-seven E" and inserting in place thereof the following word:– twenty-seven E.

SECTION 61. Said section 12 of said chapter 40J, as so appearing, is hereby further amended by striking out, in line 163, the word "chapter" and inserting in place thereof the following word:– section.

SECTION 63. Section 5 of said chapter 40K, as so appearing, is hereby amended by striking out, in line 29, the word "entrepreneurs" and inserting in place thereof the following word:– entrepreneurs.

SECTION 64. Said section 5 of said chapter 40K, as so appearing, is hereby further amended by striking out, in line 33, the word "dipose" and inserting in place thereof the following word:– dispose.

SECTION 64A. Section 1 of chapter 40L of the General Laws, as appearing in section 1 of chapter 613 of the acts of 1985, is hereby amended by striking out the definition of "Agricultural land" and inserting in place thereof the following definition:–

"Agricultural land", land suitable for agricultural or horticultural use, including land rated by the United States Department of Agriculture Soil Conservation Service as Class 1 through Class IV, unique, or of statewide or local area importance.

SECTION 64B. The first paragraph of section 4 of said chapter 40L, as so appearing, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:– Following the public hearing, the committee may adopt as a plan the proposal or any revisions thereto it deems appropriate; provided, however, that no land may be included in an agricultural incentive area plan pursuant to this section unless the owner of the land has approved in writing the inclusion of his land in the area.

SECTION 64C. Section 7 of chapter 40M of the General Laws, as appearing in chapter 802 of the acts of 1985, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Each public employer self-insurance group shall be operated by a board of trustees which shall consist of not less than three persons who are elected officials or employees of public entities within this commonwealth.

SECTION 65. Section 8 of chapter 44A of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word "recind" and inserting in place thereof the following word:– rescind.

SECTION 66. Section 87 of chapter 54 of the General Laws is hereby amended by striking out subsection (a), as so appearing, and inserting in place thereof the following subsection:–

(a) Official absent voting ballots, similar in all respects to the official ballot to be used at such election, except that they shall be printed on paper differing in color from that used for official or specimen ballots.

SECTION 67. Section 95 of said chapter 54 is hereby amended by striking out, in line 18, as so appearing, the words "of section one hundred and three O".

SECTION 67A. The third paragraph of section 103E of said chapter 54 is hereby amended by striking out the second sentence, as amended by section 8 of chapter 562 of the acts of 1985, and inserting in place thereof the following sentence:– There shall be included in the certificate to be executed by the witness in whose presence such person makes his affidavit a statement setting forth that such person has signed his name in the witness' presence, or that he was prevented by physical disability or inability to write from so signing, and that said signature was added by said witness.

SECTION 68. Section 5 of chapter 59 of the General Laws is hereby amended by striking out clause Four, as appearing in the 1984 Official Edition, and inserting in place thereof the following clause:–

Fourth, That portion of the real estate and buildings of incorporated horticultural societies used for their offices, libraries and buildings.

SECTION 68A. Clause Eleventh of said section 5 of said chapter 59, as so appearing, is hereby amended by striking out, in line 150, the word "for" and inserting in place thereof the word:– and.

SECTION 69. Section 77 of chapter 60 of the General Laws, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:– The commissioner shall have the power in his discretion to grant such an extension for a period not exceeding one year from the date of the foreclosure, and thereafter, from time to time, upon similar applications, may in his discretion grant similar additional extensions.

SECTION 70. Section 3 of chapter 61 of the General Laws, as so appearing, is hereby amended by striking out, in line 22, the word "then" and inserting in place thereof the following word:– than.

SECTION 71. Chapter 61A of the General Laws is hereby amended by inserting before section 1 the following title:–

ASSESSMENT AND TAXATION OF AGRICULTURAL AND HORTICULTURAL LAND.

SECTION 72. Section 49A of chapter 62C of the General Laws, as so appearing, is hereby amended by striking out, in line 15, the word "forty-seven" and inserting in place thereof the word:– forty-seven A.

SECTION 73. Section 68A of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the word "determinaion" and inserting in place thereof the following word:– determination.

SECTION 74. Section 4 of chapter 64A of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word "exise" and inserting in place thereof the following word:– excise.

SECTION 75. The first paragraph of section 1 of chapter 64C of the General Laws, as so appearing, is hereby amended by striking out, in line 14, the word "licenses" and inserting in place thereof the following word:– licensees.

SECTION 76. Chapter 64H of the General Laws is hereby amended by striking out section 4, as so appearing, and inserting in place thereof the following section:–

Section 4. For the purpose of adding and collecting the tax imposed by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be reimbursed to the vendor by the purchaser, the following formula shall be in force and effect as follows:–

| Amount of Sale | Amount of Tax |
|----------------------------------|------------------|
| \$0.01 to \$0.09 inclusive | No tax |
| \$0.10 to \$0.29 inclusive | 1 cent |
| \$0.30 to \$0.49 inclusive | 2 cents |
| \$0.50 to \$0.69 inclusive | 3 cents |
| \$0.70 to \$0.89 inclusive | 4 cents |
| \$0.90 to \$1.09 inclusive | 5 cents |

In addition to a tax of five cents on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar in accordance with the above formula.

SECTION 77. The last paragraph of section 3 of chapter 64J of the General Laws, as appearing in section 7 of chapter 145 of the acts of 1985, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– Such records and written statements shall be in such form as the commissioner shall prescribe and shall be preserved by said licensees for a period of three years and shall be offered for inspection at any time upon oral or written demand by the commissioner or his duly authorized agent.

SECTION 78. The first paragraph of section 7D of chapter 69 of the General Laws, as appearing in the 1984 Official Edition, is hereby

amended by striking out the last sentence and inserting in place thereof the following sentence:– Said scholarships shall be awarded by the board of regents, established by section two of chapter fifteen A.

SECTION 79. Chapter 70A of the General Laws is hereby amended by inserting before section 1 the following title:–

EQUAL EDUCATIONAL OPPORTUNITY GRANTS.

SECTION 80. Section 15C of chapter 76 of the General Laws, inserted by section 1 of chapter 73 of the acts of 1985, is hereby amended by striking out, in line 4, the word "diphtheria" and inserting in place thereof the following word:– diphtheria.

SECTION 81. Section 16C of chapter 83 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 4, the word "firty-three" and inserting in place thereof the following word:– fifty-three.

SECTION 82. Chapter 90 of the General Laws is hereby amended by striking out section 19A, as amended by section 2 of chapter 771 of the acts of 1985, and inserting in place thereof the following section:–

Section 19A. Any provisions of sections thirty and thirty A of chapter eighty-five to the contrary, notwithstanding a motor vehicle having two axles, which vehicle with its load weighs not more than forty-six thousand pounds, and a motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit having three or more axles, which unit or vehicle with its load weighs not more than eighty thousand pounds, may travel on a public way without a permit as required by sections thirty and thirty A of chapter eighty-five; provided, however, that no such motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit, the weight on any axle of which, measured at the ground, exceeds twenty-two thousand four hundred pounds, or, in the case of axles spaced less than six feet apart, eighteen thousand pounds, shall so travel without such a permit; and provided, further, that such motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit may not travel on a public way without such a permit if the overall gross weight on a group of two or more consecutive axles thereof exceeds the gross weight produced by application of the following formula:

$$W = 500 \frac{(L N)}{(N-1)} + 12N + 36$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in group under consideration except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds, each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more; provided, that such overall gross weight may not exceed eighty thousand pounds.

Every operator of a motor vehicle operated on a way shall, upon request or direction of any officer authorized to enforce the provisions of this chapter, operate such motor vehicle with any trailer which may be attached thereto to and upon the nearest scales available to the commonwealth within a distance of not more than five miles and permit the weighing thereof together with its load. Whoever refuses to comply with the request or direction of such officer shall be punished by a fine of not less than three hundred nor more than five hundred dollars and the registrar may suspend such operator's license for not more than ninety days. Whenever such vehicle has been so weighed and is found to weigh in excess of the limits provided by this chapter, no person shall further operate it upon a way unless the gross weight shall have been reduced to comply with said limits by removal of the excess weight.

No motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit shall be operated, nor shall the owner or bailee thereof require or authorize such operation, when the gross weight of such motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit exceeds the weight provided by this chapter or that specified in any permit issued by the commissioner of public works under sections thirty and thirty A of chapter eighty-five, whichever is greater, but in no event in excess of the gross weight for which such vehicle is registered, except in the case of a vehicle owned or leased by a carrier that is not domiciled in this commonwealth and which has a permit under section thirty A of chapter eighty-five to operate in excess of its registered gross weight; nor shall any person load or cause to be loaded such vehicle in excess of such weights. If the gross weight of any such motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit does not exceed one hundred and five per cent of the maximum gross weight provided by such permit, such motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit shall not be deemed to be operating in violation of the provisions of sections thirty and thirty A of chapter eighty-five; but if the gross vehicle weight of such motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit does exceed the said one hundred and five per cent of the maximum gross weight provided by said permit, any penalty provided by this chapter shall be determined on the difference between the actual gross weight of such motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit and the weight authorized by this section or the weight authorized by the said permit for such motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit, whichever weight is greater, at the time of such violation.

Upon the finding by an officer authorized to enforce the provisions of this chapter that a motor vehicle, trailer, semitrailer or semitrailer unit exceeds the said one hundred and five per cent of the maximum gross weight provided in said permit, or otherwise violates the conditions of any permit issued under sections thirty and thirty A of chapter eighty-five or section nineteen of this chapter, said officer may exercise reasonable discretion to prevent the continued transport of a load that is the principle cause of the violation. Neither the finding of such violation, nor the exercise of such reasonable discretion, however, shall be construed as nullifying or revoking any such permit, or as having any effect, beyond the actual citation of the violation, on the assessment of any penalties provided under section twenty.

In the weighing of any motor vehicle or trailer or semitrailer or semitrailer unit or tandem unit under this chapter, portable scales may be used; provided, however, that such scales have been approved by the director of standards under section twenty-nine of chapter ninety-eight; and, provided further, that such scales shall be inspected at least once in each year by the director of standards or his inspectors. No officer authorized to enforce the provisions of this chapter shall detain for weighing on portable scales more than two motor vehicles, with or without trailers or semitrailers attached thereto, at any one place at any one time.

In any prosecution for a violation of this section or of section nineteen or section thirty of chapter eighty-five, a signed certificate on oath of any person appointed under section eighty-seven A of chapter forty-one of the weight of any motor vehicle or trailer or semitrailer shall be admissible in evidence without further proof, and shall constitute prima facie evidence of the weight of the motor vehicle or trailer or semitrailer or semitrailer unit or tandem unit described in such certificate. The said certificate shall be in such form as the registrar shall prescribe and shall be signed and sworn to by a person appointed under said section eighty-seven A and present at the weighing of such motor vehicle or trailer or semitrailer or semitrailer unit or tandem unit, and the court shall take judicial notice of the signature of such person and that he is so appointed.

In any claim for bodily injuries or for damage to property arising out of such direction to a scale location or such weighing, any officer or employee of the commonwealth authorized to enforce the provisions of this chapter may file a written request with the attorney general that the attorney general defend him against an action for damages for bodily injuries, including death, or for damage to property arising out of such officer's enforcement of this section, and the provisions of section three B of chapter twelve shall apply to such action as if it had arisen out of the operation of a motor vehicle.

Notwithstanding the foregoing provisions of this section, nor any contrary provisions of section thirty of chapter eighty-five, a construction type motor vehicle or a motor vehicle designed and used for the hauling of refuse having two axles, which vehicle with its load weighs not more than twenty-three tons, or a motor vehicle carrying bulk feed, or a construction type semitrailer unit or tandem unit or motor vehicle having three axles, or a semitrailer unit or a tandem unit or motor vehicle having three axles while carrying liquid petroleum products, or a motor vehicle having three axles and designed and used for the hauling of refuse, which vehicle with its load weighs not more than thirty tons, may travel on a way while engaged in hauling construction materials or liquid petroleum products or bulk feed or refuse without a permit as required by said section thirty of said chapter eighty-five; provided, however, that the gross weight of such vehicle as operated does not exceed the gross vehicle weight rating as established by the original manufacturer of the chassis; and, provided further, that the vehicle is duly registered in this commonwealth for such weight. The operator of such a vehicle shall at all times comply with the speed limitations as provided by section seventeen.

SECTION 83. Said chapter 90 is hereby further amended by striking out section 20, as amended by chapter 385 of the acts of 1985, and inserting in place thereof the following section:–

Section 20. A person convicted of a violation of any provision of this chapter the punishment for which is not otherwise provided, or of a violation of any rule or regulation of the registrar made under authority of section thirty-one, shall be punished by a fine of not more than twenty-five dollars for the first offense, not less than twenty-five nor more than fifty dollars for a second offense, and not less than fifty nor more than one hundred dollars for subsequent offenses committed during any twelve-month period; provided, however, that any person convicted of operating or permitting the operation of a school bus carrying passengers in excess of the number authorized under section seven B shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both, and that any person convicted of violating any of the provisions of section sixteen shall be punished by a fine of not less than twenty nor more than one hundred dollars, and that any person convicted of operating a motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit in violation of section nineteen shall be punished by a fine of not more than one hundred dollars and that any person convicted of knowingly operating a motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit or any owner or bailee convicted of requiring or permitting the operation thereof in violation of section nineteen A or of the terms of any permit issued under sections thirty and thirty A of chapter eighty-five shall be punished by a fine of thirty dollars for each one thousand pounds of weight or fraction thereof by which the gross weight of such motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit as operated exceeds either that permitted by said section nineteen A or by permit issued for such motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit under sections thirty and thirty A of chapter eighty-five, whichever is greater; provided, further, that if the total of such excess weight is greater than ten thousand pounds, the fine shall be sixty dollars for each one thousand pounds or fraction thereof over said ten thousand pounds; and, provided further, that in a case of so-called irreducible loads, if the owner or bailee of the motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit, or his agent, servant or employee did not have reasonable means or opportunity to ascertain the weight of the load prior to applying for the permit, then the fine shall be ten dollars for each one thousand pounds of weight by which the gross weight of such motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit as operated exceeds either that permitted by said section nineteen A or section thirty A or the gross weight specified in such permit but in no event more than five hundred dollars.

Any person convicted of a violation of the provisions of section seventeen, or of a violation of a special speed regulation lawfully made under the authority of section eighteen, shall be punished by a fine of not more than fifty dollars for the first offense, not less than fifty nor more than one hundred dollars for a second offense, and not less than one hundred nor more than two hundred dollars for subsequent offenses committed during any twelve-month period.

Any person convicted of a violation of the provisions of section seventeen while operating any motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit under a permit issued under sections thirty and thirty A of chapter eighty-five and while the weight of such motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit exceeds the limits provided in section nineteen A, exclusive of the additional limits provided in such permit, shall be punished by a fine of not more than one hundred dollars for the first offense, not less than one hundred nor more than one hundred and fifty dollars for a second offense committed in any twelve-month period, and not less than one hundred and fifty nor more than three hundred dollars for subsequent offenses committed in any twelve-month period, and complaints of such violations, notwithstanding the subsequent provisions of this section shall not be placed on file by the court.

A complaint against a person for a violation of section eleven or section sixteen or section seventeen or of a regulation made under section eighteen may be placed on file at the discretion of the court if the violation appears to have been unintentional or if no person or property could have been endangered thereby. Upon a third or subsequent conviction in the same year of a violation of section sixteen or section seventeen or of a regulation made under section eighteen, the registrar shall forthwith revoke the license of the person convicted, and no new license shall be issued to such person for at least thirty days after the date of such revocation, nor thereafter except in the discretion of the registrar.

Any person who operates, and any person who owns and permits to be operated, a motor vehicle or trailer that fails to meet the safety standards established by the registrar pursuant to said section seven A shall be punished by a fine of twenty-five dollars. Any person who fails to have a motor vehicle owned by him inspected for the safety inspection or safety and emissions inspection, as required pursuant to the provisions of sections seven A and seven V, or operates or allows a motor vehicle owned by him to be operated without a certificate of inspection or a certificate of rejection displayed in accordance with the provisions of said sections seven A and seven V and the rules and regulations relating thereto, shall be punished by a fine of fifty dollars. Any motor vehicle which is required to be inspected for the combined safety and emissions inspection pursuant to the provision of section seven A and fails to meet the requirements of said inspection and has not been issued a certificate of waiver under the provisions of clause (b) of section seven V shall be subject to suspension or revocation of the certificate of registration as may be prescribed by the registrar under section twenty-two. Any licensee who violates the provisions of section seven W shall be punished by a fine of not less than five hundred nor more than five thousand dollars.

SECTION 84. Section 1 of chapter 90C of the General Laws is hereby amended by striking out the definition of "Audit sheet", as appearing in the 1984 Official Edition, and inserting in place thereof the following definition:-

"Audit sheet", a sheet of paper which shall contain the consecutive

numbers assigned to citations in the citation book in such form as the registrar shall approve, and which, upon return to the registrar, shall include but not be limited to the following information: a list of numbered citations therein with the name of the court to which the complaint was issued or an acknowledgement that the citation was spoiled, mutilated or otherwise voided by an agent of the police department or organization.

SECTION 85. Section 104 of chapter 92 of the General Laws, as so appearing, is hereby amended by striking out, in line 33, the word "Authority;" and inserting in place thereof the following word:– Authority.

SECTION 86. Section 1 of chapter 93 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 5, the word "act" and inserting in place thereof, in each instance, the following word:– chapter.

SECTION 87. Section 2 of said chapter 93, as so appearing, is hereby amended by striking out, in line 1, the word "act" and inserting in place thereof the following word:– chapter.

SECTION 88. Section 8 of said chapter 93, as so appearing, is hereby amended by striking out, in lines 3, 5, 40, 41, 99 and 102, the word "Act" and inserting in place thereof, in each instance, the following word:– act,– and by striking out, in line 43, the word "consititutes" and inserting in place thereof the word:– constitutes.

SECTION 88A. The first paragraph of section 70 of said chapter 93, as so appearing, is hereby amended by inserting after the word "mortgagor," in line 4, the following word:– if.

SECTION 89. The first paragraph of section 74 of said chapter 93 is hereby amended by striking out, in line 14, as so appearing, the word "than" and inserting in place thereof the following word:– then.

SECTION 90. Section 9 of chapter 93A of the General Laws, as so appearing, is hereby amended by striking out paragraph (5).

SECTION 92. Section 13 of chapter 94A of the General Laws, as so appearing, is hereby amended by striking out, in line 32, the word "similiar" and inserting in place thereof the following word:– similar.

SECTION 93. Section 14 of said chapter 94A, as so appearing, is hereby amended by striking out, in line 5, the word "aquired" and inserting in place thereof the following word:– acquired.

SECTION 94. Chapter 103 of the General Laws is hereby amended by striking out section 18, as so appearing, and inserting in place thereof the following section:–

Section 18. A pilot shall be liable for all damages accruing from his negligence, unskillfulness or unfaithfulness.

SECTION 95. Section 8–202 of chapter 106 of the General Laws, as so appearing, is hereby amended by striking out, in line 26, the word "govenment" and inserting in place thereof the following word:– government.

SECTION 96. Section 8–306 of said chapter 106, as so appearing, is hereby amended by striking out, in line 52, the word "registerd" and inserting in place thereof the following word:– registered.

SECTION 97. Said chapter 106 is hereby further amended by striking out section 8–313, as so appearing, and inserting in place thereof the following section:–

Section 8–313. (1) Transfer of a security or a limited interest, including a security interest therein to a purchaser occurs only:

(a) at the time he or a person designated by him acquires possession of a certificated security;

(b) at the time the transfer, pledge, or release of an uncertificated security is registered to him or a person designated by him;

(c) at the time his financial intermediary acquires possession of a certificated security specially indorsed to or issued in the name of the purchaser;

(d) at the time a financial intermediary, not a clearing corporation, sends him confirmation of the purchase and also by book entry or otherwise identifies as belonging to the purchaser:

(i) a specific certificated security in the financial intermediary's possession,

(ii) a quantity of securities that constitute or are part of a fungible bulk of certificated securities in the financial intermediary's possession or of uncertificated securities registered in the name of the financial intermediary, or

(iii) a quantity of securities that constitute or are part of a fungible bulk of securities shown on the account of the financial intermediary on the books of another financial intermediary;

(e) with respect to an identified certificated security to be delivered while still in the possession of a third person, not a financial intermediary, at the time that person acknowledges that he holds for the purchaser;

(f) with respect to a specific uncertificated security the pledge or transfer of which has been registered to a third person, not a financial intermediary, at the time that person acknowledges that he holds for the purchaser;

(g) at the time appropriate entries to the account of the purchaser or a person designated by him on the books of a clearing corporation are made under section 8–320;

(h) with respect to the transfer of a security interest where the debtor has signed a security agreement containing a description of the security, at the time a written notification, which, in the case of the creation of the security interest, is signed by the debtor, which may be a copy of the security agreement, or which, in the case of the release or assignment of the security interest created pursuant to this paragraph, is signed by the secured party, is received by:

(i) a financial intermediary on whose books the interest of the transferor in the security appears,

(ii) a third person, not a financial intermediary, in possession of the security, if it is certificated,

(iii) a third person, not a financial intermediary, who is the registered owner of the security, if it is uncertificated and not subject to a registered pledge, or

(iv) a third person, not a financial intermediary, who is the registered pledgee of the security, if it is uncertificated and subject to a registered pledge;

(i) with respect to the transfer of a security interest where the transferor has signed a security agreement containing a description of the security, at the time new value is given by the secured party; or

(j) with respect to the transfer of a security interest where the secured party is a financial intermediary and the security has already been transferred to the financial intermediary under paragraph (a), (b), (c), (d), or (g), at the time the transferor has signed a security agreement containing a description of the security and value is given by the secured party.

(2) The purchaser is the owner of a security held for him by a financial intermediary, but cannot be a bona fide purchaser of a security so held except in the circumstances specified in paragraph (c), clause (i) of paragraph (d), and paragraph (g) of subsection (1). If a security so held is part of a fungible bulk, as in the circumstances specified in clauses (ii) and (iii) of paragraph (d) of said subsection (1), the purchaser is the owner of a proportionate property interest in the fungible bulk.

(3) Notice of an adverse claim received by the financial intermediary or by the purchaser after the financial intermediary takes delivery of a certificated security as a holder for value or after the transfer, pledge, or release of an uncertificated security has been registered free of the claim to a financial intermediary who has given value is not effective either as to the financial intermediary or as to the purchaser; provided, however, as between the financial intermediary and the purchaser the purchaser may demand transfer of an equivalent security as to which no notice of adverse claim has been received.

(4) A "financial intermediary" is a bank, broker, clearing corporation, or other person, or the nominee of any of them, which in the ordinary course of its business maintains security accounts for its customers and is acting in that capacity. A financial intermediary may have a security interest in securities held in account for its customer.

SECTION 97A. Section 8-321 of said chapter 106, as so appearing, is hereby amended by striking out subsection (2) and inserting in place thereof the following subsection:—

(2) A security interest so transferred pursuant to agreement by a transferor who has rights in the security to a transferee who has given value is a perfected security interest, but a security interest that has been transferred solely under paragraph (i) of subsection (1) of section 8-313 becomes unperfected after twenty-one days unless, within that time, the requirements for transfer under any other provision of said subsection (1) of said section 8-313 are satisfied.

SECTION 98. Section 9-302 of said chapter 106, as so appearing, is hereby amended by striking out, in line 47, the word "in" and inserting in place thereof the following word:— is.

SECTION 99. Paragraph (d) of subsection (4) of section 9-306 of said chapter 106, as so appearing, is hereby amended by striking out subparagraph (ii) and inserting in place thereof the following subparagraph:-

(ii) limited to an amount not greater than the amount of any cash proceeds received by the debtor within ten days before the institution of the insolvency proceedings less the sum of (1) the payments to the secured party on account of cash proceeds received by the debtor during such period and (2) the cash proceeds received by the debtor during such period to which the secured party is entitled under paragraphs (a) to (c), inclusive.

SECTION 100. Section 9-401 of said chapter 106, as so appearing, is hereby amended by striking out, in line 13, the word "were" and inserting in place thereof the following word:- where.

SECTION 101. Section 9-403 of said chapter 106, as so appearing, is hereby amended by striking out, in line 12, the word "become" and inserting in place thereof the following word:- becomes.

SECTION 102. Section 9-504 of said chapter 106, as so appearing, is hereby amended by striking out, in line 52, the word "secured" and inserting in place thereof the following word:- secured.

SECTION 103. Section 407 of chapter 110A of the General Laws, as so appearing, is hereby amended by striking out, in line 29, the word "any" and inserting in place thereof the following word:- may.

SECTION 104. Section 150B of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The definition of "facility" in section two of chapter twenty-one D shall apply to this section. Any such facility shall be subject to this section and not subject to section one hundred and fifty A.

SECTION 104A. Section 2 of chapter 111D of the General Laws is hereby amended by striking out, in line 26, as so appearing, the word "and",- and by striking out, in line 28, the word "chapter." and inserting in place thereof the following words:- chapter; and.

SECTION 105. Section 9E of chapter 112 of the General Laws is hereby amended by striking out the second paragraph, as amended by chapter 107 of the acts of 1985, and inserting in place thereof the following paragraph:-

Physicians assistants, depending upon their level of professional training and experience as determined by a supervising physician, may perform medical services of a general nature in assisting practitioners in their own practice, in group practices, or in health care facilities.

SECTION 106. Section 12A of said chapter 112 is hereby amended by striking out, in lines 6 and 9, as appearing in the 1984 Official Edition, the word "sanatorium" and inserting in place thereof, in each instance, the following word:- sanatorium.

SECTION 106A. Section 66A of said chapter 112, as appearing in section 3 of chapter 654 of the acts of 1985, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

For purposes of this section and sections sixty-eight and sixty-eight A, the term "diagnostic pharmaceutical agents" shall mean any topical anesthetic, mydriatic, or cycloplegic drug, except atropine and phenylephrine hydrochloride in ten per cent concentration, suitable for ocular examination procedures.

SECTION 106B. The second paragraph of section 68A of said chapter 112, as appearing in section 4 of said chapter 654, is hereby amended by striking out paragraph (B) and inserting in place thereof the following paragraph:–

(B) Ocular pharmacology: eight hours in ocular pharmacology and eight hours in the study of particular topically applied agents, including but not limited to, anesthetics, dyes, mydriatics, cycloplegics, and contact lens solutions.

SECTION 107. Section 148 of said chapter 112, as appearing in section 1 of chapter 759 of the acts of 1985, is hereby amended by striking out, in line 1, the figures "149 to 162" and inserting in place thereof the words:– one hundred and forty-nine to one hundred and sixty-two.

SECTION 107A. Section 149 of said chapter 112, as appearing in section 1 of chapter 759 of the acts of 1985, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

The board of registration in medicine shall form a committee on acupuncture. Committee members will be appointed by the board with the following qualifications: one member shall be a licensed physician member of the board, one member shall be a licensed physician who has been actively involved with the practice of acupuncture for at least two years, one member shall be from the general public and shall not be engaged in or have a financial interest in the delivery of health services, and four members shall be acupuncture practitioners, chosen from a list of recommended individuals submitted by the Massachusetts Acupuncture Society, the New England School of Acupuncture, the Acupuncture Practitioners Association, the Oriental Traditional Medical Association, and any other professional acupuncture organization or institution engaged in teaching acupuncture under the provisions of chapter seventy-five D.

SECTION 107B. Clause (d) of section 152 of said chapter 112, as so appearing, is hereby amended by striking out subclause (1) and inserting in place thereof the following subclause:–

(1) the applicant has successfully completed the equivalent of two academic years at an accredited university or college, including courses in anatomy, physiology, and biology, or has taken courses at a facility which is approved by the department of education to offer such courses, and has successfully completed a committee approved course of training in acupuncture of not less than two academic years, and one year of a committee approved acupuncture internship which may run concurrently with the two year academic course in acupuncture; and passes to the

satisfaction of the committee an examination conducted by it to determine his fitness to engage in the practice of acupuncture, or.

SECTION 107C. Said clause (d) of said section 152 of said chapter 112, as so appearing, is hereby further amended by striking out subclauses (3) and (4) and inserting in place thereof the following two subclauses:–

(3) the applicant has legally practiced acupuncture as his primary activity since January first, nineteen hundred and eighty-three and has legally practiced acupuncture in the commonwealth for the twelve months immediately preceding the date of his application; and the applicant files his application within sixty days from the time the committee first accepts applications for the license to practice acupuncture; or

(4) the applicant is a legally practicing acupuncturist in the commonwealth on January first, nineteen hundred and eighty-six and the applicant files his application within sixty days from the time the committee first accepts applications for the license to practice acupuncture; and passes the examination administered by the committee as in clause (d). If any person so practicing acupuncture fails to pass the first announced examination, he may continue to practice acupuncture under the supervision of a licensed medical practitioner, as defined by the board of registration in medicine until the applicant takes the second announced examination. If any person so practicing acupuncture fails to pass the first and second announced examination, they must cease the practice of acupuncture upon due notice to the applicant of such failure.

SECTION 107D. Said chapter 112 is hereby further amended by striking out sections 156 and 157, as so appearing, and inserting in place thereof the following two sections:–

Section 156. Every licensed acupuncturist shall, during January of every year, apply to the committee for a renewal of his license and pay a fee which shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven. Any license not so renewed prior to April first in any such year shall automatically lapse on said date. The committee may in its discretion revive and extend a lapsed license on the payment of all unpaid renewal fees.

Section 157. A student of acupuncture who has creditably completed not less than one year of study in a committee approved acupuncture school, may practice acupuncture, but only in a committee approved internship program. Said internship program will require the supervision of interns by an instructor; which instructor shall be a registered and licensed acupuncturist in the commonwealth and a duly appointed field faculty member of a committee approved school of acupuncture. Said intern shall be identified as an acupuncture intern when in a clinical setting.

SECTION 107E. Section 158 of said chapter 112, as so appearing, is hereby amended by striking out clauses (d) and (e) and inserting in place thereof the following two clauses:–

(d) obtained or attempted to obtain licensure as an acupuncturist by fraud or deception;

(e) been grossly negligent in his practice as an acupuncturist.

SECTION 107F. Said chapter 112 is hereby further amended by striking out section 160, as so appearing, and inserting in place thereof the following section:–

Section 160. A person who does not possess a valid license and existing and current certificate of registration as an acupuncturist pursuant to the provisions of sections one hundred and forty-nine to one hundred and sixty-two, inclusive, shall not in any manner represent himself as an acupuncturist nor use in connection with his name the words or letters "Acupuncturist", "Licensed Acupuncturist", "Doctor of Acupuncture", "Acupuncture Therapist", "L.Ac.", "R.Ac.", or any other letter, words, abbreviations, or insignia indicating or implying that he is an acupuncturist. Whoever, not being lawfully authorized to practice acupuncture within the commonwealth and registered under section one hundred and fifty-five, holds himself out as a practitioner of acupuncture or practices or attempts to practice acupuncture, or whoever practices acupuncture under a false or assumed name or under a name other than that by which he is registered, or whoever impersonates another practitioner, or whoever practices or attempts to practice any fraud in connection with the filing of an application, or whoever files an application under a false or assumed name or under a name other than his own, or whoever impersonates or attempts to impersonate another applicant for registration during an examination, shall be punished by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment for not less than one month nor more than one year, or both. A person rendering acupuncture services in violation of this section shall recover no compensation therefor.

SECTION 107G. Said chapter 112 is hereby further amended by striking out section 162, as so appearing, and inserting in place thereof the following section:–

Section 162. Nothing contained in sections one hundred and forty-nine to one hundred and sixty-two, inclusive, shall prohibit any person employed as an acupuncturist by an agency of the federal government from practicing acupuncture while discharging his official duties as such employee. Nothing contained herein shall prevent physical therapists from practicing transcutaneous nerve stimulation, the stimulation of muscle contractions for the purpose of diagnosis or rehabilitation, or other techniques in the context of standard Western Medical Procedure and neither defined as nor held out to be acupuncture. Nothing contained herein shall prevent licensed physicians, according to the laws set forth by the board of registry in medicine from practicing acupuncture.

SECTION 108. Section 2 of chapter 115 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 55, the word "be" and inserting in place thereof the following word:– by.

SECTION 109. Section 2 of chapter 117 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the word "resident" and inserting in place thereof the following word:– Resident.

SECTION 110. The first paragraph of section 6 of chapter 118E of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– The department may provide financial assistance for such additional medical care or services as said Title XIX and said regulations permit; provided, however, that the department shall provide financial assistance for at least intermediate care facility services, podiatrists' services, prescription authorized hearing aids, basic adult dental services, but not including orthodontry or cosmetic dentistry, eyeglasses for persons sixty-five years of age or older, and care for patients in mental or tuberculosis hospitals who are sixty-five years of age or older; and provided, further, that required hospital outpatient services may be performed by a clinic.

SECTION 111. Section 10 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 29, the word "account." and inserting in place thereof the following word:– account.

SECTION 112. Section 21B of said chapter 118E, as so appearing, is hereby amended by striking out, in line 13, the word "or", the second time it appears, and inserting in place thereof the following word:– of.

SECTION 113. Section 23 of chapter 119 of the General Laws is hereby amended by striking out, in line 12, as so appearing, the word "terminal" and inserting in place thereof the following word:– terminable.

SECTION 114. Section 39E of said chapter 119, as so appearing, is hereby amended by striking out, in lines 19 and 20, the word "eighteen" and inserting in place thereof, in each instance, the following word:– nineteen.

SECTION 115. Section 52 of said chapter 119, as so appearing, is hereby amended by striking out, in line 6, the word "Springfield" and inserting in place thereof the following word:– Springfield.

SECTION 116. Section 58 of said chapter 119, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:–

The court may commit such delinquent child to the department of youth services, but it shall not commit such child to a jail or house of correction, nor to the Lyman school, the industrial school for boys, or the industrial school for girls, nor to any other institution supported by the commonwealth for the custody, care and training of delinquent children or juvenile offenders.

SECTION 117. Clause (k) of section 26 of chapter 121B of the General Laws, as so appearing, is hereby amended by striking out paragraph (5) and inserting in place thereof the following paragraph:–

(5) determined that the proceeds of such sale or other funds available to the housing authority for such project, or both, shall not be less than the amount necessary to pay in full the principal of and interest on the outstanding obligations of the housing authority with respect to such

existing project if the whole is sold or not less than that percentage of such obligations which the original cost of the part sold bears to the total original cost of the entire existing project if a part is sold. Such amount of proceeds or other funds necessary to pay in full such obligations or percentage thereof shall be deposited in trust for the benefit of the holders of such outstanding obligations and until and unless all such obligations are paid and discharged in full said proceeds and other funds shall be expended solely for payment of principal and interest thereon.

SECTION 118. Chapter 121C of the General Laws is hereby amended by striking out section 14, as so appearing, and inserting in place thereof the following section:–

Section 14. Revenue bonds and revenue refunding bonds issued under the provisions of this chapter are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by section fourteen of chapter one hundred and sixty-seven E, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them; and such bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section two of chapter one hundred and sixty-seven F. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 119. Chapter 128 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 2 of chapter 277 of the acts of 1986, and inserting in place thereof the following section:–

Section 2. The department through its proper divisions shall have power to–

(a) Execute and carry into effect the laws relative to dairy products, animal breeding, apple grading, plant pest control except the gypsy and brown tail moths and the tent caterpillars, apiary inspection, and the production, storage, marketing and distribution of agricultural products.

(b) Aid in the promotion and development of the agricultural resources of the commonwealth and the improvement of conditions of rural life, the settlement of farms and the distribution of the supply of farm labor.

(c) Establish a foreign trade section in the division of agricultural development and investigate the cost of production and marketing in all phases, and the sources of supply, of agricultural, aquacultural, floricultural or horticultural commodities, transportation, storage, marketing and distribution of said products sold, offered for sale, stored or held within the commonwealth.

(d) Collect and disseminate data and statistics as to the food, flowers and other horticultural products produced, marketed, stored or held within the commonwealth, with the quantities available from time to time and the location thereof.

(e) Investigate and aid improved methods of co-operative production, marketing and distribution of agricultural products within the commonwealth.

(f) Offer prizes for and conduct exhibits of flowers, fruit, vegetables, grasses, grains or other farm crops, dairy products, honey, horses, breeding ponies, cattle, sheep, swine, poultry, poultry products, rabbits, hares, dairy goats, farm operations, and canned and dried fruits and vegetables and offer prizes for, and in aid of, the elimination and suppression of insect pests. The department may also offer prizes for, and in aid of, such agriculturally related youth programs as the commissioner may deem approved. To properly display exhibits authorized in this paragraph, the department may expend such sums as may be appropriated therefor for the painting, renovation, remodeling and maintenance of the state agricultural and industrial building in the town of West Springfield and in the city of Brockton.

(g) To promote, develop and encourage through the Massachusetts Thoroughbred Breeding Program, breeding of thoroughbred horses in the commonwealth, by offering: a cash prize to the breeder of a Massachusetts bred thoroughbred horse, equal to twenty-five per cent of the purse monies won by said thoroughbred horse in any pari-mutuel running horse race if said horse finishes first, second or third; a cash prize of fifteen per cent of the purse won by said horse to the owner of the stallion, at the time of service to the dam of such purse winner; provided, however, that (i) the stallion stood the breeding season of February through June in the commonwealth, (ii) the horse finishes first, second or third, and (iii) said stallion is registered with the department of food and agriculture; a cash prize equal to twenty per cent of the purse monies won by said thoroughbred horse in any unrestricted pari-mutuel running horse race to the owner of a Massachusetts bred horse if said horse finishes first, second or third.

The department is further authorized to pay cash purses for stakes races to be limited to Massachusetts bred thoroughbred race horses from the Massachusetts thoroughbred breeding program at licensed pari-mutuel race meetings authorized by the state racing commission. Such races may be betting or non-betting races and may or may not be scheduled races by the licensee conducting the racing meeting. Purse monies paid by the department under this section may be in such amounts as the department shall determine and may be the sole cash purse for such races or may be supplemental to the cash purses established by the licensee; provided, however, that no person, partnership, corporation or group of persons may receive more than five thousand dollars as a cash prize breeder's award from the department of food and agriculture for an individual horse race within the commonwealth. For the purposes of this section a horse race shall mean a thoroughbred race of any kind held within the commonwealth.

No person shall be eligible for the prizes provided herein unless the following standards are met:

(1) The foal of a thoroughbred mare that drops said foal in the

commonwealth, and is bred back to a Massachusetts registered stallion shall be Massachusetts bred; or

(2) The foal of a thoroughbred mare who resides in the commonwealth from the fifteenth day of October of the year prior to foaling, and continues such residence until foaling and foals in the commonwealth shall be Massachusetts bred.

(3) In either the case of subparagraph (1) or (2), each thoroughbred foal dropped in the commonwealth shall be registered with the Jockey Club, the department of food and agriculture, and the Massachusetts Thoroughbred Breeders Association.

(4) Prior to the first day of September of each year, each person standing a thoroughbred stallion in the commonwealth at either private or public service shall file with the department of food and agriculture: (a) a list of all thoroughbred mares bred to such stallion in that year; and (b) a verified statement representing that said stallion stood the entire breeding season in the commonwealth.

The department is further authorized to expend up to eight per cent of the amount appropriated each fiscal year to said program for advertising, marketing and promotion of thoroughbred breeding in Massachusetts.

(h) Allot to fairs monies for the purchase, rental or installation of facilities to further aid in the display of exhibits and the health and comfort of the general public; provided, however, monies shall not be expended on any portion of the fair used for horse or dog racing.

It may also publish annually a leaflet relative to trees and birds, which shall be approved by the commissioner of education, and may distribute the same to the superintendents and teachers of rural and suburban public schools prior to Arbor and Bird Day.

(i) To promote, develop and encourage through the Massachusetts greyhound breeding program, breeding of racing greyhounds in the commonwealth by offering: a cash prize to the breeder of a Massachusetts bred greyhound, equal to not more than twenty-five per cent of the purse monies won by said greyhound in any pari-mutuel greyhound race if said greyhound finishes first, second or third; a cash prize of not more than fifteen per cent of the purse won by said greyhound to the owner of the stud; provided, however, that (i) the stud stood in the commonwealth at the time of service to the bitch and the owner of the stud was a Massachusetts resident, (ii) the greyhound finishes first, second or third and (iii) the stud is registered with the department as a stud standing in Massachusetts at the time of mating; and a cash prize equal to not more than five per cent of the purse monies won by said greyhound in any unrestricted pari-mutuel greyhound race to the owner of a Massachusetts bred greyhound if said greyhound finishes first, second or third.

The department is further authorized to pay cash purses for stakes races to be limited to Massachusetts bred greyhounds from the Massachusetts greyhound breeding program at licensed pari-mutuel race meetings authorized by the state racing commission. Such races may be betting or nonbetting races and may or may not be races scheduled by the licensee conducting the racing meeting. Purse monies and prize monies paid by the department under this section may be in such amounts as the department shall determine and may be the sole cash

purse for such races or may be in supplement to the cash purses established by the licensee.

No person shall be eligible for the prizes provided herein unless all of the following standards are met:

(1) the stud is standing in Massachusetts at the time of mating and is owned or leased by a Massachusetts resident; and

(2) the greyhound is whelped in Massachusetts from a bitch owned by a Massachusetts resident; and

(3) the greyhound is physically present within Massachusetts for the first six months of the first year following the date such greyhound was whelped; and

(4) the greyhound is certified as a Massachusetts bred greyhound by the department.

The department shall, with the approval of the state racing commission, and after public hearing, adopt rules and regulations for the expenditure of sums appropriated to carry out the provisions of this paragraph and for the registration of Massachusetts bred greyhounds. Said rules and regulations shall contain provisions for the eligibility of greyhounds for participation in such program where such greyhounds were whelped in Massachusetts prior to November first, nineteen hundred and eighty-six, which greyhounds may be deemed to be Massachusetts bred for purposes of this paragraph. Said rules and regulations shall be subject to section nine B of chapter one hundred and twenty-eight A, in the same manner as if they had been adopted by the commission.

The department shall establish rules and regulations to provide for the expenditure of monies in compliance with the provisions of paragraphs (b), (f), (g), and (i). Before establishing such rules, the commissioner, after reasonable notice setting forth the date, place and purpose, shall hold a public hearing relative to such rules.

SECTION 120. Section 103 of said chapter 128, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 45, the word "perserving" and inserting in place thereof the following word:— preserving.

SECTION 121. Section 105 of said chapter 128, as so appearing, is hereby amended by striking out, in line 17, the word "paticipating" and inserting in place thereof the following word:— participating.

SECTION 122. Section 20 of chapter 131 of the General Laws is hereby amended by striking out, in line 9, as so appearing, the first time it appears, the word "of".

SECTION 122A. Said section 20 of said chapter 131, as amended by section 38 of chapter 231 of the acts of 1985, is hereby further amended by striking out, in line 13, the word "a" and inserting in place thereof the following word:— an.

SECTION 122B. Section 16 of chapter 132 of the General Laws, as amended by section 6 of chapter 765 of the acts of 1985, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

Application for financial assistance as provided by the bureau must be received annually by the chief superintendent. Reimbursements shall not exceed fifty per cent of the expenditures made by the city or town and shall be based on a program of evaluation as may be adopted by said chief superintendent, with the approval of the commissioner.

SECTION 123. Subsection (a) of section 19B of chapter 138 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 2, the first time it appears, the word "a".

SECTION 124. Section 21 of said chapter 138, as so appearing, is hereby amended by striking out, in line 8, the word "farmer-brewer" and inserting in place thereof the following word:– , farmer-brewer.

SECTION 125. Section 32 of said chapter 138, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– All sales of such beverages under section fifteen and all sales thereof by a licensee under section eighteen, nineteen, nineteen B or nineteen C where transportation and delivery are required, shall be made only upon orders actually received at the licensed place of business prior to the shipment thereof.

SECTION 126. Section 32J of chapter 140 of the General Laws is hereby amended by striking out the last paragraph, added by chapter 554 of the acts of 1985, and inserting in place thereof the following paragraph:–

For the purposes of this section, upon the death of a mobile home park tenant such tenancy shall continue in the estate of such tenant for a period of one year from the date of death or one year from the appointment of an executor or administrator, whichever first occurs.

SECTION 127. Section 1 of chapter 140D of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 25, the word "propogates" and inserting in place thereof the following word:– propagates.

SECTION 128. Subsection (a) of section 4 of said chapter 140D, as so appearing, is hereby amended by striking out, in line 7, the word "an" and inserting in place thereof the following word:– a.

SECTION 129. Section 2A of chapter 141 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the word "sufficently" and inserting in place thereof the following word:– sufficiently.

SECTION 130. Section nine of chapter one hundred and forty-two of the General Laws is hereby repealed.

SECTION 132. Section 71L of said chapter 143, as so appearing, is hereby amended by inserting after the word "may", in line 12, the following word:– by.

SECTION 133. Section 10L of chapter 147 of the General Laws, as so

appearing, is hereby amended by striking out, in line 5, the words "and ten K" and inserting in place thereof the following words:– , ten K and ten M.

SECTION 134. Chapter 149 of the General Laws is hereby amended by striking out section 29B, as amended by section 2 of chapter 228 of the acts of 1985, and inserting in place thereof the following section:–

Section 29B. No provision in specifications inviting bids for construction work reserving the right to waive or cancel the requirement for furnishing a payment bond shall be valid as a defense against a claimant who relied upon the provision requiring the furnishing of the payment bond unless that reservation appears in the specifications immediately following the provision requiring the furnishing of the payment bond.

SECTION 135. Said chapter 149 is hereby further amended by striking out section 29C, as most recently amended by section 3 of said chapter 228, and inserting in place thereof the following section:–

Section 29C. Any provision for or in connection with a contract for construction, reconstruction, installation, alteration, remodeling, repair, demolition or maintenance work, including without limitation, excavation, backfilling or grading, on any building or structure, whether underground or above ground, or on any real property, including without limitation any road, bridge, tunnel, sewer, water or other utility line, which requires a subcontractor to indemnify any party for injury to persons or damage to property not caused by the subcontractor or its employees, agents or subcontractors, shall be void.

SECTION 136. Subsection (2) of section 44F of said chapter 149, as appearing in the 1984 Official Edition, is hereby amended by striking out paragraph E and inserting in place thereof the following paragraph:–

E. The names of all persons, firms and corporations furnishing to the undersigned labor or labor and materials for the class or classes or part thereof of work for which the provisions of the section of the specifications for this sub-trade require a listing in this paragraph, including the undersigned if customarily furnished by persons on his own payroll and in the absence of a contrary provision in the specifications, the name of each such class of work or part thereto and the bid price for such class of work or part thereof are:

| Name | Class of Work | Bid price |
|-------|---------------|-----------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

[Do not give bid price for any class or part thereof furnished by undersigned.]

SECTION 137. Subsection (4) of said section 44F of said chapter 149, as so appearing, is hereby amended by striking out, in line 432, the word "documents" and inserting in place thereof the following word:— documents.

SECTION 138. Section 44H of said chapter 149, as amended by chapter 808 of the acts of 1985, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:— He shall have all the necessary powers to require compliance therewith including the power to institute and prosecute proceedings in the superior court to restrain the award of contracts and the performance of contracts in all cases where, after investigation of the facts, he has made a finding that such award or performance has resulted in violation, directly or indirectly, of the provisions of said sections forty-four A to forty-four H, inclusive, or of said section thirty-nine M or of said sections thirty-eight C to thirty-eight N, inclusive, and he shall not be required to pay the clerk of the court any entry fee in connection with the institution of any such proceeding.

SECTION 138A. The definition of "Wages" in section 71A of chapter 151A of the General Laws, as amended by section 1 of chapter 256 of the acts of 1986, is hereby further amended by striking out, in line 7, the word "potential" and inserting in place thereof the following word:— partial.

SECTION 139. Section 1 of chapter 151D of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 112, the word "filled" and inserting in place thereof the following word:— filed.

SECTION 140. Section 10A of chapter 152 of the General Laws, inserted by section 24 of chapter 572 of the acts of 1985, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Upon referral from the division of administration of a claim for compensation or a complaint requesting a modification or discontinuance of benefits, the case shall be immediately assigned by the director of dispute resolution to a board member.

SECTION 141. Said section 10A of said chapter 152, as so inserted, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:— If on the evidence available at the conference, or if there is no conference within twenty-eight days, based on evidence available at the time, the member determines that weekly compensation or medical benefits should be modified or terminated, he shall forthwith file a written temporary order modifying or discontinuing weekly compensation or medical benefits.

SECTION 142. Section 11A of said chapter 152, as appearing in section 25 of said chapter 572, is hereby amended by striking out, in line 1, the first time it appears, the word "the".

SECTION 143. Section 2 of chapter 156A of the General Laws, as appearing in section 1 of chapter 774 of the acts of 1985, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:–

(b) "Professional service", (i) the service performed by registered physicians and surgeons, chiropractors, podiatrists, engineers, electrologists, physical therapists, psychologists, certified public accountants, public accountants, dentists, veterinarians, optometrists and acupuncturists, so long as the foregoing are registered or licensed under the provisions of chapter one hundred and twelve; and by attorneys-at-law admitted to practice in the courts of the commonwealth under chapter two hundred and twenty-one; (ii) any other type of service which may be rendered only pursuant to a license pursuant to the laws of the commonwealth, if the applicable regulating boards permit the licensed person to incorporate his profession under this chapter, or if such licensed person elects to incorporate his profession under this chapter and such incorporation is not prohibited by law or by regulations of the applicable regulating board.

SECTION 144. Section 1 of chapter 161A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the definitions of "Secretary" and "Department", and inserting in place thereof the following two definitions:–

"Secretary", the secretary of the executive office of transportation and construction.

"Department", the executive office of transportation and construction.

SECTION 145. Paragraph (a) of section 4 of said chapter 161A, as so appearing, is hereby amended by striking out, in line 18, the word "and".

SECTION 145A. Paragraph (a) of said section 161A, as so appearing, is hereby amended by striking out, in line 27, the word "agree." and inserting in place thereof the following words:– agree; and.

SECTION 146. The fifth paragraph of section 94G 1/2 of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Date of initial conversion" and inserting in place thereof the following definition:–

"Date of initial conversion", the first day on which an existing oil-burning electric generating facility generates electricity or is certified as having the capacity to so generate electricity for continuous distribution to customers by the combustion of coal, whether or not additional facilities must be constructed or installed.

SECTION 147. Section 130 of said chapter 164, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

A municipal electric department is hereby authorized, upon a vote of its municipal light board, to participate in a fund and obligate itself, solely from its revenues and as an expense of such department, to pay actuarially-sound premiums or such other reasonable premiums as may be mutually agreed upon.

SECTION 148. Section 15 of chapter 167 of the General Laws, as so appearing, is hereby amended by striking out, in line 20, the words "et. seq." and inserting in place thereof the following words:– et seq.

SECTION 149. Section 34 of chapter 167D of the General Laws, added by chapter 222 of the acts of 1984, is hereby amended by striking out, in line 3, the word "two" and inserting in place thereof the following words:– four hundred and one.

SECTION 150. Said chapter 167D is hereby further amended by striking out section 34, inserted by section 1 of chapter 390 of the acts of 1984, and inserting in place thereof the following section:–

Section 35. (a) For the purposes of this section, the following terms shall have the following meanings:

"Account", demand deposit, negotiable withdrawal order account, savings deposit, share account or other asset account;

"Banking institution", every state-chartered bank and credit union, every federally chartered bank as defined in section one, and foreign banks authorized to do business in the commonwealth; and

"Item", an item as defined in section 4–104 of chapter one hundred and six.

(b) Each banking institution, shall disclose to account holders its policy relative to the time period between the deposit of funds by means of a check, negotiable order of withdrawal or money order and the availability of such deposit for withdrawal or use as of right.

Such disclosure shall be given to a customer in writing at the time such account is opened and shall be included with any monthly or other periodic statement issued relative to each such account.

Every such banking institution shall also post in a conspicuous place in each of its offices, other than an electronic branch as defined in section one of chapter one hundred and sixty-seven B, a notice which sets forth such policy.

(c) The commissioner shall promulgate regulations, which may be amended from time to time, establishing a reasonable period of time within which a banking institution must permit a retail banking customer to draw, as of right, on an item which has been received for deposit in the customer's account. The commissioner is authorized to gather from banking institutions such information as may be required for the promulgation of the regulations required by this section.

SECTION 151. Section 25 of chapter 168 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 7, the word "paragraph" and inserting in place thereof the following word:– paragraph.

SECTION 151A. The first paragraph of section 19 of chapter 170 of the General Laws, as appearing in chapter 111 of the acts of 1986, is hereby amended by striking out, in line 14, the word "by" and inserting in place thereof the following word:– to.

SECTION 152. Section 26B of chapter 170 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 104, the word "federal".

SECTION 152A. The first paragraph of section 18 of chapter 172 of the General Laws, as appearing in chapter 180 of the acts of 1986, is hereby amended by striking out, in line 15, the word "by" and inserting in place thereof the following word:– to.

SECTION 153. Section 9 of chapter 175 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 80, the word [and] and inserting in place thereof the following word:– and.

SECTION 154. Section 65 of said chapter 175, as so appearing, is hereby amended by striking out, in line 4, the words "paragraph 7 or paragraph 7A" and inserting in place thereof the following words:– paragraph 7, 7A or 7B.

SECTION 154A. Said section 65 of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 24 and 25, the words "paragraphs 7 and 7A" and inserting in place thereof the following words:– paragraph 7, 7A or 7B.

SECTION 155. The last paragraph of section 110G of said chapter 175, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– Otherwise, the requirements of this paragraph shall be deemed to be controlling.

SECTION 156. Said chapter 175 is hereby further amended by striking out section 147, inserted by section 17 of chapter 745 of the acts of 1985, and inserting in place thereof the following section:–

Section 146B. (1) This section may be referred to and cited as the "Massachusetts Life and Health Insurance Guaranty Association Law".

(2) As used in this section the following words shall, unless the context otherwise requires, have the following meanings:–

"Account", any of the three accounts created under subsection (6).

"Association", the Massachusetts Life and Health Insurance Guaranty Association created under subsection (6).

"Contractual obligation", any obligation under a policy or contract or portion thereof for which coverage is provided under subsection (4).

"Covered policy or contract", any policy, contract or group certificate within the scope of this section as provided in subsection (4).

"Impaired insurer", a member insurer which, is not an insolvent insurer, and (a) is deemed by the commissioner to be potentially unable to meet its obligations, or (b) is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

"Insolvent insurer", a member insurer which is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency.

"Member insurer", any insurer licensed or which holds a certificate of authority to transact in the commonwealth any kind of insurance for which coverage is provided under subsection (4) and any insurer whose license or certificate of authority to transact in the commonwealth such insurance may have been suspended, revoked, not renewed, or voluntarily withdrawn after the effective date of this section, other than a (a) fraternal benefit society, (b) mutual protective association, (c) mutual assessment company or other entity that operates on an assessment

basis, (d) medical service corporation, (e) hospital service corporation, (f) health maintenance organization, (g) dental service corporation, (h) optometric service corporation, (i) mandatory state pooling plan, (j) insurance exchange, (k) savings and insurance bank as defined in section one of chapter one hundred and seventy-eight or other depository underwriting insurance subject to analogous terms and conditions, or (j) any other entity similar to any of the above.

"NAIC", the National Association of Insurance Commissioners or its successor organization.

"Person", any individual, corporation, partnership, association or voluntary organization.

"Premiums", amounts received on covered policies or contracts, less premiums, considerations and deposits returned thereon, and less dividends and experience credits thereon. Premiums does not include any amount received for any policies or contracts or for the portions of any policies or contracts for which coverage is not provided under paragraph (B) of subsection (4), except for subclause (d) of clause (2) of said paragraph (B) and clause (3) of paragraph (B).

"Published monthly average", the monthly average of the composite yield on seasoned corporate bonds as:– (a) published by Moody's Investors Service, Inc., or any successor thereto, or (b) established by regulation promulgated by the commissioner setting forth a substantially similar average in the event that such monthly average is no longer so published.

"Resident", any person who resides in the commonwealth at the time a member insurer is determined to be an impaired or insolvent insurer and to whom a contractual obligation is owed. A person may be a resident of only one state, which in the case of a person, other than a natural person, shall be its principal place of business.

"Supplemental contract", any agreement entered into for the distribution of policy or contract proceeds.

(3) The purpose of this section is to protect, subject to certain limitations, the persons specified in paragraph (A) of subsection (4), against failure in the performance of contractual obligations, under life and health insurance policies and annuity contracts specified in paragraph (B) of said subsection (4), because of the impairment or insolvency of the member insurer that issued the policies or contracts. To provide such protection, an association of insurers, the members of which are subject to assessment, is hereby created to pay benefits and to continue coverages, as limited herein.

(4) (A) This section shall provide coverage for the policies and contracts specified in paragraph (B) of this subsection:–

(1) To persons who, regardless of where they reside except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees or payees of the persons covered under clause (2), and

(2) To persons who are owners of such policies or contracts, or are insureds or annuitants under such policies or contracts, and who (a) are residents, or (b) are not residents, but only under all of the following conditions: (i) the insurers which issued such policies or contracts are domiciled in the commonwealth, (ii) such insurers never held a license or certificate of authority in the states in which such persons reside, (iii) such states have a life and health insurance guaranty association, and (iv)

such persons are not eligible for coverage by such guaranty association.

(B) (1) This section shall provide coverage to the persons specified in paragraph (A) of this subsection for direct, nongroup life, health, annuity, and supplemental policies or contracts, and for certificates under direct group life and health insurance policies or annuity or supplemental contracts issued by member insurers, except as otherwise limited in this section.

(2) This section shall not provide coverage under:–

(a) any portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the policy or contract holder;

(b) any policy or contract of reinsurance, other than reinsurance for which assumption certificates have been issued;

(c) any annuity contract or group annuity certificate that is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by the insurer under any such contract or certificate;

(d) any portion of a policy or contract to the extent that the rate of interest on which it is based, (i) averaged over the period of four years prior to the date on which the association becomes obligated with respect to such policy or contract, exceeds the rate of interest determined by subtracting two percentage points from the published monthly average as averaged for the same four year period, and (ii) on and after the date on which the association becomes obligated with respect to such policy or contract, exceeds the rate of interest determined by subtracting three percentage points from the published monthly average as most recently available on the date on which the association becomes obligated with respect to such policy or contract;

(e) any plan or program of an employer, association or similar entity to provide life, health, or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including but not limited to benefits payable by an employer, association or similar entity under (i) a Multiple Employer Welfare Arrangement as defined in Section 514 of the Employee Retirement Income Security Act of 1974, as amended; (ii) a minimum premium group insurance plan; (iii) a stop-loss group insurance plan; or (iv) an administrative services only contract;

(f) any portion of a policy or contract to the extent that it provides dividends or experience rating credits, or provides that any fees or allowances be paid to any person, including the policy or contract holder, in connection with the service to or administration of such policy or contract; and

(g) any policy or contract issued in the commonwealth by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue such policy or contract in the commonwealth.

(3) The benefits for which the association may become liable shall in no event exceed the lesser of:

(a) the contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer, or

(b) with respect to any one life: (i) three hundred thousand dollars in life insurance death benefits, but not more than one hundred thousand dollars in net cash surrender and net cash withdrawal values under life insurance policies; (ii) one hundred thousand dollars in health insurance benefits, including any net cash surrender and net cash withdrawal

values; (iii) one hundred thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values; but in no event shall the association's liability exceed three hundred thousand dollars in the aggregate for all life insurance, health insurance and annuity benefits, including net cash surrender and net cash withdrawal values.

(C) The protection provided by this section shall not apply where any guaranty protection is provided, independent of this section, to residents of the commonwealth by laws of the domiciliary state or jurisdiction of an impaired or insolvent insurer.

(5) This section shall be liberally construed to effect the purpose under subsection (3) which shall constitute an aid and guide to interpretation.

(6) (A) There is created a nonprofit, legal entity to be known as the Massachusetts Life and Health Insurance Guaranty Association. All member insurers shall be and remain members of the association as a condition of their authority to transact insurance in the commonwealth. The association shall perform its functions under the plan of operation established and approved under subsection (10) and shall exercise its powers through a board of directors established under subsection (7). For purposes of administration and assessment, the association shall maintain three accounts:

- (1) the health insurance account;
- (2) the life insurance account; and
- (3) the annuity account.

(B) The association shall be under the immediate supervision of the commissioner.

(7) (A) The board of directors of the association shall consist of not less than five nor more than nine member insurers serving terms as established in the plan of operation. The members of the board of directors shall be selected by member insurers subject to the approval of the commissioner. Vacancies on the board of directors shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the commissioner. To select the initial board of directors, and initially organize the association, the commissioner shall give notice to all member insurers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting each member shall be entitled to one vote in person or by proxy. If the board of directors is not selected within sixty days after notice of the organizational meeting, the commissioner may appoint the initial members.

(B) In approving selections or in appointing members to the board of directors, the commissioner shall consider, among other things, whether member insurers are fairly represented.

(C) Members of the board of directors may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors but shall not otherwise be compensated by the association for their services.

(8) (A) If a member insurer is an impaired domestic insurer, the association may, in its discretion, and subject to any conditions imposed by the association that (i) do not defeat the reasonable expectations of the policyholder or contractholder as to the benefits afforded under a policy or contract, (ii) that are approved by the commissioner, and (iii)

that are, except in cases of court ordered conservation or rehabilitation, also approved by the impaired insurer:–

(1) guarantee, assume or reinsure, or cause to be guaranteed, assumed, or reinsured, any or all of the policies or contracts of the impaired insurer;

(2) provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate subsection (1) and assure payment of the contractual obligations of the impaired insurer pending action pursuant thereto; or

(3) loan money to the impaired insurer.

(B) (1) If a member insurer is an impaired insurer, whether domestic, foreign or alien, and the insurer is not paying claims in a timely fashion, then subject to the preconditions specified in clause (2) of this paragraph the association shall, in its discretion, either (a) take any of the actions specified in paragraph (A), subject to the conditions therein, or (b) provide substitute benefits, with respect to covered policies or contracts, in lieu of the contractual obligations of the impaired insurer, solely for: health claims and death benefits, pursuant to paragraph (D); periodic annuity benefit payments; supplemental benefits; and cash withdrawals for policy or contract owners who petition therefor under claims of emergency or hardship in accordance with standards proposed by the association and approved by the commissioner.

(2) The association shall be subject to the requirements of clause (1) only if: (a) (i) in the case of an impaired domestic insurer, an order instituting a rehabilitation proceeding has been entered pursuant to section one hundred and eighty B of chapter one hundred and seventy-five; or (ii) in the case of an impaired foreign or alien insurer a petition for rehabilitation or liquidation of the impaired insurer has been filed in a court of competent jurisdiction in its state of domicile by the commissioner of that state;

(b) the laws of the impaired insurer's state of domicile provide that until all payments of or on account of the impaired insurer's contractual obligations by all guaranty associations, along with all expenses thereof and interest on all such payments and expenses, shall have been repaid to the guaranty associations or a plan of repayment by the impaired insurer shall have been approved by the guaranty associations (i) the delinquency proceedings shall not be dismissed;

(ii) neither the impaired insurer nor its assets shall be returned to the control of its shareholders or private management; and (iii) it shall not be permitted to solicit or accept new business or have any suspended or revoked license restored.

(c) in the event the impaired insurer is a foreign or alien insurer, (i) it has been prohibited from soliciting or accepting new business in the commonwealth, and (ii) its certificate of authority has been suspended or revoked.

(C) If a member insurer is an insolvent insurer, the association shall, in its discretion, either:

(1) (a) Guaranty, assume or reinsure, or cause to be guaranteed, assumed or reinsured, the covered policies or contracts of the insolvent insurer; or

(b) assure payment of the contractual obligations of the insolvent insurer; and

(c) provide such monies, pledges, guarantees, or other means as are reasonably necessary to discharge such duties; or

(2) With respect only to life and health insurance policies provide benefits and coverages in accordance with paragraph (D).

(D) (1) When proceeding under subclause (b) of clause (1) of paragraph (B) or clause (2) of paragraph (C), the association shall, with respect to only life and health insurance policies:

(a) assure payment of benefits for premiums identical to the premiums and benefits, except for terms of conversion and renewability, that would have been payable under the group policies of the insurer for claims incurred not later than the earlier of the next renewal date under such policies or contracts or forty-five days, but in no event for a claim incurred less than thirty days after the date on which the association becomes obligated with respect to such policies. Notwithstanding the foregoing, the association may, if it finds the premium rate under a group policy to be inadequate, increase such premium rate in an amount approved by the commissioner.

(b) (i) with respect to individual policies, assure payment of benefits for premiums identical to the premiums and benefits, except for terms of conversion and renewability, that would have been payable under such policies of the insurer, for claims incurred not later than the earlier of the next renewal date, if any, under such policies, or one year from the date on which the association becomes obligated with respect to such policies, but in any event for claims incurred not later than the thirtieth day after the association becomes obligated with respect to such policies; and (ii) make diligent efforts to provide all known insureds, or owners, if other than the insureds, and group policyholders with respect to group policies, thirty days notice of the termination of the benefits provided; and (iii) with respect to individual policies, make available to each known insured, or owner if other than the insured, and with respect to an individual formerly insured under a group policy who is not eligible for replacement group coverage, make available substitute coverage on an individual basis in accordance with the provisions of clause (2) of paragraph (D), if such insured or owner had a right under law or under the terminated policy to convert coverage to individual coverage or to continue an individual policy in force until a specified age or for a specified time, during which the insurer had no right unilaterally to make changes in any provision of the policy or had a right only to make changes in premium by class.

(2) In providing the substitute coverage required under paragraph (D), the association may offer either to reissue the terminated coverage or to issue an alternative policy. Alternative or reissued policies shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy. Any alternative or reissued policy may be reinsured by the association.

(3) (a) Alternative policies adopted by the association shall be subject to the approval of the commissioner. The association may adopt alternative policies of various types for future issuance without regard to any particular impairment or insolvency.

(b) Alternative policies shall contain at least the minimum statutory provisions required in the commonwealth and provide benefits that shall not be unreasonable in relation to the premium charged. The association

shall set the premium in accordance with the table of rates which it shall adopt. The premium shall reflect the amount of insurance to be provided and the age and class of risk of each insured, but shall not reflect any changes in the health of the insured after the original policy was last underwritten.

(c) Any alternative policy issued by the association shall provide coverage of a type similar to that of the policy issued by the impaired or insolvent insurer, as determined by the association.

(4) If the association elects to reissue the insured's terminated coverage at a premium rate different from that charged under the terminated policy, the premium shall be set by the association in accordance with the amount of insurance provided and the age and class of risk of the insured, and shall be subject to approval by a court of competent jurisdiction.

(5) The association's obligations with respect to coverage under any policy of the impaired or insolvent insurer or under any reissued or alternative policy shall cease on the date such coverage or policy is replaced by another similar policy by the policyholder, the insured, or the association.

(E) Nonpayment of premiums within thirty-one days after the date required under the terms of any guaranteed, assumed, alternative or reissued policy or contract or substitute coverage shall terminate the association's obligations under such policy or coverage under this section with respect to such policy or coverage, except with respect to any claims incurred or any net cash surrender value which may be due in accordance with the provisions of this section.

(F) Premiums due after entry of an order of liquidation of an insolvent insurer shall belong to, and be payable at the direction of the association, and the association shall be liable for unearned premiums due to policy or contract owners arising after the entry of such order.

(G) In carrying out its duties under paragraphs (B) and (C) of this subsection, the association may, subject to approval by the court:

(1) impose permanent policy or contract liens in connection with any guarantee, assumption or reinsurance agreement, if the association finds that the amounts which can be assessed under this section are less than the amounts needed to assure full and prompt performance of the association's duties under this section, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of such permanent policy or contract liens, to be in the public interest;

(2) impose temporary moratoriums or liens on payments of cash values and policy loans, or any other right to withdraw funds held in conjunction with policies or contracts, in addition to any contractual provisions for deferral of cash or policy loan value.

(H) If the association fails to act within a reasonable period of time as provided in paragraphs (B), (C), and (D), the commissioner shall have the powers and duties of the association under this section with respect to impaired or insolvent insurers.

(I) The association may render assistance and advice to the commissioner, upon his request, concerning any insurer which is insolvent, impaired or potentially impaired, or concerning the rehabilitation, payment of claims, continuance of coverage, or the

performance of other contractual obligations of any impaired or insolvent insurer.

(J) The association, shall have standing to appear before any court in the commonwealth with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this section. Such rights shall extend to all matters germane to the powers and duties of the association, including, but not limited to, proposals for reinsuring, modifying or guaranteeing the covered policies or contracts of the impaired or insolvent insurer and the determination of the covered policies or contracts and contractual obligations. The association shall also have the right to appear or intervene before a court in the commonwealth or in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over a third party against whom the association may have rights through subrogation of the insurer's policyholders.

(K) (1) Any person receiving benefits under this section shall be deemed to have assigned the rights under, and any causes of action relating to, the covered policy or contract to the association to the extent of the benefits received because of this section, whether the benefits are payments of or on account of contractual obligations, continuation of coverage or provision of substitute or alternative coverages. The association may require an assignment to it of such rights and causes of action by any payee, policy or contract owner, beneficiary, insured or annuitant, as a condition precedent to the receipt of any rights or benefits conferred by this section upon such person. The association also shall be subrogated to these rights and causes of action against the assets of any impaired or insolvent insurer, or any other person.

(2) The subrogation rights of the association under this subsection shall have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under this section.

(3) In addition to clauses (1) and (2) above, the association shall have all common law rights of subrogation and any other equitable or legal remedy which would have been available to the impaired or insolvent insurer or holder of a policy or contract with respect to such policy or contracts.

(L) The association may: (i) enter into such contracts as are necessary or proper to carry out the provisions and purposes of this section; (ii) sue or be sued, including taking any legal actions necessary or proper for recovery of any unpaid assessments under subsection (9); (iii) borrow money to effect the purposes of this section, such notes or other evidence of indebtedness of the association not in default being legal investments for domestic insurers which may be carried as admitted assets; (iv) employ or retain such persons as are necessary to handle the financial transactions of the association, and to perform such other functions as become necessary or proper under this section; (v) take such legal action as may be necessary to avoid payment of improper claims; (vi) exercise, for the purposes of this section and to the extent approved by the commissioner, the powers of a domestic life or health insurer, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform its obligations under this section; (vii) join an organization of one or more other state

associations of similar purposes, to further the purposes and administer the powers and duties of this association;

(viii) enter into agreements with other state associations of similar purposes to determine the residence of persons for purposes of this section.

(9) (A) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such time and for such amounts as the board of directors finds necessary. Assessments shall be due not less than thirty days after prior written notice to the member insurers and shall accrue interest at ten per cent per annum on and after the due date.

(B) There shall be two classes of assessments, as follows:

(1) Class A assessments shall be made for the purpose of meeting administrative costs and other expenses and examinations conducted under the authority of paragraph (E) of subsection (12), which assessments may be made whether or not related to a particular impaired or insolvent insurer.

(2) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the association under paragraph (A), (B) or (C) of subsection (8).

(C) (1) The amount of any Class A assessment shall be determined by the board of directors and may be made on a pro rata or non-pro rata basis. If made on a pro rata basis, the board of directors may provide that it be credited against future Class B assessments. If it is made on a non-pro rata basis, such assessment shall not exceed one hundred and fifty dollars per member insurer in any one calendar year. The amount of any Class B assessments shall be allocated for assessment purposes among the accounts pursuant to an allocation formula which may be based on the premiums or reserves of the impaired or insolvent insurer or on any other standard deemed by the board of directors in its sole discretion as being fair and reasonable under the circumstances.

(2) Class B assessments against member insurers for each account shall be in the proportion that the premiums received on business in the commonwealth by each assessed member insurer on policies or contracts covered by each account for the most recent three calendar years for which information is available preceding the year in which the insurer became impaired or insolvent, as the case may be, bears to such premiums received on business in the commonwealth for such calendar years by all assessed member insurers.

(3) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall not be made until necessary to implement the purposes of this section. Classification of assessments and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible.

(D) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board of directors, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which such assessment is abated or deferred may

be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this subsection.

(E) The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed two per cent of such insurer's average premiums received in the commonwealth on the policies covered by the account during the three calendar years preceding the year in which the insurer became an impaired or insolvent insurer. If the maximum assessment, together with the other assets of the association in any account, does not provide in any one year in any account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as permitted by this section.

(F) The board of directors may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account exceed the amount the board of directors finds is necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from assignment, subrogation, net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses.

(G) It shall be proper for any member insurer, in determining its premium rates and policyowner dividends as to any kind of insurance within the scope of this section, to consider the amount reasonably necessary to meet its assessment obligations under this section.

(H) The association shall issue to an insurer paying an assessment under this section, other than a Class A assessment, a certificate of contribution, in a form approved by the commissioner, for the amount of the assessment so paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statements as an asset in such form and for such amount, if any, and for such period of time as the commissioner may approve.

(10) (A) (1) The association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon the commissioner's written approval or unless the commissioner has not disapproved it within thirty days.

(2) If the association fails to submit a suitable plan of operation within one hundred twenty days following the effective date of this section, or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this section. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

(B) All member insurers shall comply with the plan of operation.

(C) The plan of operation shall, in addition to requirements enumerated elsewhere in this section:

(1) establish procedures for handling the assets of the association;

(2) establish the amount and method of reimbursing members of the board of directors under subsection (7);

(3) establish regular places and times for meetings, including telephone conference calls, of the board of directors;

(4) establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors;

(5) establish the procedures whereby selections for the board of directors will be made and submitted to the commissioner;

(6) establish any additional procedures for assessments under subsection (9); and

(7) contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(D) The plan of operation may provide that any or all powers and duties of the association, except those under clause (3) of paragraph (K) of subsection (8) and of subsection (9), are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association, or its equivalent, in two or more states. Such corporation, association, or organization shall be reimbursed for any payments made on behalf of the association and shall be paid for its performance of any function of the association. A delegation under this paragraph shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this section.

(11) In addition to the duties and powers enumerated elsewhere in this section:

(A) The commissioner shall:

(1) upon request of the board of directors, provide the association with a statement of the premiums in this and any other appropriate state for each member insurer;

(2) when an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time; notice to the impaired insurer constituting notice to its shareholders, if any, and failure of the impaired insurer to promptly comply with such demand not excusing the association from the performance of its powers and duties under this section;

(3) in any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the receiver;

(4) in any liquidation proceeding involving a foreign or alien member insurer in such insurer's domiciliary jurisdiction or state of entry, be appointed as conservator.

(B) The commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in the commonwealth of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a forfeiture on any member insurer which fails to pay an assessment when due. Such forfeiture shall not exceed five per cent of the unpaid assessment per month, but no forfeiture shall be less than one hundred dollars per month.

(C) Any action of the board of directors or the association may be appealed to the commissioner by any member insurer if such appeal is

taken within sixty days of the action being appealed. If a member company is appealing an assessment, the amount assessed shall be paid to the association and available to meet association obligations during the pendency of an appeal. If the appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member company. Any final action or order of the commissioner shall be subject to judicial review in a court of competent jurisdiction.

(D) The receiver, liquidator, rehabilitator, or conservator of any impaired or insolvent insurer may notify all interested persons of the effect of this section.

(12) To aid in the detection and prevention of insurer insolvencies or impairments:

(A) It shall be the duty of the commissioner:

(1) To notify the commissioners of all the other states, territories of the United States and the District of Columbia when he takes any of the following actions against a member insurer:

(a) revocation of license;

(b) suspension of license;

(c) makes any formal order that such company restrict its premium writing, obtain additional contributions to surplus, withdraw from the state, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of policyholders or creditors. Such notice shall be mailed to all insurance commissioners within thirty days following the action taken or the date on which such action occurs.

(2) To report to the board of directors when he has taken any of the actions set forth in paragraph (A), subsection (1) or has received a report from any other insurance commissioner indicating that any such action has been taken in another state. Such report to the board of directors shall contain all significant details of the action taken or the report received from another commissioner.

(3) To report to the board of directors when he has reasonable cause to believe from any examination, whether completed or in process, of any member company that such company may be an impaired or insolvent insurer.

(4) To furnish to the board of directors the NAIC Insurance Regulatory Information System tests and listings of companies not included in the tests developed by the NAIC, for the use of the board of directors in carrying out its duties and responsibilities under this subsection. Such report and the information contained therein shall be kept confidential by the board of directors until such time as made public by the commissioner or other lawful authority.

(B) The commissioner may seek the advice and recommendation of the board of directors concerning any matter affecting his duties and responsibilities regarding the financial condition of member insurers and companies seeking admission to transact insurance business in the commonwealth.

(C) The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, rehabilitation, conservation, or liquidation of any member insurer or germane to the solvency of any company seeking to do an insurance business in the commonwealth. Such reports and recommendations shall not be considered public documents.

(D) It shall be the duty of the board of directors, upon majority vote,

to notify the commissioner of any information the board of directors possesses which indicates any member insurer may be an impaired or insolvent insurer.

(E) The board of directors may, upon majority vote, request that the commissioner order an examination of any member insurer which the board in good faith believes may be an impaired or insolvent insurer. Within thirty days of the receipt of such request, the commissioner shall begin such examination. The examination may be conducted as an NAIC examination or may be conducted by such persons as the commissioner designates. The cost of such examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the board of directors of the association prior to its release to the public, but this shall not preclude the commissioner from complying with paragraph (A). The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner but it shall not be open to public inspection prior to the release of the examination report to the public.

(F) The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.

(G) The board of directors may, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report to the commissioner containing such information as it may have in its possession bearing on the history and causes of such insolvency. The board shall cooperate with the boards of directors of guaranty associations in other states in preparing a report on the history and causes of insolvency of a particular insurer, and may adopt by reference any report prepared by such other associations.

(13) (A) Assessments described in paragraph (H) of subsection (9), paragraph (H) may be applied as an offset to the premium, excise, franchise, or income tax liability of member insurers to the commonwealth, to the extent of ten per cent of the amount of such assessments for each of the five calendar years following the year in which such assessments are paid. If the sum of the offsets, so determined, for all member insurers for a calendar year exceeds three million dollars, the excess shall be carried forward and shall be allowed as an offset in calendar years in which, and to the extent that the sum of member insurer's offsets are less than three million dollars. In the event that the total of the offsets reported by all member insurers on their premium, excise, franchise or income tax returns exceeds three million dollars for a calendar year, the commissioner of revenue shall assess each member insurer with an additional tax equal to the amount offset for the calendar year which is in excess of such member insurer's pro rata share of three million dollars. Each member insurer's pro rata share of three million dollars shall be determined by dividing three million dollars by the total of all member insurer offsets reported in such calendar year and multiplying the result by the offset taken by each such member insurer.

(B) Any sums which are acquired by refund, pursuant to paragraph (F) of subsection (9), from the association by member insurers, and which have theretofore been offset against premium, excise, income or

franchise taxes as provided in paragraph (A), shall be paid by such insurers to the commonwealth in such manner as the department of revenue may require. The association shall notify the commissioner that such refunds have been made.

(14) (A) Nothing in this section shall be construed to reduce the liability for unpaid assessments of the insureds of an impaired or insolvent insurer operating under a plan with assessment liability.

(B) Records shall be kept of all negotiations and meetings in which the association or its representatives are involved to discuss the activities of the association in carrying out its powers and duties under subsection (8). Records of such negotiations or meetings shall be made public only upon the termination of a liquidation, rehabilitation, or conservation proceeding involving the impaired or insolvent insurer, upon the termination of the impairment of insolvency of the insurer, or upon the order of a court of competent jurisdiction. Nothing in this subsection shall limit the duty of the association to render a report of its activities under subsection (15).

(C) For the purpose of carrying out its obligations under this section, the association shall be deemed to be a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies reduced by any amounts to which the association is entitled as subrogee pursuant to paragraph (K) of subsection (8). Assets of the impaired or insolvent insurer attributable to covered policies shall be used to continue all covered policies and pay all contractual obligations of the impaired or insolvent insurer as required by this section. Assets attributable to covered policies, as used in this subsection, are that proportion of the assets which the reserves that should have been established for such policies bear to the reserves that should have been established for all policies of insurance written by the impaired or insolvent insurer.

(D) (1) Prior to the termination of any liquidation, rehabilitation or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders and policyowners of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of such insolvent insurer. In such determination, consideration shall be given to the welfare of the policyholders of the continuing or successor insurer.

(2) No distribution to stockholders, if any, of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the association with interest thereon for funds expended in carrying out its powers and duties under subdivision (8) with respect to such insurer have been fully recovered by the association.

(E) (1) If an order for rehabilitation or liquidation of an insurer domiciled in the commonwealth has been entered, the receiver appointed under such order shall have a right to recover on behalf of the insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation subject to the limitations of clauses (2) and (4) of this paragraph.

(2) No such distribution shall be recoverable if the insurer shows that when paid the distribution was lawful and reasonable, and that the

insurer did not know and could not reasonably have known that the distribution might adversely and materially affect the ability of the insurer to fulfill its contractual obligations.

(3) Any person who was an affiliate that controlled the insurer at the time the distributions were paid shall be liable up to the amount of distributions he received. Any person who was an affiliate that controlled the insurer at the time the distributions were declared, shall be liable up to the amount of distributions he would have received if they had been paid immediately. If two or more persons are liable with respect to the same distributions, they shall be jointly and severally liable.

(4) The maximum amount recoverable under this subsection shall be the amount needed in excess of all other available assets of the insolvent insurer to pay the contractual obligations of the insurer.

(5) If any person liable under paragraph (3) of this paragraph is insolvent, all its affiliates that controlled it at the time the distribution was paid, shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

(15) The association shall be subject to examination and regulation by the commissioner. The board of directors annually shall submit to the commissioner, not later than five months after the end of the association's prior fiscal year, a financial report for the preceding fiscal year in a form approved by the commissioner and a report of its activities during the preceding fiscal year.

(16) The association shall be exempt from payment of all fees and all taxes levied by the commonwealth or any of its subdivisions, except taxes levied on real property.

(17) There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer or its agents or employees, the association or its agents or employees, the board of directors or any member thereof, or the commissioner or his representatives, for any action or omission by them pursuant to the purposes and provisions of this section or in the performance of their powers and duties under this section. Such immunity shall extend to the participation in any organization of one or more other state associations of similar purposes as provided in subclause (vii) of paragraph (L) subsection (8), and to any such organization and its agents and employees.

(18) All proceedings in which the insolvent insurer is a party in any court in the commonwealth shall be stayed sixty days from the date an order of rehabilitation or liquidation is final to permit proper legal action by the association on any matters germane to its powers or duties. As to judgment under any decision, order, verdict, or finding based on default the association may apply to have such judgment set aside by the same court that made such judgment and shall be permitted to defend against such suit on the merits.

(19) No person, including an insurer, agent or affiliate of an insurer shall make, publish, disseminate, circulate, or place before the public, or cause directly, to be made, published, disseminated, circulated or placed before the public, in any newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station or television station, or in any other way, any advertisement, announcement or statement, written or oral, which uses the existence of the Massachusetts Life and Health Insurance Guaranty

Association for the purposes of sales, solicitation, or inducement to purchase any form of insurance covered by this section; provided, however, that this section shall not apply to the Massachusetts Life and Health Insurance Guaranty Association or any other entity which does not sell or solicit insurance.

(20) This section shall not apply to any insurer which was insolvent or unable to fulfill its contractual obligations as of April third, nineteen hundred and eighty-six.

SECTION 157. Section 31 of chapter 176 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence.

SECTION 158. The last paragraph of section 8D of chapter 176A of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– Otherwise, the requirements of this paragraph shall be deemed to be controlling.

SECTION 159. Section 8E of said chapter 176A, as so appearing, is hereby amended by striking out, in line 5, the word "or" and inserting in place thereof the following word:– on.

SECTION 160. The last paragraph of section 6A of chapter 176B of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– Otherwise, the provisions of this paragraph shall be deemed to be controlling.

SECTION 161. Section 7 of chapter 176G of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the word "state" and inserting in place thereof the following word:– statement.

SECTION 162. Clause (1) of section 4 of chapter 180 of the General Laws, as so appearing, is hereby amended by striking out, in line 28, the word "thereof." and inserting in place thereof the following word:– thereof;.

SECTION 163. Section 4 of chapter 183 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "a term of seven years" and inserting in place thereof the following words:– more than seven years from the making thereof.

SECTION 164. Section 15B of chapter 186 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word "termination" and inserting in place thereof the following word:– termination.

SECTION 164A. The second paragraph of section 1A of chapter 187 of the General Laws, as appearing in section 11 of chapter 637 of the acts of 1985, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:–

(1) A description of the dimensions of the easement expressed in

measurable terms, such as vertical or horizontal angles measured in degrees, or the hours of the day on specified dates during which direct sunlight to a specified surface of a solar collector, device, or structural design feature may not be obstructed, or a combination of these descriptions.

SECTION 165. Section 6 of chapter 188 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 4, the word "mortgage" and inserting in place thereof the following word:– mortgagee.

SECTION 166. Chapter 192 of the General Laws is hereby amended by striking out section 2, as amended by section 2 of chapter 738 of the acts of 1985, and inserting in place thereof the following section:–

Section 2. If it appears to the probate court, by the consent in writing of the heirs, or by other satisfactory evidence, that no person interested in the estate of deceased person intends to object to the probate of an instrument purporting to be the will of such deceased, the court may grant probate thereof; (i) upon the testimony of one of the subscribing witnesses; and the affidavit of such witness taken before the register or an assistant register of probate may be received as evidence; (ii) without testimony if it is self-proved by affidavits of the testator and of the witnesses, each made before an officer authorized to administer oaths under the laws of the state where executed, under official seal, in form and content substantially as follows: State of _____, County of _____, before me, the undersigned authority on this day personally appeared the testator and the witnesses whose names are signed to the attached or foregoing instrument, and, all of these persons being by me duly sworn; the testator declared to me and to the witnesses in my presence that the instrument is his last will and that he had willingly signed or directed another to sign for him, and that he executed it as his free and voluntary act for the purposes therein expressed; and each of the witnesses stated to me, in the presence of the testator, that he signed the will as witness and that to the best of his knowledge the testator was eighteen years of age or over, of sound mind and under no constraint or undue influence. _____ (Testator), _____ (Witness), _____ (Witness). Subscribed and sworn to before me by the said testator and the said witnesses, this _____ day of _____ A.D. (signed) _____ (SEAL) official capacity of officer; (iii) without testimony if it is executed, attested and made self-proved by affidavits of the testator and the witnesses, each affidavit being made before an officer authorized to administer oaths under the laws of the state where executed, and under official seal. The same signature shall be sufficient for the execution, or attestation and the affidavit. The form and content shall be substantially as follows:

I, the undersigned testator, do hereby declare that I sign (or direct another to sign for me) and execute this instrument as my last will, that I sign it willingly (or willingly direct another to sign for me) in the presence of each of said witnesses, and that I execute it as my free and voluntary act for the purposes herein expressed.

Testator

We, the undersigned witnesses, each do hereby declare in the presence of the aforesaid testator that the testator signed (or directed another to sign for him and said person signed for him) and executed this instrument as his last will in the presence of each of us, that he signed it willingly (or willingly directed another to sign it for him), that each of us hereby signs this will as witness in the presence of the testator, and that to the best of our knowledge the testator is eighteen (18) years of age or over, of sound mind, and under no constraint or undue influence.

(Witness)

(Witness)

STATE OF _____

COUNTY OF _____

Subscribed, sworn to and acknowledged before me by the said testator and witnesses this _____ day of _____ A.D.

(Signed) _____

(Seal) _____

Official Capacity

; or (iv) without testimony if the probate of such instrument is assented to in writing by the widow or husband of the deceased, if any, and by all the heirs at law and next of kin.

SECTION 166A. Paragraph (d) of section 6 of chapter 201 of the General Laws, as appearing in section 1 of chapter 525 of the acts of 1985, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:– In such circumstances, the court shall appoint a suitable person to monitor the treatment process to ensure that the antipsychotic medication treatment plan is followed.

SECTION 167. Section 8 of said chapter 201, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– The department of public welfare or a relative of the alleged spendthrift, may file a petition in the probate court, stating the facts and circumstances of the case and praying that a guardian be appointed.

SECTION 168. Section 5A of chapter 210 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following sentence:– In any petition for adoption the department shall submit to the court verification that the adoptee is not registered with the federal register for missing children and the central register.

SECTION 169. Chapter 215 of the General Laws is hereby amended by

striking out section 6B, inserted by section 3 of chapter 490 of the acts of 1985, and inserting in place thereof the following section:–

Section 6C. Upon a complaint, after a judgment pursuant to this chapter relative to the care and custody of minor children, filed by either parent or by a next friend on behalf of the children, after notice to both parents, the court may make a judgment modifying its earlier judgment as to the care and custody of said minor children provided that the court finds that a material and substantial change in the circumstances of the parties has occurred and that a modification is necessary in the best interests of the children.

During the pendency of such an action, upon motion of either party or of a next friend on behalf of the minor children of the parties and notice to the other party or parties, the court may make temporary orders relative to the care and custody of such children. Every order entered shall include specific findings of fact made by the court which clearly demonstrate the injury, harm or damage that might reasonably be expected to occur if relief pending a judgment of modification is not granted. An order entered pursuant to this section may only be entered without advance notice if the court finds that an emergency exists, the nature of which requires the court to act before the opposing party or parties can be heard in opposition. In all such cases, such order shall be for a period not to exceed five days and written notice of the issuance of any such order and the reasons therefor shall be given to the opposing party or parties together with notice of the date, time and place that a hearing on the continuation of such order will be held.

SECTION 170. Section 40 of chapter 218 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– A special justice of a district court who does not serve full-time in accordance with the provisions of section six A shall sit on the municipal court of the city of Boston by assignment in the same manner as if he were serving full-time.

SECTION 171. Section 42A of said chapter 218, as so appearing, is hereby amended by striking out, in line 9, the figures "43 to 43D" and inserting in place thereof the following words:– forty-three to forty-three D, inclusive,.

SECTION 172. Section 56 of said chapter 218, as so appearing, is hereby amended by striking out, in line 2, the word "an" and inserting in place thereof the following word:– and.

SECTION 173. Chapter 221 of the General Laws is hereby amended by striking out section 73A, as so appearing, and inserting in place thereof the following section:–

Section 73B. Each officer in attendance upon the supreme judicial court in the county of Suffolk shall receive in full for all services performed by him such salary as shall be fixed by the justices of the supreme judicial court, which salary shall be paid by the commonwealth. Each officer in attendance upon the appeals court in the county of Suffolk shall receive in full for all services performed by him such salary

as shall be fixed by the justices of the appeals court. Said salary shall be paid by the commonwealth.

SECTION 174. Section 92A of said chapter 221, as so appearing, is hereby amended by striking out, in line 21, the words "a prosecutorial function".

SECTION 175. Chapter 231 of the General Laws is hereby amended by striking out section 85S, inserted by section 18 of chapter 223 of the acts of 1985, and inserting in place thereof the following section:–

Section 85T. In any action for personal injuries, property damage or consequential damages caused by or arising out of the negligent serving of alcohol to an intoxicated person by a licensee properly licensed under chapter one hundred and thirty-eight or by a person or entity serving alcohol as an incident of its business but for which no license is required, no such intoxicated person who causes injuries to himself, may maintain an action against the said licensee or person or entity in the absence of wilful, wanton, or reckless conduct on the part of the licensee or such person or entity.

SECTION 176. Said chapter 231 is hereby further amended by striking out section 85T, inserted by chapter 589 of the acts of 1985, and inserting in place thereof the following section:–

Section 85U. No person who is a lawful occupant of a dwelling shall be liable in an action for damages for death or injuries to an unlawful occupant of said dwelling resulting from the acts of said lawful occupant; provided, however, that said lawful occupant was in the dwelling at the time of the occurrence and that he acted in the reasonable belief that the person unlawfully in said lawful dwelling was about to inflict great bodily injury or death upon said occupant or upon another person lawfully in said dwelling, and that said lawful occupant used reasonable means to defend himself or such other person lawfully in said dwelling. There shall not be a duty on said occupant to retreat from such person unlawfully in said dwelling.

SECTION 178. Section 20B of chapter 233 of the General Laws is hereby amended by striking out the definition of "Psychotherapist", as amended by chapter 85 of the acts of 1985, and inserting in place thereof the following definition:–

"Psychotherapist", a person licensed to practice medicine who devotes a substantial portion of his time to the practice of psychiatry or a person who is licensed as a psychologist by the board of registration of psychologists; provided, however, that such person has a doctoral degree in the field of psychology or is a registered nurse licensed by the board of registration in nursing whose certificate of registration has been endorsed authorizing the practice of professional nursing in an expanded role as a psychiatric nurse mental health clinical specialist, pursuant to the provisions of section eighty B of chapter one hundred and twelve.

SECTION 179. Section 65A of said chapter 233, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 1 and 6, the words "or suit".

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SECTION 180. Section 4 of chapter 234A of the General Laws, as so appearing, is hereby amended by striking out, in line 41, the first time it appears, the word "or".

SECTION 181. Section 24 of said chapter 234A, as so appearing, is hereby amended by inserting after the word "authorize", in line 5, the following word:– another.

SECTION 182. Section 47 of chapter 253 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "adequacy" and inserting in place thereof the following word:– adequacy.

SECTION 183. Chapter 255 of the General Laws is hereby amended by inserting after section 12H, as appearing in the 1984 Official Edition, the following section:–

Section 12I. Any person offering for sale a residential dwelling insulated with urea formaldehyde foam insulation, hereinafter called UFFI, shall determine whether UFFI is in the dwelling and, if it is, shall have the dwelling tested for formaldehyde gas and shall make the following disclosure to any prospective purchaser: (1) where such UFFI is located within the building, and, if known, when it was installed; (2) a copy of the test results; and (3) a copy of information developed by the department of public health concerning formaldehyde levels in dwellings insulated with UFFI and dwellings not insulated with UFFI.

The commissioner of public health shall provide by regulation for the form of notice which meets the requirements of this section.

SECTION 184. Section 18A of chapter 255D of the General Laws, as so appearing, is hereby amended by striking out subsection (3) and inserting in place thereof the following subsection:–

(3) The provision of subsections (1) and (2) shall not apply to an extension of credit or obligation if the buyer has been furnished a statement in the following form, as a separate document, accurately completed by the creditor, and has freely signed said statement:

NOTICE TO BUYER

STATE LAW PROVIDES THAT YOU DO NOT HAVE TO CONSOLIDATE YOUR PREVIOUS RETAIL INSTALLMENT SALES AGREEMENT WITH THE LOAN WHICH YOU ARE NOW APPLYING FOR.

If you do agree to consolidate the retail agreement, your combined new loan will cost \$ _____ more in finance charges.

Schedule of Monthly Payments

**Separate Loan & Retail
Installment Agreement**

\$ _____ per month for the

**Consolidated Loan & Retail
Installment Agreement**

\$ _____ per month for the

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next _____ months

terms of the new agreement

Then

\$ _____ per month for _____

months after that

I have read and understand the above statements, and I want to have my previous retail installment sales agreement consolidated with a small loan.

_____ Buyer

_____ Date

SECTION 185. Section 7A of chapter 258A of the General Laws, inserted by section 6 of chapter 605 of the acts of 1985, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

Any person who: (a) submits a fraudulent application or claim for an award; (b) intentionally makes or causes to be made any false statement or representation of a material fact; or (c) intentionally conceals or fails to disclose information affecting the amount of or the initial or continued right to any such award when reasonably requested to provide such information by the office of the attorney general shall be punished by a fine of not more than five hundred dollars or by imprisonment in a house of correction for not more than six months, or both. Said person shall further forfeit any benefit received and shall reimburse the commonwealth for payments received or paid to or on behalf of said person.

SECTION 186. Section 4 of chapter 258B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:–

The provisions of chapter thirty-one shall not apply to the executive director or any employee of the board.

SECTION 187. Section 40 of chapter 262 of the General Laws, as so appearing, is hereby amended by striking out, in line 55, the word "of" and inserting in place thereof the following word:– or.

SECTION 188. Said chapter 262 is hereby further amended by striking out section 62, as so appearing, and inserting in place thereof the following section:–

Section 62. Whoever, with intent to defraud, signs or procures to be signed a certificate of attendance or travel as a witness before a court, or reference founded upon a rule of court, in any case in which the witness did not so attend, or for a greater number of days than he actually attended, or for a greater number of miles than he actually traveled, upon which certificate the attendance or travel so claimed is allowed as a part of the expenses of prosecution, shall forfeit thirty dollars for each offence, to be recovered on complaint or indictment to

the use of the commonwealth or by action of tort to the use of any person against whom such excessive costs were taxed, with four times the whole amount taxed for attendance or travel on such false certificate, and double costs in the action of tort. Such complaint, indictment or action shall be commenced within two years after the offence is committed.

SECTION 189. Section 4A of chapter 263 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word "offenses" and inserting in place thereof the following word:– offense.

SECTION 190. Chapter 267 of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:–

Section 1. Whoever, with intent to injure or defraud, falsely makes, alters, forges or counterfeits a public record, or a certificate, return or attestation of a clerk or register of a court, public register, notary public, justice of the peace, town clerk or any other public officer, in relation to a matter wherein such certificate, return or attestation may be received as legal proof; or a charter, deed, will, testament, bond or writing obligatory, power of attorney, policy of insurance, bill of lading, bill of exchange or promissory note; or an order, acquittance or discharge for money or other property or a credit card or an instrument described as a United States Dollar Traveller's Check or Cheque, purchased from a bank or other financially responsible institution, the purpose of which is a source of ready money on cashing the instrument without identification other than the signature of the purchaser; or an acceptance of a bill of exchange, or an endorsement or assignment of a bill of exchange or promissory note for the payment of money; or an accountable receipt for money, goods or other property; or a stock certificate, or any evidence or muniment of title to property; or a certificate of title, duplicate certificate of title, certificate issued in place of a duplicate certificate, the registration book, entry book, or any indexes provided for by chapter one hundred and eighty-five, or the docket of the recorder; shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two years.

SECTION 191. Section 5 of chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in line 27, the words "39 of chapter 3" and inserting in place thereof the following words:– thirty-nine of chapter three.

SECTION 192. Section 1 of chapter 268B of the General Laws, as so appearing, is hereby amended by striking out clause (a) and inserting in place thereof the following clause:–

(a) "amount" means a category of value, rather than an exact dollar figure, as follows: greater than one thousand dollars but not more than twenty-five hundred dollars; greater than twenty-five hundred dollars but not more than five thousand dollars; greater than five thousand dollars but not more than ten thousand dollars; greater than ten thousand dollars but not more than twenty-five thousand dollars; greater than twenty-five thousand dollars but not more than fifty thousand dollars;

greater than fifty thousand dollars but not more than one hundred thousand dollars; greater than one hundred thousand dollars.

SECTION 193. Clause (m) of section 2 of said chapter 268B, as so appearing, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:– The commission shall employ an executive director, a general counsel, and, subject to appropriation, such other staff, including but not limited to clerks, accountants, and investigators, as are necessary to carry out its duties pursuant to this chapter and chapter two hundred and sixty-eight A. The staff shall serve at the pleasure of the commission and shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty.

SECTION 194. Said chapter 268B is hereby further amended by striking out section 3, as most recently amended by section 4 of chapter 12 of the acts of 1986, and inserting in place thereof the following section:–

Section 3. The commission shall:

(a) prescribe and publish, pursuant to the provisions of chapter thirty A, rules and regulations to carry out the purposes of this chapter, including rules governing the conduct of proceedings hereunder;

(b) prepare and publish, after giving the public an opportunity to comment, forms for the statements and reports required to be filed by this chapter and make such forms available to any and all persons required to file statements and reports pursuant to the provisions of this chapter;

(c) prepare and publish, pursuant to the provisions of chapter thirty A, methods of accounting and reporting to be used by persons required to file statements and reports by this chapter;

(d) make statements and reports filed with the commission available for public inspection and copying during regular office hours upon the written request of any individual who provides identification acceptable to the commission, including his affiliation, if any, at a charge not to exceed the actual administrative and material costs required in reproducing said statements and reports; the commission shall forward a copy of said request to the person whose statement has been examined;

(e) compile and maintain an index of all reports and statements filed with the commission to facilitate public access to such reports and statements;

(f) inspect all statements of financial interests filed with the commission in order to ascertain whether any reporting person has failed to file such a statement or has filed a deficient statement. If, upon inspection, it is ascertained that a reporting person has failed to file a statement of financial interests, or if it is ascertained that any such statement filed with the commission fails to conform with the requirements of section five of this chapter, then the commission shall, in writing, notify the delinquent; such notice shall state in detail the deficiency and the penalties for failure to file a statement of financial interests;

(g) upon written request from a person who is or may be subject to the provisions of this chapter or chapter two hundred and sixty-eight A, render advisory opinions on the requirements of said chapters. An

opinion rendered by the commission, until and unless amended or revoked, shall be a defense in a criminal action brought under chapter two hundred and sixty-eight A and shall be binding on the commission in any subsequent proceedings concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such requests shall be confidential; provided, however, that the commission may publish such opinions, but the name of the requesting person and any other identifying information shall not be included in such publication unless the requesting person consents to such inclusion;

(h) preserve all statements and reports filed with the commission for a period of six years from the date of receipt;

(i) act as the primary civil enforcement agency for violations of chapter two hundred and sixty-eight A, as specified in sections nine and fifteen of that chapter and of this chapter;

(j) on or before February first of each year the executive director of the commission shall request a list of all major policymaking positions for the governmental bodies below from the persons listed below:

(1) the house of representatives, the speaker of the house;

(2) the senate, the president of the senate;

(3) the state secretary's office, the state secretary;

(4) the attorney general's office, the attorney general;

(5) the state auditor's office, the state auditor;

(6) the treasurer and receiver general's office, the state treasurer;

(7) for each court of the commonwealth, the chief judge of such court;

(8) for each executive office in the commonwealth and all governmental bodies within such executive office, the secretary for such executive office;

(9) the governor's office, the governor;

(10) the lieutenant governor's office, the lieutenant governor;

(11) for each county, the chairman of the county commissioners;

(12) for each authority or other governmental body not covered by clauses one through eleven above, the executive or administrative head of such authority or governmental body; and such persons shall furnish such lists within sixty days. The executive director may add any position that he determines to be a major policymaking position in such governmental body to such list. Any person aggrieved by such action of the executive director may appeal such action to the commission.

SECTION 195. Section 5 of said chapter 268B, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 39, the words "2, 3 and 6 below" and inserting in place thereof the following words:- (2), (3) and (6).

SECTION 196. Said section 5 of said chapter 268B, as so^{now} appearing, is hereby further amended by striking out, in line 112, the figure "3" and inserting in place thereof the following word:- three.

SECTION 197. Said chapter 268B is hereby further amended by striking out section 7, as amended by chapter 118 of the acts of 1985, and inserting in place thereof the following section:-

Section 7. Penalties for violation of confidentiality and for perjury.

Any person who violates the confidentiality of a commission inquiry

under the provisions of paragraph (a) of section four of this chapter shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Any person who willfully affirms or swears falsely in regard to any material matter before a commission proceeding under paragraph (c) of section four of this chapter, or who files a false statement of financial interests under section five of this chapter shall be punished by a fine of not more than one thousand dollars or by imprisonment in the state prison for not more than three years, or in a house of correction for not more than two and one-half years, or both.

SECTION 198. Section 31 of chapter 272 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 2, the word "twenty-nine B", and inserting in place thereof the following word:– , twenty-nine B.

SECTION 199. Paragraph C of section 99 of said chapter 272, as so appearing, is hereby amended by striking out subparagraph 2 and inserting in place thereof the following subparagraph:–

2. Editing of tape recordings in judicial proceeding prohibited.

Except as otherwise specifically provided in this section any person who willfully edits, alters or tampers with any tape, transcription or recording of oral or wire communications by any means, or attempts to edit, alter or tamper with any tape, transcription or recording of oral or wire communications by any means with the intent to present in any judicial proceeding or proceeding under oath, or who presents such recording or permits such recording to be presented in any judicial proceeding or proceeding under oath, without fully indicating the nature of the changes made in the original state of the recording, shall be fined not more than ten thousand dollars or imprisoned in the state prison for not more than five years or imprisoned in a jail or house of correction for not more than two years or both so fined and given one such imprisonment.

SECTION 200. Section 83A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the word "officer" and inserting in place thereof the following word:– officers.

SECTION 201. Section 92A of said chapter 276, as so appearing, is hereby amended by striking out, in line 11, the word "reimbursement" and inserting in place thereof the following word:– reimbursement.

SECTION 202. Section 4 of chapter 276A of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the word "thirty-seven" and inserting in place thereof the following word:– thirty-eight.

SECTION 203. Paragraph (1) of subsection (b) of section 16D of chapter 278 of the General Laws, as appearing in chapter 682 of the acts of 1985, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– At any time after the issuance of a complaint or indictment alleging an offense punished by any of the statutes listed herein, the court on its own motion or on

motion of the proponent of a child witness, and after a hearing, may order the use of a suitable alternative procedure for taking the testimony of the child witness, in proceedings pursuant to said complaint or indictment, provided that the court finds by a preponderance of the evidence at the time of the order that the child witness is likely to suffer psychological or emotional trauma as a result of testifying in open court, as a result of testifying in the presence of the defendant, or as a result of both testifying in open court and testifying in the presence of the defendant.

SECTION 204. The first paragraph of section 9 of chapter 645 of the acts of 1948, as most recently amended by section 3 of chapter 394 of the acts of 1984, is hereby further amended by striking out subsection (d).

SECTION 205. Section two hundred and sixty-five of chapter one thousand one hundred and fourteen of the acts of nineteen hundred and seventy-three is hereby repealed.

SECTION 206. Section seven of chapter three hundred and forty-eight of the acts of nineteen hundred and eighty-four is hereby repealed.

SECTION 207. Section 3 of chapter 369 of the acts of 1984 is hereby amended by striking out, in line 11, the word "affairs" and inserting in place thereof the following word:– management.

SECTION 208. Clause (o) of section 6 of chapter 372 of the acts of 1984 is hereby amended by striking out, in line 3, the word "or" and inserting in place thereof the following word:– of.

SECTION 209. The last sentence of paragraph (c) of section 7 of said chapter 372 is hereby amended by striking out, in line 11, the word "in" and inserting in place thereof the following word:– and.

SECTION 210. Paragraph (h) of section 12 of said chapter 372 is hereby amended by striking out, in line 7, the word "bonds", the first time it appears, and inserting in place thereof the following word:– bond.

SECTION 211. Paragraph (d) of section 26 of said chapter 372 is hereby amended by striking out, in line 10, the word "deep" and inserting in place thereof the following word:– deem.

SECTION 211A. Section 2 of chapter 275 of the acts of 1985 is hereby amended by striking out, in lines 4 and 5, the words "Universal Massachusetts Accounting System Handbook" and inserting in place thereof the words:– Uniform Municipal Accounting System.

SECTION 212. Section 16 of chapter 593 of the acts of 1985 is hereby amended by striking out, in line 1, the figure "62" and inserting in place thereof the following figure:– 62C.

SECTION 213. Section twenty-two of said chapter five hundred and ninety-three is hereby repealed.

ACTS, 1986. – Chap. 558.

SECTION 214. Section one of chapter six hundred and sixty-two of the acts of nineteen hundred and eighty-five is hereby repealed.

SECTION 215. Section 3 of chapter 702 of the acts of 1985 is hereby amended by striking out, in line 2, the word "subsection (6)" and inserting in place thereof the following words:– subsections (6) and (7).

SECTION 216. Section twelve of chapter seven hundred and twenty-eight of the acts of nineteen hundred and eighty-five is hereby repealed.

SECTION 217. Section eight of chapter seven hundred and forty-five of the acts of nineteen hundred and eighty-five is hereby repealed.

SECTION 218. Chapter 120 of the acts of 1986 is hereby amended by striking out section 2 and inserting in place thereof the following section:–

Section 2. Said section 22 of said chapter 170 is hereby further amended by striking out clause (h), added by section 2 of chapter 44 of the acts of 1986, and inserting in place thereof the following two clauses:– (h) investments in shares of the Co-operative Bank Investment Fund established by chapter four hundred and eighty-two of the acts of nineteen hundred and eighty-four, (i) shares or certificates in the Assets Management Fund for Savings Institutions, so-called; provided, however, that the investments made by said fund are limited solely to those investments which qualify as "liquid assets" or "short term liquid assets" under section 523.10 (g) and (h) of the regulations of the Federal Home Loan Bank System issued pursuant to 12 USC 1464, et seq; and provided, further, that no more than twenty per cent of said reserve may be invested in such shares or certificates.

SECTION 219. Section 6 of chapter 348 of the acts of 1986 is hereby amended by striking out, in line 2, the words "section 3 of chapter 788 of the acts of 1985", and inserting in place thereof the following words:– section 7 of chapter 35 of the acts of 1986.

SECTION 220. Chapter four hundred and sixty-four of the acts of nineteen hundred and eighty-six is hereby repealed.

Approved December 8, 1986.

Chapter 558. AN ACT AUTHORIZING THE TOWN OF SOUTH HADLEY TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of South Hadley a department of public works, hereinafter called the department, which shall be under the jurisdiction of the board of selectmen.

SECTION 2. The board of selectmen of said town shall have and

exercise all the powers, rights and duties now or from time to time vested by any general or special law in the park and recreation commission; the highway department; the office of town engineer and the wastewater treatment plant.

In addition, said board is hereby authorized and directed to assume all powers, rights, duties and liabilities with respect to the collection and disposal of garbage in said town.

No contracts or liabilities in force on the effective date of this act shall be affected hereby, but the board shall be deemed the lawful successor of the aforesaid departments, commissions, boards and offices relative to such contracts or liabilities. It shall be the duty of such aforesaid departments, commissions, and offices to turn over to the board of selectmen all contracts, papers, documents, plans and property in their custody and control, and each shall furnish to the board of selectmen such information as may be requested by the board of selectmen.

In addition the board of selectmen shall be responsible for the repair, alteration, and maintenance of town public buildings now under the jurisdiction of the board of selectmen and those formerly under the parks and playground commission; for the repair and maintenance of all town-owned equipment, property and vehicles under the jurisdiction of the board of selectmen and those formerly under the parks and playground commission; for the central purchasing of all public works related supplies, materials and equipment; and for the awarding of all contracts for the repair, alteration, remodeling, construction, reconstruction, maintenance or renovation of all town public ways, grounds, properties or equipment now placed under the jurisdiction of the board of selectmen.

SECTION 3. The board of selectmen shall appoint, and may remove, a superintendent of public works, who shall be responsible to said board. Pending the appointment of a superintendent, said board may appoint an acting superintendent. The compensation of the superintendent or acting superintendent shall be fixed by said board, subject to appropriations therefor.

No member of the board of selectmen shall be eligible for appointment as superintendent. During his tenure, the superintendent shall hold no elective or other appointive office, nor shall he engage in any other business or occupation.

The superintendent shall have full authority to carry out the policies of the board of selectmen, and shall be responsible for the efficient exercise and performance of the powers, rights and duties vested in said board.

The superintendent shall be specially fitted by education, training and experience to perform the duties of such office, and need not be a resident of the town when appointed. He shall be a graduate engineer with a recognized engineering degree. Before entering upon the duties of his office, he shall be sworn to the faithful and impartial performance thereof.

The board of selectmen by a majority vote may at any time remove the superintendent for cause after a hearing or an opportunity therefor, provided a written statement setting forth specific reasons for such removal is filed with the town clerk and a copy thereof delivered to or

sent by registered mail to said superintendent at least five days before the date of said proposed hearing. The action of said board shall be final.

SECTION 4. The superintendent of public works shall, subject to applicable civil service and collective bargaining agreements, appoint and may suspend or remove, division heads, assistants, clerks, employees and laborers as he deems necessary. All such appointments, suspensions and removals shall require the approval of the board of selectmen.

The superintendent shall keep full and complete records of the doings of his office and render to the board of selectmen regular and full reports of all operations under his control during the period reported upon; and annually shall prepare a synopsis of such reports for publication in the town report. He shall keep said board fully advised as to the needs of the town within the scope of his duties, and shall annually furnish to said board not later than the first day of January of each year detailed estimates in writing of the appropriation required during the next ensuing fiscal year for the proper exercise and performance of all said powers, rights and duties. Each budget request shall be in such detail and in such format as may be required by said board or suggested by the finance committee.

SECTION 5. The position of town engineer shall be made subordinate to the superintendent of the department of public works. The town engineer's primary responsibilities shall be to provide engineering work for said department, but he shall assist other town departments, commissions and offices, including the planning board, as time and resources permit. The provisions of chapter three hundred and eighty-two of the acts of nineteen hundred and sixty-nine are made inapplicable, insofar as they conflict with provisions of this act.

SECTION 6. The position of superintendent of parks and recreation shall be abolished.

SECTION 7. The first paragraph of section 3 of chapter 45 of the acts of 1933 is hereby amended by striking out, in lines 12 and 13, the words ", the chairman of the park commissioners".

SECTION 8. This act shall take effect upon its passage.

Approved December 8, 1986.

Chapter 559. AN ACT ENABLING HOMELESS VETERANS AND THEIR FAMILIES TO RECEIVE VETERANS BENEFITS.

Be it enacted, etc., as follows:

Section 1 of chapter 115 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the definition of "reside" and inserting in place thereof the following definition:–

"Reside", to be present within a city or town of the commonwealth, notwithstanding the lack of a present abode, with no present intention of definite and early removal, but not necessarily with the intention of

remaining permanently; provided, however, that any such person who enters the commonwealth solely for the purpose of obtaining benefits under this chapter shall not be considered to reside in the commonwealth; and, provided further, that an applicant lacking a present abode shall be required to provide an affidavit stating his identity, his last place of residence and his intention to establish an abode within the city or town in which he applies.

Approved December 8, 1986.

Chapter 560. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO SELL AND CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to convey subject to the provisions of chapter seven of the General Laws by deed, approved as to form by the attorney general, to the C. D. Realty Trust XXVIII of Norwell, for industrial development purposes certain land containing one and five hundred and seven thousandths acres as shown on a plan entitled, "Plan of Land in Taunton, MA Owned by the Commonwealth of Mass., scale 1"=100', April 13, 1978 Hayward-Boynton & Williams, Inc., Surveyors, Civil Engineers, 7 Broadway, Taunton, MA". Said land being part of a parcel formerly transferred to the city of Taunton under the provisions of chapter four hundred and six of the acts of nineteen hundred and seventy-four and later returned to the commonwealth. Said land is bounded and described as follows:-

Beginning at a railroad spike set in the southerly sideline of Cranberry Road (John Hancock Road), being the northwesterly property corner of the herein described parcel; THENCE South 76°45'15" East 332.30 feet to a concrete bound, and a point of curvature; THENCE by a curve to the right, the radius of which is 245.77 feet a distance of 207.83 feet, to a concrete bound and a corner. The last two courses by the southerly sideline of Cranberry Road (John Hancock Road); THENCE South 87°52'49"West 451.64 feet to a concrete bound and a corner; THENCE North 08°29'49"West 217.94 feet to the railroad spike, and the point of beginning. The last two courses by land of the Taunton Development Corporation.

The division of capital planning and operations, the department of mental health, and any other state agency or department shall have the right at all times to pass and repass on said property to maintain and repair surface drainage, water, sewer, and electrical services and distribution systems.

SECTION 2. The conveyance authorized in section one of this act shall also provide adequate safeguards to be taken for the protection and safety of the residents and employees of the Paul A. Dever state school.

SECTION 3. In the event that the land conveyed by section one is not

ACTS, 1986. – Chaps. 561, 562.

used for the aforementioned purpose, or that the conditions and restrictions herein are not complied with within a period of five years from the effective date of this act, it shall revert to the commonwealth for no further consideration.

Approved December 8, 1986.

EMERGENCY LETTER: December 8, 1986 @ 4:44 P.M.

Chapter 561. AN ACT RELATIVE TO AUTO INSURANCE COMPANIES AWARDING INTEREST ON OVERPAYMENT OF INSURANCE PREMIUMS.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 113Q the following section:–

Section 113R. Every insurer offering motor vehicle liability insurance and related coverages shall pay interest on refunds of overpayments to those insured paying premiums in full based on an estimated premium. Such interest shall include interest in the amount charged policyholders for overdue payments.

Approved December 8, 1986.

Chapter 562. AN ACT ALLOWING OVERRIDE OF PROPOSITION TWO AND ONE-HALF, SO-CALLED, FOR CERTAIN CAPITAL EXPENDITURES APPROVED BY THE VOTERS.

Be it enacted, etc., as follows:

SECTION 1. Section 21C of chapter 59 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after paragraph (i) the following paragraph:–

(i 1/2) The local appropriating authority of any city or town may, by a two-thirds vote, seek voter approval to assess taxes in excess of the levy limitation for certain capital outlay expenditures. Amounts for such capital outlay expenditures shall be assessed only after approval by a separate vote of the people taken at a regular or special election held before the setting of the annual tax rate; provided, however, that the question submitted shall be worded as follows: "Shall the (city/town) of _____ be allowed to assess an additional \$ _____ in real estate and personal property taxes for the purposes of (state the purpose(s) for which the monies from this assessment will be used) for the fiscal year beginning July first, nineteen hundred and _____?"

Yes _____ No _____";

and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

Capital outlay expenditures may be authorized for any municipal

purpose for which the city or town would be authorized to borrow money under section seven or eight of chapter forty-four.

SECTION 2. Said section 21C of said chapter 59, as so appearing, is hereby further amended by striking out paragraph (l) and inserting in place thereof the following paragraph:–

(l) Amounts exempted from the tax limit under paragraph (i 1/2), (j) or (k) shall not be included in calculating the "total taxes assessed" in paragraph (a) or the maximum levy limit in paragraph (f).

Approved December 8, 1986.

EMERGENCY LETTER: February 12, 1987 @ 4:19 P.M.

Chapter 563. AN ACT RELATIVE TO DEPARTMENT OF ELDER AFFAIRS HOME CARE PROVIDERS.

Be it enacted, etc., as follows:

The third paragraph of section 4 of chapter 19A of the General Laws is hereby amended by striking out clause (c), as amended by chapter 755 of the acts of 1985, and inserting in place thereof the following clause:–

(c) to encourage and assist communities to plan, develop and implement home care programs which shall be operated either by agencies organized by the commonwealth or any political subdivision thereof or by nonprofit corporations organized under chapter one hundred and eighty and which shall be designated by the department. Any hospital or nursing home licensed by the department of public health pursuant to the provisions of chapter one hundred and eleven shall not be eligible to operate home care programs under this chapter. A majority of the governing body of the aforesaid home care providers shall be persons sixty years of age or older who reside in the cities or towns served by said provider. A majority of the governing body of the aforesaid home care providers, except those serving the city of Boston, shall be appointed by the councils on aging of the cities and towns served by said provider.

The secretary may contract with a home care provider that does not comply with the provisions relating to the composition of the governing body if such home care provider, prior to entering into such contract, shall have presented a plan, approved by the secretary, of adoption of by-laws requiring a majority of such governing body to be composed of persons sixty years of age or older who reside in the cities or towns serviced by said provider and a majority of the governing board to be appointed by the councils on aging of the cities or towns serviced by said provider. As a condition of such contract, such home care provider shall implement such plan within one hundred and eighty days of the signing of the contract.

If no home care provider who complies with the provision of this clause relating to the composition of the governing body is available to provide a home care service, the secretary may enter into a contract with a nonconforming home care provider until an organization with a complying governing body becomes available to provide a comparable service. If the secretary has entered into a contract with a nonconforming home care provider and a conforming provider becomes

ACTS, 1986. – Chaps. 564, 565.

available, the contract shall remain in force for such period of time as the secretary deems necessary; provided, however, that the term of such contract shall not exceed one year.

Home care programs shall include, but not be limited to, case management, homemaker and chore services, transportation, protective services, and information and referral; provided, however, that the department may include additional services where feasible; and provided, further, that any council on aging may be a member of its designated area agency on aging without being required to join or make payment to a home care provider.

Approved December 8, 1986.

Chapter 564. AN ACT RELATIVE TO COST-OF-LIVING ADJUSTMENTS FOR CERTAIN RETIRED JUDGES.

The definition of "Employee" in section 1 of chapter 32 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "commonwealth", in line 113, the following words:— ; provided, however, that solely for the purpose of determining the applicability of any adjustments made pursuant to section one hundred and two, subsequent to June thirtieth, nineteen hundred and eighty-six, to the retirement allowances, pensions or annuities received by any member of the judiciary appointed thereto prior to January second, nineteen hundred and seventy-five, or by the surviving spouse or other beneficiary of such member, such member shall be deemed to be an employee.

Approved December 8, 1986.

Chapter 565. AN ACT TRANSFERRING THE WETLANDS RESTRICTION PROGRAM FROM THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING.

Be it enacted, etc., as follows:

SECTION 1. Chapter 130 of the General Laws is hereby amended by striking out section 105, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:—

Section 105. The commissioner of environmental quality engineering may from time to time, for the purpose of promoting the public safety, health and welfare, and protecting public and private property, wildlife and marine fisheries, adopt, amend, modify or repeal orders regulating, restricting or prohibiting dredging, filling, removing or otherwise altering, or polluting, coastal wetlands. In this section "coastal wetlands" shall mean any bank, marsh, swamp, meadow, flat or other low land subject to tidal action or coastal storm flowage and such contiguous land as said commissioner reasonably deems necessary to affect by any such order in carrying out the purposes of this section.

The commissioner of environmental quality engineering shall, before

adopting, amending, modifying or repealing any such order, hold a public hearing thereon in the municipality in which the coastal wetlands to be affected are located, giving notice thereof to the state reclamation board, the department of public works and the department of environmental management and each assessed owner of such wetlands by mail at least twenty-one days prior thereto.

Upon the adoption of any such order or any order amending, modifying or repealing the same, the commissioner of environmental quality engineering shall cause a copy thereof, together with a plan of the lands affected and a list of the assessed owners of such lands, to be recorded in the proper registry of deeds or, if such lands are registered, in the registry district of the land court, and shall mail a copy of such order and plan to each assessed owner of such lands affected thereby. Such orders shall not be subject to the provisions of chapter one hundred and eighty-four. Any person who violates any such order shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment for not more than one month, or both.

The superior court shall have jurisdiction to restrain violations of such orders.

Any person having an ownership interest, any lessees holding a lease of twenty-five years length or more and any mortgagor having an interest in land affected by any such order, may, within ninety days after receiving notice thereof, petition the superior court to determine whether such order so restricts the use of his property as to deprive him of the practical uses thereof and is therefor an unreasonable exercise of the police power because the order constitutes the equivalent of taking without compensation. If the court finds the order to be an unreasonable exercise of the police power, as aforesaid, the court shall enter a finding that such order shall not apply to the land of the petitioner; provided, however, that such findings shall not affect any other land than that of the petitioner. The commissioner of environmental quality engineering shall cause a copy of such finding to be recorded forthwith in the proper registry of deeds or, if the land is registered, in the registry district of the land court. The method provided in this paragraph for the determination of the issue of whether any such order constitutes a taking without compensation shall be exclusive, and such issue shall not be determined in any other proceeding, nor shall any person have a right to petition for the assessment of damages under chapter seventy-nine by reason of the adoption of any such order.

The department of environmental management may, after a finding has been entered that such order shall not apply to certain land as provided in the preceding paragraph, take the fee or any lesser interest in such land in the name of the commonwealth by eminent domain under the provisions of chapter seventy-nine and hold the same for the purposes set forth in this section.

No action by the commissioner of environmental quality engineering or the department of environmental quality engineering under this section shall prohibit, restrict or impair the exercise or performance of the powers and duties conferred or imposed by law in the department of public works, the Massachusetts Water Resources Authority, the state reclamation board or any mosquito control or other project operating under or authorized by chapter two hundred and fifty-two.

No order adopted hereunder shall apply to any area under the control

of the metropolitan district commission and the Massachusetts Water Resources Authority. No order adopted hereunder shall permit the construction in coastal wetlands of access driveways to unrestricted land except in a manner which allows the flow of the tide.

SECTION 2. Chapter 131 of the General Laws is hereby amended by striking out section 40A, as amended by section 45 of chapter 231 of the acts of 1985, and inserting in place thereof the following section:–

Section 40A. The commissioner of environmental quality engineering shall from time to time, for the purpose of preserving and promoting the public safety, private property, wildlife, fisheries, water resources, flood plain areas and agriculture, adopt, amend or repeal orders regulating, restricting or prohibiting dredging, filling, removing or otherwise altering or polluting inland wetlands. In this section, the term "inland wetlands" shall include the definition of "freshwater wetlands" as set forth in section forty, and it shall further include that portion of any bank which touches any inland waters of any freshwater wetland, and any freshwater wetland subject to flooding.

The commissioner of environmental quality engineering shall protect flood plain areas by establishing by order that, along any waterway or flood-prone area lines beyond which in the direction of the waterway or flood-prone area, no obstruction or encroachment shall be placed by any person, firm or corporation, public or private, unless authorized by the commissioner. Said commissioner, in establishing such encroachment lines shall base their location on the boundaries of the area which have been mapped, designated and recorded as inland wetlands in accordance with the provisions of this section.

The commissioner of environmental quality engineering shall, before adopting any such order under the preceding paragraphs, hold a public hearing thereon in the city or town or watershed region in which the inland wetlands or flood plains to be affected are located, giving notice thereof to the state reclamation board, the department of environmental management, the Massachusetts Water Resources Authority, the metropolitan district commission, the selectmen, conservation commissioners and assessors of each such city or town, and each assessed owner of such wetland or flood plains by certified mail at least twenty-one days prior thereto. For the purposes of this section, the person to whom the land was assessed in the last preceding annual tax levy shall be deemed to be the assessed owner thereof, and the notice shall be addressed in the same manner as the notice of such tax levy unless a different owner or a different address is known by said commissioner to be the correct one in which case the notice shall be so addressed. No order shall be adopted until it is approved by the selectmen or city council of the town or city in which said wetlands or flood plains are located; provided, however, that if the selectmen or the city council fail to approve or disapprove in writing, stating reasons for such disapproval, such proposed order within thirty days after receipt of a written request from said commissioner such order shall be deemed to have been approved; and provided, further, if such order is so disapproved said commissioner may, after expiration of six months from the date of such disapproval and after due consideration of the reasons for such disapproval, adopt such order or amended order.

Upon the adoption of any such order or any order amending or

repealing the same, the commissioner of environmental quality engineering shall cause a copy thereof, together with a plan of the lands affected and a list of the assessed owners of such lands, to be recorded in the registry of deeds or the office of the assistant recorder for the district wherein the land lies, and shall send by certified mail a copy of such order and plan to each assessed owner of land affected and to the clerk and board of assessors of each city or town in which the land is located. Such order shall not be subject to the provisions of chapter one hundred and eighty-four. The superior court shall have jurisdiction to enforce, and remedy violations of such orders.

Any person having an ownership interest, any lessee holding a lease of twenty-five years length or more and any mortgagor having an interest in land affected by any such order, may within ninety days after receiving notice thereof, petition the superior court to determine whether such order so restricts the use of his property as to deprive him of the practical uses thereof and is therefore an unreasonable exercise of the police power because the order constitutes the equivalent of a taking without compensation. If the court finds the order to be an unreasonable exercise of the police power, as aforesaid, the court shall enter a finding that such order shall not apply to the land of the petitioner; provided, however, that such finding shall not affect any other land than that of the petitioner. The commissioner of environmental quality engineering shall cause a copy of such finding to be recorded forthwith in the proper registry of deeds or, if the land is registered, in the registry district of the land court. The method provided in this paragraph for the determination of the issue of whether any such order constitutes a taking without compensation shall be exclusive, and such issue shall not be determined in any other proceeding, nor shall any person have a right to petition for the assessment of damages under chapter seventy-nine by reason of the adoption of any such order.

The department of environmental management may, after a finding has been entered that such order shall not apply to certain land as provided in the preceding paragraph, take the fee or any lesser interest in such land in the name of the commonwealth by eminent domain under the provisions of chapter seventy-nine and hold the same for the purposes set forth in this section. No such order shall prohibit, restrict or regulate the use or improvement of land or water for agricultural purposes without the written consent of the owner, provided, however, that any subsequent nonagricultural use of land which was filled or drained for agricultural purposes at a time when said land was subject to an order under this section may be regulated, restricted, or prohibited by such order. No such order shall prohibit, restrict or regulate the exercise or performance of the powers and duties conferred or imposed by law upon the metropolitan district commission, the Massachusetts Water Resources Authority, the division of fisheries and wildlife, the Massachusetts aeronautics commission, or the state reclamation board, or any mosquito control or other project operating under or authorized by chapter two hundred and fifty-two. If after following the procedures hereinbefore set forth, no such order has become effective as to any particular land or interest therein, the department of environmental management may, subject to a specific appropriation for the purpose, take such land or interest therein by eminent domain, or may acquire the same by purchase, gift or otherwise. Awards of damages, expenses of

acquisition of land and water, and expenses incidental thereto and to the preparation of maps and plans of the lands to be affected, to the holding of hearings, and to the adoption and recording of orders, as provided in this section, may be paid out of funds made available for the purpose of section three of chapter one hundred and thirty-two A.

SECTION 3. All employees whose duties are transferred to a department, commission, or other unit of state government by passage of this act, who, immediately prior to the effective date of this act, hold positions related to the exercise of such powers or the performance of such duties and either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws, are hereby transferred to said department, commission, or other unit of state government to which said powers and duties are so transferred, every such transfer to be without impairment of civil service status, seniority, retirement or other rights of the employee and without interruption of service within the meaning of said chapter thirty-one or said section nine A and without reduction in compensation or salary grade notwithstanding any change in title or duties resulting from such transfer, subject to the provisions of said chapter thirty-one and the rules and regulations adopted thereunder.

All employees who, immediately prior to said effective date, hold positions related to the exercise of such powers or the performance of duties, as are transferred to a department, commission, or other unit of state government, but neither hold permanent appointment in such positions, nor have such tenure, are hereby transferred to said department, commission, or unit to which said powers and duties are so transferred, every such transfer to be without impairment of seniority, retirement and other rights of the employee, and without interruption of service within the meaning of said section nine A of chapter thirty and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such transfer.

Nothing in this section shall be construed to confer upon any employee any rights not held immediately prior to the effective date of this act or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff, or abolition or position not prohibited prior to said effective date.

The status of the incumbent in any office or position placed within the classified civil service by this act shall be determined pursuant to the provisions of section forty-seven A of said chapter thirty-one.

SECTION 4. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by a department, commission, or other unit of state government, the powers and duties which are transferred upon the effective date of this act, and which arise from or relate to the exercise of such powers or the performance of such duties, and which are pending immediately prior to the effective date of this act, shall continue unabated and remain in force notwithstanding the passage of this act, and shall thereafter be completed before or by said department, commission, or other unit of state government to which said powers and duties are so transferred.

All orders, rules and regulations duly made, and all licenses, permits, certificates and approvals duly granted, by any department, commission, or unit of state government concerning the powers and duties which are transferred by this act, which arise from or relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to the effective date of this act, shall continue in force and the provisions thereof shall thereafter be enforced, until superseded, revised, rescinded or cancelled in accordance with law, by the appropriate department, commission, or other unit of state government to which said powers and duties are so transferred.

All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates and approvals, and of the agencies to which the completion or enforcement thereof is so transferred, shall be determined by the secretary of environmental affairs.

SECTION 5. All books, papers, records, documents, equipment, lands, interests in land, buildings, facilities and other property, both personal and real, which immediately prior to the effective date of this act, are in the custody of a department, commission, or other unit of state government, relating to powers and duties which are transferred by this act and which related to or are maintained for the purpose of the exercise of such powers or the performance of such duties, are hereby transferred to the department, agency, or other unit of state government to which said powers and duties are so transferred.

All questions regarding the identification of such property and of the agencies to which custody thereof is transferred shall be determined by the secretary of environmental affairs.

SECTION 6. All duly existing contracts, leases and obligations of any department, commission or other unit of state government concerning the powers and duties which are transferred by passage of this act, which relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to the effective date of this act, shall thereafter be performed by the department, commission, or other unit of state government to which said powers and duties are so transferred. No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act.

SECTION 7. All monies heretofore appropriated for a department, commission, or other unit of state government, concerning the powers and duties which are transferred by passage of this act, for the purpose of the exercise of such powers or the performance of said duties, and remaining unexpended on the effective date of this act, are hereby transferred to, and shall be available for expenditure by, said department, commission, or other unit of state government to which said powers and duties are so transferred, for the purposes for which such funds were originally appropriated.

All questions regarding the identification of such monies and of the agencies to which they are so transferred shall be determined by the secretary of environmental affairs.

SECTION 8. Wherever the name of a department, commission or other

unit of state government concerning the powers and duties which are transferred by passage of this act, appears in any general or special law, or in any order, rule, regulation or other document related to the exercise of such powers or the performance of such duties, such name shall mean and shall be construed as referring to the department, commission, or other unit of state government to which said powers and duties are so transferred.

SECTION 9. All powers, duties and other statutory provisions which prior to the effective date of this act were assigned to, or exercised by, a department, commission, or other unit of state government or were assigned to or exercised by any officer of any such unit shall continue to be exercised and performed by, and to be assigned to, such unit or officer except as such powers, duties or other statutory provisions are modified by this act.

Approved December 8, 1986.

Chapter 566. AN ACT RELATIVE TO LOANS SECURED BY MORTGAGES.

Be it enacted, etc., as follows:

SECTION 1. Section 114B of chapter 140 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 25, the words "section one" and inserting in place thereof the words:– sections ninety A, one.

SECTION 2. Subsection B of section 2 of chapter 167E of the General Laws, as so appearing, is hereby amended by inserting after paragraph 7 the following paragraph:–

7A. Open-End Mortgage Loans. – Mortgage loans not exceeding in the aggregate eighty per cent of the value of the real estate, pursuant to an agreement to make loans to the mortgagor from time to time. The aggregate outstanding loans of this class pursuant to a single such agreement shall not exceed one and one-quarter per cent of the deposits of such corporation or fifty thousand dollars, whichever is the greater. An agreement pursuant to this paragraph shall be deemed a note for purposes of this section.

SECTION 3. Said subsection B of said section 2 of said chapter 167E, as so appearing, is hereby further amended by striking out paragraph 10 and inserting in place thereof the following paragraph:–

10. Variable Rate Mortgage. – Any bank may make or acquire mortgage loans of the several classes or types specified in this chapter evidenced by a note which provides for variation in the rate of interest over the term of the note; provided, however, that such a loan made to finance or refinance the purchase of and secured by a first lien on a dwelling house of four or fewer separate households occupied in whole or in part by the mortgagor shall be subject to but not limited to the following conditions and restrictions imposed by the commissioner:–

(1) the method by which the rate of interest may be adjusted;

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(2) the frequency with which the rate of interest may be adjusted, provided that successive rate adjustments shall be no less than six months apart;

(3) the maximum increase in the rate of interest allowed for any such adjustment;

(4) provisions for decreases in the rate of interest as may be warranted by market conditions;

(5) requirements for advance notification and explanation of adjustments in the rate of interest, provided that such notification and explanation shall occur no less than thirty days prior to such adjustments; and

(6) methods of disclosure to the mortgagor of the terms and conditions of the loan as required under the provisions of chapter one hundred and forty D.

Notwithstanding any provision of the law to the contrary, the commissioner may by further conditions and restrictions provide that the rate of amortization may be varied, including utilizing a period of negative amortization, in order to adjust the rate of interest.

SECTION 4. Section 11 of said chapter 167E, as so appearing, is hereby amended by striking out, in line 4, the words "and 7" and inserting in place thereof the words:– 7 and 7A.

SECTION 5. Section 37 of chapter 171 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word "paragraph" and inserting in place thereof the words:– paragraphs 7A and.

SECTION 6. Section 60 of chapter 183 of the General Laws, as so appearing, is hereby amended by inserting after the word "note", in line 1, the words:– made to finance or refinance the purchase of and.

Approved December 8, 1986.

EMERGENCY LETTER: December 8, 1986 @ 4:44 p.M.

Chapter 567. AN ACT RELATIVE TO THE TRAINING OF NURSES' AIDES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 111 of the General Laws is hereby amended by inserting after section 72V the following section:–

Section 72W. As used in this section the following words shall have the following meanings:–

"Long term care facility", a convalescent home, nursing home, rest home or charitable home for the aged licensed under the provisions of section seventy-one.

"Nurses' aide", any employee of a long term care facility who provides nursing care under the supervision of a nurse for the purpose of providing safety, comfort, personal hygiene or protection of a patient in a long term care facility.

The commissioner after consultation with the secretary of elder affairs and the board of registration shall establish standards for the

training of nurses' aides which shall include a minimum of sixty hours of training.

Any person administering a long term care facility who hires a nurses' aide shall provide such training for said nurses' aide within ninety days of the commencement of employment.

Any long term care facility which complies with the provisions of this section shall have the costs of such compliance recognized in its interim rate of payment.

The department shall make such rules and regulations as may be necessary to carry out the provisions of this section.

SECTION 2. Notwithstanding the provisions of section one of this act, any nurses' aide whose employment has commenced prior to the time that such training standards have been established shall complete said training program within one hundred and eighty days after the establishment of such standards.

Approved December 8, 1986.

Chapter 568. AN ACT AUTHORIZING THE TOWN OF PAXTON TO CONVEY CERTAIN CEMETERY LAND TO THE FIRST CONGREGATIONAL CHURCH OF PAXTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and twenty-six of the acts of nineteen hundred and eighty-five is hereby repealed.

SECTION 2. The board of selectmen of the town of Paxton is hereby authorized to convey to the First Congregational Church of Paxton for the construction of an addition to said church, a parcel of land held for cemetery purposes, presently under the care, custody and control of the Paxton cemetery commission and including a permanent nonexclusive easement for access and maintenance all as shown on a plan by Bouley Brothers Inc. dated September twenty-fifth, nineteen hundred and eighty-six on file with said town. The town of Paxton shall reserve the right, on behalf of the Paxton cemetery commission, to maintain and use for cemetery purposes that portion of the land conveyed that will not be occupied by any structure; provided, however, that no such use shall interfere with the maintenance and access to said addition. The consideration for such conveyance shall be the assumption by said church of expenses directly related to the petition and subsequent conveyance.

Approved December 8, 1986.

Chapter 569. AN ACT RELATIVE TO SAVINGS BANK LIFE INSURANCE.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 178 of the General Laws, as

appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:– Expenses of the insurance department shall be subject to the review and approval of the state actuary.

SECTION 2. Section 9 of said chapter 178, as so appearing, is hereby amended by adding the following paragraph:–

Notwithstanding the above limitations, all or any portion of the funds of the insurance department shall, at the discretion of the trustees of the General Insurance Guaranty Fund, established pursuant to the provisions of section nine of chapter twenty-six, be paid to the Savings Bank Life Insurance Council, established pursuant to the provisions of section thirty-two, for the purpose of making pooled investments for the benefit of such departments and in furtherance thereof, said council shall enter into and perform such arrangements relative to the custody and servicing of such investments as the said trustees deem necessary and appropriate. Such funds paid to said Savings Bank Life Insurance Council may be invested subject to the same powers and limitations applicable to investments of domestic life insurance companies under the provisions of chapter one hundred and seventy-five.

SECTION 3. Section 10 of said chapter 178, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– The aggregate amount of savings bank life insurance which may be issued or in force at any time on any one life under life insurance policies issued by all savings and insurance banks shall not exceed two hundred and fifty thousand dollars, exclusive of group insurance, payor insurance, dividends and profits.

SECTION 4. Said chapter 178 is hereby further amended by inserting after section 10 the following section:–

Section 10A. Notwithstanding any other provision of law to the contrary, all employees of savings and insurance banks involved in the sale of insurance policies and annuity contracts issued by such banks shall be required to be licensed as savings bank life insurance agents subject to the provisions of sections one hundred and sixty-three and one hundred and sixty-three A of chapter one hundred and seventy-five.

SECTION 5. Said chapter 178 is hereby further amended by striking out section 12, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 12. No policy or annuity contract shall be issued except upon the life or for the benefit of a resident of the commonwealth, or of a person regularly employed therein, or of a current policyholder of a policy issued by a savings and insurance bank. If the holder of any policy or annuity issued by such a bank becomes a resident of another state or country, it shall be necessary, unless the bank otherwise provides, for such a policyholder or such an annuitant, or his duly authorized representative, or the beneficiary entitled to a claim for loss under such a policy, to make or receive payments at the bank, or by correspondence, without notice from the bank. Should a lapse occur by reason of the failure of any such person to do so seasonably, the liability of the bank, in case of a policy of insurance, shall be only for the amount of its previously acquired paid-up insurance value, or, on demand, for the

ACTS, 1986. – Chap. 570.

stipulated cash surrender value thereof. Group policies may be issued upon the lives of depositors of one or more savings and insurance banks and their agencies provided that such depositors are residents of the commonwealth.

SECTION 6. Said chapter 178 is hereby further amended by adding the following two sections:–

Section 34. Any savings and insurance bank which converts or has converted to a federal savings bank charter and has its main office located in the commonwealth may continue to operate such insurance department in accordance with the provisions of this chapter.

Section 35. Any department of a savings and insurance bank operating under the authority of this chapter shall be subject to the provisions of chapter ninety-three A and chapter one hundred and seventy-six D of the General Laws.

SECTION 7. All employees of savings and insurance banks required to be licensed in accordance with the provisions of section ten A of chapter one hundred and seventy-eight of the General Laws, inserted by section four of this act, shall be licensed within one year of the effective date of this act; provided, however, that during said one year period, the limitations on policy and annuity amounts prescribed in section ten of said chapter one hundred and seventy-eight and in effect immediately prior to the effective date of this act shall be applicable to any policies or annuities sold by any such employee not so licensed.

Approved December 8, 1986.

Chapter 570. AN ACT RELATIVE TO CONTRIBUTIONS TO THE NONGAME WILDLIFE FUND ON STATE INCOME TAX RETURNS.

Be it enacted, etc., as follows:

SECTION 1. Section 6D of chapter 62 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

Every individual who files a separate return and every husband and wife filing a return jointly may voluntarily contribute all or part of any refund to which they are entitled or may voluntarily add an amount onto any amount due to be credited to the Massachusetts Nongame Wildlife Fund.

SECTION 2. The director of the division of fisheries and wildlife, with the approval of the fisheries and wildlife board, and after consultation with the nongame advisory committee may recommend to the general court a change in the name of the Nongame Wildlife Fund, established by section thirty-five D of chapter ten of the General Laws, by filing legislation to accomplish the same with the clerk of the house of representatives.

ACTS, 1986. – Chaps. 571, 572.

SECTION 3. Section one of this act shall apply to tax years commencing on or after January first, nineteen hundred and eighty-seven.

Approved December 8, 1986.

Chapter 571. AN ACT DESIGNATING THE TRANSPORTATION BUILDING AS THE THOMAS P. O'NEILL, JR. TRANSPORTATION BUILDING.

Be it enacted, etc., as follows:

The department of transportation building located in the Park square area of the city of Boston shall be designated and known as the Thomas P. O'Neill, Jr. Transportation Building in recognition of the long and meritorious public service of the Speaker of the United States House of Representatives Thomas P. O'Neill, Jr. A suitable marker bearing said designation shall be attached to said building by the department of transportation.

Approved December 8, 1986.

Chapter 572. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER CERTAIN LAND AND EASEMENTS IN THE OCTOBER MOUNTAIN STATE FOREST TO THE TOWN OF LENOX FOR WATER SUPPLY PURPOSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the division of capital planning and operations to transfer certain land and easement in the October Mountain State Forest to the town of Lenox, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations, acting for and on behalf of the commonwealth, is hereby authorized to convey a parcel of land consisting of eight acres, more or less, and to grant certain easements for water pipelines and an access road to the said parcel within the October Mountain state forest in the town of Lee, at present under the control of the department of environmental management, to the town of Lenox for the purpose of enabling the town of Lenox to construct a water filtration plant, storage tank and associated structures and to lay, maintain, and repair water pipelines. In consideration for said conveyance and easements, the town of Lenox shall provide to the said department water from the treatment plant location for the extinguishing of forest fires and provide access to filtered water to the said department for use at its October Mountain

state forest campgrounds; and shall construct and maintain the access road to said treatment facility in such a way that it may be used by said department for the removal of logs, relocate portions of the existing trail near the treatment facility, if deemed necessary by the department, and transfer to the commonwealth, under the control of said department, a parcel of land of equivalent value, as the department shall determine. The cost of appraisals shall be borne by the town of Lenox.

Said lands and easements are shown on two plans entitled: "Plan of Water Line Easements in Lee, Mass, Surveyed for Mass Municipal Engineering Consultants, Inc. and the Town of Lenox, Sept. 1985 (2 sheets)" and "Plan of Land in Lee, Mass. Showing Land to be Conveyed to the town of Lenox, November, 1985." Both plans were prepared by Brown Associates, Inc., Engineers-Surveyors, Pittsfield, Mass.

SECTION 2. Notwithstanding the provisions of section four of chapter forty of the General Laws or any other provision of law to the contrary, the town of Lee and the town of Lenox shall be authorized to enter into an agreement titled "Agreement Between Town of Lee and Town of Lenox For Water Supply from Washington Mountain Brook Watershed Project" which sets forth the terms and conditions under which both towns shall share the water supply from the Washington Mountain Brook Watershed Project without any provisions as to fixed date for the termination of the said agreement.

SECTION 3. Notwithstanding the provisions of section nineteen of chapter forty-four of the General Laws or any other provision of law to the contrary, the town of Lenox shall be authorized to issue bonds and notes on a level debt service basis for a water supply treatment and distribution system, including the town of Lenox's share of the town of Lee's costs for the water supply facilities which are part of the Washington Mountain Brook Watershed Project, two treatment plants, a storage tank, pipeline, access roads, land acquisition costs, and design and engineering costs associated with the projects, all as more particularly authorized by the unanimous vote of the town of Lenox at a special town meeting held on July seventeenth, nineteen hundred and eighty-five.

Approved December 9, 1986.

Chapter 573. AN ACT DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY AN EASEMENT IN CERTAIN LAND IN THE TOWN OF HARWICH UNDER THE CONTROL OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO COMMONWEALTH ELECTRIC COMPANY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately affect the conveyance of an easement by the division of capital planning and operations to Commonwealth Electric Company in land owned by the commonwealth in the town of Harwich, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of capital planning and operations, acting for and on behalf of the commonwealth, in consultation with the department of environmental management, is hereby authorized to grant to Commonwealth Electric Company, its successors and assigns, a permanent easement on a parcel of land in the town of Harwich acquired by the department of environmental management for conservation and recreation purposes. Said conveyance shall be in accordance with the terms and conditions set out in section two and subject to the approval of the commissioner of environmental management and approved as to form by the attorney general. Said easement shall be for the construction, maintenance and operation of towers, poles, wires and appurtenances deemed necessary for the transmission of electricity on, over, across, and under the land of the commonwealth, described as follows:

Beginning at the SE corner of land of the town of Harwich disposal area and land of the department of environmental management and the NW corner of the easement to be described:

thence N 88° 24' 20" E crossing the land of the Department 92.69 ft;

thence S 25° 31' 06" W in line of land of Louis & Laura Fernandes 196.61 ft;

thence S 88° 24' 20" W crossing the land of the Department 92.69 ft.;

thence N 25° 31' 06" E in line of land of owners unknown 196.61 ft. to the point of beginning.

Containing 16,220 square feet, more or less, and being shown on a plan of land entitled "Plan of Proposed Easement Crossing Land of Commonwealth of Massachusetts, Department of Environmental Management, Harwich, Mass., prepared for Commonwealth Electric Company, 1" = 40' dated May 22, 1985 by Braman Engineering Company, Civil Engineers & Surveyors, 258 Main St. Buzzards Bay, MA.

SECTION 2. In consideration for the conveyance provided for in section one, Commonwealth Electric Company shall pay fair market value for the easement as determined by an independent appraisal process prepared for the department of environmental management. All appraisal costs shall be assumed by said company.

Said conveyance shall be subject to such conditions and restrictions as deemed advisable or necessary by the commissioner of the department of environmental management. The terms and conditions of the easement hereby authorized shall be set out in an instrument to be recorded in the registry of deeds for Barnstable county.

Approved December 9, 1986.

Chapter 574. AN ACT AUTHORIZING ESTIMATED TAX PAYMENTS FOR THE CITY OF NEW BEDFORD FOR THE FIRST HALF OF FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-SEVEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of New Bedford is hereby authorized to issue a first half notice of estimated tax in lieu of the actual assessment and issuance of the tax bill for the fiscal year nineteen hundred and eighty-seven and require the payment of such estimated tax, which shall in no event exceed fifty per cent of the tax payable during the preceding fiscal year; provided, however, that notices of estimated tax shall not be issued until the commissioner of revenue determines in writing that the circumstances relating to the finalization of property tax assessments in the city of New Bedford for the fiscal year nineteen hundred and eighty-seven necessitates the issuance of such notice of estimated tax and approves in writing the issuance thereof. The board of assessors of the city of New Bedford shall upon request provide the commissioner with such information as may be required for purposes of the aforementioned approval. Subsequent to the issuance of this notice of estimated tax authorized herein, and no later than April first, nineteen hundred and eighty-seven, the board of assessors of New Bedford should establish the tax rate for fiscal year nineteen hundred and eighty-seven. Payment of the balance of the tax bill after the establishment of the tax rate for fiscal year nineteen hundred and eighty-seven, after credit is given for the estimated tax payment previously made, shall represent the second payment upon such bill; that is payable on or before May first, nineteen hundred and eighty-seven without payment of interest.

All provisions of law regarding the procedures for issuing, mailing and collecting tax assessments upon real and personal property and betterment assessments shall be applicable to the notice of estimated tax provided hereunder, including the payments of interest under section fifty-seven of chapter fifty-nine of the General Laws. To the extent that any rights or remedies under law accrue from the date that the tax bill is issued, only the tax bill issued upon the establishment of the tax rate for the fiscal year nineteen hundred and eighty-seven shall govern such rights or remedies. The provisions of section twenty-one C of said chapter fifty-nine shall apply to the tax rate for fiscal year nineteen hundred and eighty-seven established by said city of New Bedford.

SECTION 2. Notwithstanding the provisions of section one of this act, the city of New Bedford may with the prior written approval of the commissioner of revenue, require the payment of an estimated tax for fiscal year nineteen hundred and eighty-seven in excess of fifty per cent of the tax payable during fiscal year nineteen hundred and eighty-six to the extent that such excess represents one-half of the amount of tax accruing as a result of the loss of exemption from tax that has been granted in the preceding fiscal year.

SECTION 3. This act shall take effect upon its passage.

Approved December 9, 1986.

Chapter 575. AN ACT AUTHORIZING THE CITY OF NEWTON TO PAY A CERTAIN UNPAID BILL TO THE HONEYWELL CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. The city of Newton is hereby authorized to appropriate money for the payment of, and, after such appropriation, the treasurer and comptroller of said city are hereby authorized to pay the sum of twenty-six thousand three hundred and sixty-seven dollars to the Honeywell Corporation for the lease/purchase of computer equipment during fiscal year nineteen hundred and eighty-four notwithstanding the failure of the Honeywell Corporation to submit a timely bill for such amount during said fiscal year nineteen hundred and eighty-four.

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

Approved December 9, 1986.

**Chapter 576. AN ACT RELATIVE TO ARTICLES OF ORGANIZATION
OF CERTAIN BUSINESS CORPORATIONS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately effectuate the orderly filing of amendments of articles of organization of certain business corporations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 72 of chapter 156B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— After any meeting at which any amendment of the articles of organization has been adopted, articles of amendment signed under the penalties of perjury by the president or any vice president and by the clerk or assistant clerk, setting forth such amendment and the due adoption thereof, shall be submitted to the state secretary.

SECTION 2. Section 74 of said chapter 156B, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:— After any meeting at which restated articles of organization have been adopted, such restated articles, signed under the penalties of perjury by the president or any vice president and by the clerk or assistant clerk, shall be submitted to the state secretary.

SECTION 3. The provisions of this act shall be applicable to articles of amendment and restated articles of organization submitted to the state secretary subsequent to the effective date of this act, regardless of whether such articles of amendment or restated articles were authorized or adopted at any time prior to the effective date of this act.

Approved December 9, 1986.

Chapter 577. AN ACT PROVIDING FOR THE REPEAL OF THE SURTAX.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately repeal the surtax on personal income taxes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, for taxable years commencing on or after January first, nineteen hundred and eighty-six and before January first, nineteen hundred and eighty-seven, no tax, commonly called the surtax, shall be imposed on taxes levied under the provisions of chapter sixty-two of the General Laws.

SECTION 2. This act shall take effect as of December fifth, nineteen hundred and eighty-six.

Approved December 9, 1986.

Chapter 578. AN ACT FURTHER REGULATING THE BAY STATE SKILLS CORPORATION.

Be it enacted, etc., as follows:

Section 4 of chapter 40I of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the definition of "Educational institution" and inserting in place thereof the following definition:—

"Educational institution", a public secondary or post-secondary institution, propriety trade, business, vocational, technical, professional or correspondence school licensed by the department of education under the provision of chapters seventy-five C, seventy-five D, and ninety-three, or an independent nonprofit institution within the commonwealth authorized by law to provide a program of skills training or education beyond the secondary school level.

Approved December 9, 1986.

Chapter 579. AN ACT RELATIVE TO THE APPLICATION OF CERTAIN INSURANCE BENEFITS.

Be it enacted, etc., as follows:

SECTION 1. Section 110 of chapter 175 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 194, the word "in" and inserting in place thereof the words:— within or without the commonwealth and which covers residents of.

ACTS, 1986. – Chap. 580.

SECTION 2. The first paragraph of section 110D of said chapter 175, as so appearing, is hereby amended by adding the following sentence:– The provisions of this paragraph shall apply to any policy issued or renewed within or without the commonwealth and which covers residents of the commonwealth.

SECTION 3. The first paragraph of section 110G of said chapter 175, as so appearing, is hereby amended by inserting after the word "plan", in line 2, the words:– issued or delivered within or without the commonwealth and which covers residents of the commonwealth.

SECTION 4. The second paragraph of said section 110G of said chapter 175, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– In addition, whenever such group hospital, surgical, medical insurance plan or employer's plan covering health benefits is issued or subsequently renewed within or without the commonwealth by agreement between the insurer and the policyholder and covers residents of the commonwealth, during the period this provision is effective, such plan shall include coverage such that when a member of such group plan becomes ineligible for continued participation in such plan because he is an employee whose employment is terminated due to a plant closing or covered partial closing, as those terms are defined in section seventy-one A of chapter one hundred and fifty-one A, the coverage originally provided by such plan for the member and his dependents shall continue as provided herein, for a period of ninety days from the date of ineligibility or until such member and his dependents become eligible for benefits under another group plan, whichever comes first.

SECTION 5. Subsection (a) of section 110I of said chapter 175, as so appearing, is hereby amended by adding the following sentence:– The provision of this section shall apply to any policy issued or renewed within or without the commonwealth and which covers residents of the commonwealth.

Approved December 9, 1986.

Chapter 580. AN ACT RELATIVE TO THE TAKING OF THE OATH OF OFFICE OF THE MAYOR, CITY COUNCIL AND SCHOOL COMMITTEE OF THE CITY OF REVERE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter forty-three of the General Laws or any other general or special law or charter to the contrary, the mayor elect, the councillors-elect and the school committee members-elect of the city of Revere, shall meet and be sworn to the faithful discharge of their duties on the first Monday in January following a regular municipal election at seven o'clock in the evening.

Approved December 9, 1986.

Chapter 581. AN ACT PROHIBITING THE POSSESSION, MANUFACTURE OR SALE OF BALLISTIC KNIVES.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 269 of the General Laws is hereby amended by inserting after the word "dagger," in line 54, as appearing in the 1984 Official Edition, the words:– or a device or case which enables a knife with a locking blade to be drawn at a locked position, any ballistic knife, or any knife with a detachable blade capable of being propelled by any mechanism,.

SECTION 2. Section 12 of said chapter 269, as so appearing, is hereby amended by inserting after the word "inches", in line 5, the words:– or a device or case which enables a knife with a locking blade to be drawn at a locked position, any ballistic knife, or any knife with a detachable blade capable of being propelled by any mechanism.

Approved December 9, 1986.

Chapter 582. AN ACT RELATIVE TO THE SATISFACTION OF SECURITY INTEREST IN MOTOR VEHICLES.

Be it enacted, etc., as follows:

Chapter 90D of the General Laws is hereby amended by striking out section 24, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 24. Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, the lienholder shall, within three days after demand and, in any event, within ten days, execute a release of his security interest, in the space provided therefor on the certificate or as the registrar shall prescribe, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate.

Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within three days execute a release in such form as the registrar shall prescribe and deliver the release to the owner, or to any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by him for delivery to the registrar, or, upon receipt of the release, mail or deliver it with the certificate to the registrar, who shall release the subordinate lienholder's rights on the certificate or issue a new certificate.

Approved December 9, 1986.

Chapter 583. AN ACT INCREASING THE DEPENDENCY ALLOW–

ANCE IN UNEMPLOYMENT CASES.

Be it enacted, etc., as follows:

SECTION 1. Section 29(c) of Chapter One Hundred and Fifty One A of the General Laws is hereby amended by striking out, in the first sentence thereof, the word "six" and inserting in place thereof the word "fifteen until January 1, 1988.

SECTION 2. Section 29(c) is hereby further amended to become effective January 1, 1988 as follows:–

Section 29(c) of Chapter One Hundred and Fifty One A of the General Laws is hereby amended by striking out, in the first sentence thereof the words "fifteen until January 1, 1988" and inserting in place thereof the word, "Twenty-five".

Approved December 9, 1986.

Chapter 584. AN ACT FURTHER REGULATING THE QUALIFICATIONS FOR HOUSING FOR CERTAIN ELDERLY PERSONS.

Be it enacted, etc., as follows:

Section 1 of chapter 121B of the General Laws is hereby amended by striking out the definition of "Elderly persons of low income", as appearing in the 1984 Official Edition, and inserting in place thereof the following definition:–

"Elderly persons of low income", persons having reached the age of sixty-two or over whose annual income is less than the amount necessary to enable them to maintain decent, safe and sanitary housing.

Approved December 9, 1986.

Chapter 585. AN ACT ESTABLISHING A PROGRAM TO ASSIST CERTAIN SMALL BUSINESSES IN AREAS AFFECTED BY TRANSPORTATION ENHANCEMENT ACTIVITIES OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. It is hereby found and declared that certain activities undertaken from time to time by the Massachusetts Bay Transportation Authority, hereinafter referred to as "the authority", in order to construct, reconstruct, renovate, repair, remove, replace, or expand transportation facilities in the public interest, may provide opportunities to stabilize, develop, and revitalize the economy of the areas in which such activities are undertaken; that the stabilization, development, or revitalization of small businesses in such areas would improve the general health, safety, and welfare of such areas while also increasing

the value and use of the public investment in the transportation facilities in such areas; that to achieve these benefits it may be necessary to stimulate private investment in such areas; that the stabilization, development, or revitalization of such areas may not be dealt with effectively by the ordinary operations of private enterprise without the aids provided herein; that without such aids the construction or other activities may have a significantly harmful impact on the economic stability and growth of small businesses in such areas; and that the use of public funds to stimulate private investment in such businesses and areas as provided herein is a valid public purpose.

SECTION 2. (a) There is hereby established a board to oversee a pilot program to assist businesses affected by transportation enhancements, hereinafter referred to as "the board". The board shall consist of the secretary of transportation and construction, or his designee, the secretary of economic affairs, or his designee, and the commissioner of banks and banking, or his designee. All official actions of the board must be approved by a majority of its members. The board is hereby authorized and directed to promulgate rules or regulations pursuant to section two of chapter thirty A of the General Laws to establish standards or criteria for the designation of transportation activity affected areas pursuant to paragraph (b), under which business entities may be qualified small businesses pursuant to paragraph (c), and for the evaluation of proposals for and performance under agreements entered into pursuant to paragraph (d), or for any other purpose necessary to implement the provisions of this section.

(b) The board may designate a specific geographic area to be a "transportation activity affected area". An area may be so designated if: (1) the authority is undertaking transportation enhancement activities including the construction, reconstruction, renovation, repair, removal, replacement, or expansion of its transportation facilities within the area; (2) such activities have had or are likely to have a significantly harmful impact upon the economic stability and growth of small businesses within such area; and (3) the area meets such other standards and criteria as the board may establish.

(c) A "qualifying small business" shall mean a for profit or non-profit business entity that is located, wholly or partially, within a designated transportation activity affected area; that alone or in combination with any affiliated business entity had average gross sales of less than two million five hundred thousand dollars per year for its most recent two fiscal years and that has fewer than fifty full-time equivalent employees; that has been doing business within a transportation activity affected area for at least one year prior to the commencement of transportation enhancement activities by the authority within the designated area; that has been or is likely to be significantly harmed by the transportation enhancement activities of the authority within the transportation activity affected area; and that meets such other standards and criteria as the board may establish. For the purposes of this section, business entities shall be considered to be affiliated if they are controlled, either through ownership or management, by the same party or parties.

(d) The authority is hereby authorized to enter into agreements with banks to stimulate loans to qualifying small businesses. For the purposes

of this section, banks shall be deemed to include any bank subject to taxation under section two of chapter sixty-three of the General Laws. Banks shall be selected by the authority for participation in this pilot program after a competitive bidding process which shall include public advertisement and the receipt of written bids. The actual selections shall be based upon standards and criteria that shall include the interest rate the bank will pay the authority for its deposits, the interest rate the bank will charge to participating qualifying small businesses, and such other standards and criteria as the board may establish. Such agreements shall provide that: (1) the authority shall deposit in such bank, pursuant to paragraph (f), funds which may earn no interest, below market rate interest, or market rate interest during periods when such funds are used to stimulate loans to qualifying small businesses as provided herein; (2) in consideration of such deposits such bank shall make loans to qualifying small business pursuant to paragraph (e) at interest rates below the rates such bank would otherwise charge on such loans; (3) such deposits and loans as a whole shall be structured in such a way that the total value of any reduction in interest earnings to the authority resulting from the deposit of funds at no interest or at below market rate interest, minus any extraordinary administrative costs incurred by such bank beyond the costs that would normally be incurred in making such a loan other than pursuant to this section, shall not be greater than the total value of any reduction in interest costs to qualifying small businesses resulting from the receipt of any such loan at below market rate interest; (4) if the total value of any such reduction in interest earnings, minus any such extraordinary administrative costs, exceeds the total value of any such reduction in interest costs, such excess shall be rebated to the authority; (5) such bank may secure the payment of principal and interest on any loan granted pursuant to this section by mortgage, security interest, or any other method; (6) upon the finding by the board that such bank has substantially failed to meet the conditions of the agreement, the board may rescind such agreement and shall require the rebate of any excess owed the authority at that time under clause (4) and the return of any deposits made under clause (1).

(e) Banks entering into an agreement under paragraph (d) shall make loans to qualifying small businesses pursuant to such agreement. Such businesses may use the proceeds of any such loan for the costs of renovation, modernization, expansion, maintenance, inventory purchases or related capital improvements but may not use such proceeds for any operating costs. The factors to be considered by a bank in granting a loan pursuant to this section shall include, but need not be limited to (i) the degree and severity of the impact of the transportation construction activity of the authority on the economic stability and growth of the applicant qualifying small business and the resulting effect on the use of mass transportation facilities in such area, (ii) the degree to which the loan will assure the economic stability and growth of the applicant qualifying small business and of the designated area and will increase the value and use of mass transportation facilities in such area, (iii) the ability of the applicant qualifying small business otherwise to obtain financing at reasonable rates and upon reasonable terms, and (iv) the period of time the business has operated in the area and the period of time it has been owned by the applicant.

(f) Notwithstanding any general or special law to the contrary, the

authority is hereby authorized to deposit any of its funds with banks at no interest or below market rate interest for the purposes and in the manner set forth in this section; provided, however, that no funds that were in any way made available because of a pledge of the credit of the commonwealth may be so deposited for said purposes; provided, further that in no event shall funds of the authority be used as security for loans granted pursuant to this section and no such loan shall be guaranteed by the authority. At no time shall the authority have on deposit with such banks in excess of seven million five hundred thousand dollars for said purposes.

(g) Within sixty days from the end of each calendar year after nineteen hundred and eighty-six, the authority shall submit a report relative to said pilot program that has been approved by the board to the clerks of the senate and of the house of representatives, to the house and senate committees on ways and means, to the commissioner of administration, and to the inspector general, who is hereby authorized thereafter similarly to submit his comments on such report. The report shall include, but need not be limited to: (1) a listing of any designated transportation activity affected area; (2) an accounting of any funds deposited by the authority pursuant to this section and of the value of any reduced interest earnings to the authority resulting from each deposit of authority funds at no interest or at below market rate interest; (3) an accounting of the value of any reduced interest costs to qualifying small businesses resulting from receiving loans stimulated by each such deposit at below market rate interest; (4) an accounting of any extraordinary administrative costs allowed to a bank for each deposit; and (5) an accounting of an excess rebated for each deposit to the authority pursuant to clause (4) of paragraph (d) of section two.

SECTION 3. The provisions of sections one and two shall cease to be in effect as of July first, nineteen hundred and ninety. No loans shall be made pursuant to paragraph (e) of section two after December thirty-first, nineteen hundred and eighty-nine. Nothing in this section shall be construed to prevent the collection of any outstanding principal or interest on loans made pursuant to said paragraph (e) on or before December thirty-first, nineteen hundred and eighty-nine or of any outstanding excess owed to the authority under clause (4) of paragraph (d) of section two.

Approved December 9, 1986.

EMERGENCY LETTER: January 19, 1987 @ 3:41 P.M.

Chapter 586. AN ACT ESTABLISHING THE FEES FOR COMBINED SAFETY AND EMISSION INSPECTIONS FOR MOTOR VEHICLES.

Be it enacted, etc., as follows:

Section 7A of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:—

The secretary of administration, pursuant to the provisions of section three B of chapter seven, shall determine the amount to be charged for

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an inspection of all motor vehicles which are exempt from the emissions inspection and for the combined safety and emissions inspection for all motor vehicles which are required to be so inspected by the registrar.

Approved December 9, 1986.

Chapter 587. AN ACT RELATIVE TO ARTS PROGRAMS IN PUBLIC SCHOOLS.

Be it enacted, etc., as follows:

Chapter 15 of the General Laws is hereby amended by adding the following section:–

Section 61. The board shall support art programs in public elementary and secondary schools through implementation of an art and education plan adopted by the board.

The board shall establish, within the division of curriculum and instruction within the department of education, an office of arts education.

The board shall, subject to appropriation, make grants to school districts for the development and improvement of school arts programs.

Approved December 9, 1986.

Chapter 588. AN ACT PROHIBITING SEXUAL HARASSMENT.

Be it enacted, etc., as follows:

SECTION 1. Subsection (e) of section 25 of chapter 151A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following two paragraphs:–

An individual shall not be disqualified, under the provisions of this subsection, from receiving benefits if it is established to the satisfaction of the director that the reason for leaving work and that such individual became separated from employment due to sexual, racial or other unreasonable harassment where the employer, its supervisory personnel or agents knew or should have known of such harassment.

For the purposes of this paragraph, the term "sexual harassment" shall mean sexual advances, requests for sexual favors, and other physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individuals work performance; or (c) such advances, requests or conduct have the purpose or effect of creating an intimidating, hostile, humiliating or sexually offensive work environment. The division shall promulgate regulations necessary to carry out the provisions of this paragraph.

SECTION 2. Section 1 of chapter 151B of the General Laws, as so appearing, is hereby amended by adding the following paragraph:–

18. The term "sexual harassment" shall mean sexual advances, requests for sexual favors, and other physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individuals work performance by creating intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

SECTION 3. Section 4 of said chapter 151B, as amended by chapter 239 of the acts of 1985, is hereby further amended by inserting after subsection 16 the following subsection:–

16A. For an employer, personally or through its agents, to sexually harass any employee.

SECTION 4. Section 1 of chapter 151C of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:–

(e) The term "sexual harassment" means any sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:– (i) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (ii) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

SECTION 5. Section 2 of said chapter 151C, as so appearing, is hereby amended by adding the following subsection:–

(g) To sexually harass students in any program or course of study in any educational institution.

SECTION 6. Chapter 214 of the General Laws is hereby amended by adding after section 1B the following section:–

Section 1C. A person shall have the right to be free from sexual harassment, as defined in chapter one hundred and fifty-one B and one hundred and fifty-one C. The superior court shall have the jurisdiction in equity to enforce this right and to award damages.

Approved December 9, 1986.

Chapter 589. AN ACT FURTHER REGULATING THE LICENSING OF ACUPUNCTURE.

Be it enacted, etc., as follows:

SECTION 1. Section 148 of chapter 112 of the General Laws, as appearing in section 1 of chapter 759 of the acts of 1985, is hereby

amended by striking out the definition of "Board" and inserting in place thereof the following definition:–

"Board", the board of registration in medicine, established under the provisions of section ten of chapter thirteen.

SECTION 2. Section 150 of said chapter 112, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:–

All monies received by the committee shall be paid monthly to the General Fund. All expenses and compensation of the committee shall be paid by the commonwealth.

SECTION 3. Section 154 of said chapter 112, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– The committee shall examine applicants for licensure as acupuncturists at least annually in such places as it may determine commencing in calendar year nineteen hundred and eighty-seven.

SECTION 4. Said chapter 112 is hereby further amended by striking out section 156, as so appearing, and inserting in place thereof the following section:–

Section 156. The committee shall require that all acupuncturists registered in the commonwealth renew their licenses at two year intervals. The renewal date shall be the licensee's birthday, in the renewal year. The committee shall, by regulation, determine the renewal year. For the purpose of this section, the birthday of a person born on February twenty-ninth shall be deemed to be February twenty-eighth. Every renewal applicant shall complete a renewal application, as prescribed by the committee, and pay a fee which shall be determined by the commissioner of administration under the provisions of section three B of chapter seven. The license of any licensee who does not file a completed renewal application together with the fee shall be automatically revoked, but shall be revived upon completion of the renewal process.

SECTION 5. Said chapter 112 is hereby further amended by striking out section 158, as so appearing, and inserting in place thereof the following section:–

Section 158. The committee may, after a hearing pursuant to chapter thirty A, revoke, suspend, or cancel the license of an acupuncturist, or reprimand or censure an acupuncturist if it finds upon proof satisfactory to the committee that such acupuncturist:

- (a) fraudulently procured licensure as an acupuncturist;
- (b) violated any provision of law relating to the practice of medicine or acupuncture, or any rule or regulation adopted thereunder;
- (c) acted with gross misconduct in the practice of acupuncture or of practicing acupuncture fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated occasions;
- (d) practiced acupuncture while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
- (e) was habitually drunk or being or having been addicted to,

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dependent on, or a habitual user of narcotics, barbituates, amphetamines, hallucinogens, or other drugs having similar effects;

(f) knowingly permitted, aided or abetted an unlicensed person to perform activities requiring a license for purposes of fraud, deception or personal gain;

(g) has been convicted of a criminal offense which reasonably calls into question the ability to practice acupuncture;

(h) violated any rule or regulation of the board or the committee;

(i) practiced acupuncture other than upon a referral or receipt of written diagnosis of a physician or dentist duly licensed in the commonwealth; or

(j) acted in a manner which is professionally unethical according to ethical standards of the profession of acupuncture.

No person filing a complaint or reporting information pursuant to this section or assisting the committee or board at its request in any manner in discharging its duties and functions shall be liable in any cause of action arising out of receiving such information or assistance, providing the person making the complaint or reporting or providing such information or assistance does so in good faith and without malice.

SECTION 6. Said chapter 112 is hereby further amended by striking out section 159, as so appearing, and inserting in place thereof the following section:–

Section 159. Any person who practices acupuncture in the commonwealth without a license granted pursuant to sections one hundred and fifty to one hundred and fifty-seven, inclusive, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment for not more than three months, or both such fine and imprisonment.

The committee may petition in any court of competent jurisdiction for an injunction against any person practicing acupuncture or any branch thereof without a license. Such injunction may be issued without proof of damage sustained by any person. Such injunction shall not relieve such person from criminal prosecution for practicing without a license.

SECTION 7. Section 162 of said chapter 112, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– Nothing contained herein shall prevent licensed physicians from practicing acupuncture.

Approved December 9, 1986.

Chapter 590. AN ACT FURTHER REGULATING PROFESSIONAL CORPORATIONS.

Be it enacted, etc., as follows:

Chapter 774 of the acts of 1985 is hereby amended by striking out section 5.

Approved December 9, 1986.

ACTS, 1986. – Chaps. 591, 592, 593.

Chapter 591. AN ACT DIRECTING THE PERSONNEL ADMINISTRATOR OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION TO PLACE THE NAME OF DANIEL P. McNAMARA ON THE MOST RECENTLY ESTABLISHED ELIGIBLE LIST FOR THE POSITION OF POLICE OFFICER.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary but pursuant to the provisions of clause (1) of the third paragraph of section twenty-five of chapter thirty-one of the General Laws, the personnel administrator is hereby authorized and directed to place the name of Daniel P. McNamara of the city of Boston on the most recently established eligible list for the position of police officer according to the grade score said Daniel P. McNamara received on the police examination of nineteen hundred and eighty-three.

Approved December 9, 1986.

Chapter 592. AN ACT PROVIDING THAT CHIEF HAROLD STURTEVANT MAY CONTINUE EMPLOYMENT WITH THE FIRE DEPARTMENT OF THE TOWN OF GROVELAND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, Harold Sturtevant, chief of the Groveland fire department, is hereby authorized to continue in such position until and including August thirtieth, nineteen hundred and eighty-seven; provided, however, that he is mentally and physically capable of performing the duties of his office or position; and provided, further that he shall annually, at his own expense, be examined by an impartial physician designated by the Essex county retirement board to determine such capability. No further deductions shall be made from the regular compensation of said employee under the provisions of chapter thirty-two of the General Laws for service subsequent to July thirtieth, nineteen hundred and eighty-six, and upon retirement said employee shall receive a superannuation allowance equal to that to which he would have been entitled to had he retired on said date.

SECTION 2. The provisions of this act shall take effect as of July thirtieth, nineteen hundred and eighty-six.

Approved December 9, 1986.

Chapter 593. AN ACT RELATIVE TO THE PENSION BENEFITS OF DEBORAH J. FOGARTY.

Be it enacted, etc., as follows:

ACTS, 1986. – Chaps. 594, 595.

SECTION 1. Notwithstanding any provision of law to the contrary, in order to promote the public good, the state board of retirement is hereby authorized and directed to increase the pension of Deborah J. Fogarty, widow of state police trooper Edward F. Fogarty, in accordance with salary information to be supplied by the department of public safety. Said salary information shall reflect that Edward F. Fogarty received a Master of Science degree in criminal justice consistent with the provisions of section one hundred and eight L of chapter forty-one of the General Laws.

SECTION 2. This act shall take effect as of June thirteenth, nineteen hundred and eighty-six.

Approved December 9, 1986.

Chapter 594. AN ACT FURTHER REGULATING PRIVILEGED COMMUNICATIONS BETWEEN PATIENTS AND PSYCHOTHERAPISTS IN CERTAIN CASES.

Be it enacted, etc., as follows:

The fifth paragraph of section 20B of chapter 233 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraph:—

(e) In any case involving child custody, adoption or the dispensing with the need for consent to adoption in which, upon a hearing in chambers, the judge, in the exercise of his discretion, determines that the psychotherapist has evidence bearing significantly on the patient's ability to provide suitable care or custody, and that it is more important to the welfare of the child that the communication be disclosed than that the relationship between patient and psychotherapist be protected; provided, however, that in such cases of adoption or the dispensing with the need for consent to adoption, a judge shall determine that the patient has been informed that such communication would not be privileged.

Approved December 9, 1986.

Chapter 595. AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO USE A CERTAIN PARCEL OF LAND FOR HOUSING PURPOSES.

Be it enacted, etc., as follows:

The city of Cambridge is hereby authorized to convey a certain parcel of land in said city, a portion of which was acquired for open space purposes, for the development of low and moderate income housing.

Said parcel is bounded and described as follows:

A certain parcel of land situated on the southerly side of Hayes Street in Cambridge, Massachusetts, Middlesex County and being shown as

ACTS, 1986. – Chap. 596.

Parcel "A" on a plan entitled "Subdivision Plan of Land in Cambridge, Massachusetts, Prepared for City of Cambridge, Scale 1"=20', October 8, 1986, Cullinan Engineering Co., Inc." being bounded and described as follows:

Beginning at a point on the southerly sideline of Hayes Street. Said Point of Beginning being N 60° 10' 04" W, 155.14 feet from the Westerly sideline intersection of Howard Street.

THENCE S 29° 49' 56" W by land of N/F William and Lillian Eng a distance of 75.00 feet;

THENCE N 60° 09' 46" W by land of N/F Gertrude L. Lynch and N/F Helen Flynn a distance of 52.08 feet;

THENCE S 12° 51' 00" W by land of N/F Helen Flynn a distance of 77.00 feet to the northerly sideline of Magee Street;

THENCE N 77° 09' 00" W along the northerly sideline of Magee Street a distance of 34.00 feet;

THENCE N 12° 51' 00" E by land of N/F Everton C. and Eugenie M. Johnson a distance of 83.00 feet;

THENCE N 70° 37' 51" W by land of N/F Everton C. and Eugenie M. Johnson a distance of 0.67 feet;

THENCE N 14° 27' 52" E along a chain link fence through land of the Grantor a distance of 8.47 feet to an angle point in the chain link fence;

THENCE N 24° 19' 09" E continuing along the chain link fence through land of the Grantor a distance 71.47 feet to the southerly sideline of Hayes Street;

THENCE S 60° 10' 04" E along the southerly sideline of Hayes Street a distance of 96.12 feet to the Point of Beginning.

Said Parcel A contains 9,733 square feet as shown on the above described plan.

Approved December 9, 1986.

Chapter 596. AN ACT AUTHORIZING THE TOWN OF SAUGUS TO BORROW A CERTAIN SUM TO SATISFY A JUDGMENT.

Be it enacted, etc., as follows:

SECTION 1. The town of Saugus is hereby authorized, for the purpose of paying a judgment rendered in the case of Voutour v. Vitale, to appropriate and expend an amount not to exceed one million seven hundred and sixty-five thousand dollars.

SECTION 2. For the purpose authorized in section one, the town treasurer of the town of Saugus, may borrow upon the credit of said town such sums as may be necessary, not exceeding, in the aggregate, one million seven hundred and sixty-five thousand dollars, and may issue bonds or notes of the town which shall bear on their face the words, "Town of Saugus Loan, Act of 1986". The authorized issue shall be payable in not more than five years from its date. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter forty-four of the General Laws.

SECTION 3. This act shall take effect upon its passage.

Approved December 12, 1986.

Chapter 597. AN ACT AUTHORIZING THE CITY OF REVERE TO USE CERTAIN PARK LAND FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Revere is hereby authorized to use a certain parcel of park and playground land, located in said city for the purposes of locating and erecting a public school building and for other school purposes. Said parcel of land is bounded and described as follows:

A certain parcel of land situated on the easterly sideline of Garfield Avenue in the City of Revere, in the County of Suffolk, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the Easterly sideline of Garfield Avenue and running along said Garfield Avenue in a Northwesterly direction three hundred fourteen and 66/100 (314.66) feet;

Thence turning and running in a Southeasterly direction twenty-two (22.00) feet;

Thence turning and running in a Northeasterly direction twenty-one and 77/100 (21.77) feet;

Thence turning and running in a Southeasterly direction two hundred twenty and 47/100 (220.47) feet;

Thence turning and running in a Southeasterly direction along the approximate center line of an old creek seventy-four and 00/100 (74.00) feet;

Thence turning and running in a Easterly direction along the approximate center line of an old creek thirty-two and 00/100 (32.00) feet;

Thence turning and running in a Southerly direction nineteen and 00/100 (19.00) feet;

Thence turning and running in a Northeasterly direction along old post and rail fence seventy-five and 00/100 (75.00) feet;

Thence turning and running in a Southerly direction three hundred ninety-six and 58/100 (396.58) feet;

Thence turning and running in a Southwesterly direction three hundred eighty and 04/100 (380.04) feet to the Point of Beginning.

The above described parcel of land contains an area of 4.7 acres, more or less, and is more particularly shown on a plan entitled; "Plan of Land In Revere, Curtis Park, Merullo Field, Land To Be Transferred From The City of Revere Parks Commission To The City Of Revere School Committee September 1986", a copy of which is on file at the Department of Public Works in said city.

SECTION 2. If the city council of the city of Revere does not authorize borrowing for the construction of a public school building, or for site development in connection with the proposed construction of a public school building upon the land described in section one within three years of the passage of this act, then the park commissioners, within ninety days after the expiration of the aforementioned three year period may vote to reclaim the aforementioned land and upon filing of a

certified copy of said vote with the city clerk within the time provided, such land shall revert to park and playground land under the care, custody, management and control of the park commissioners of the city of Revere.

SECTION 3. The athletic facilities to be constructed on land adjacent to the land described in section one shall be available for use by the general public subject to the provisions of section seventy-one of chapter seventy-one of the General Laws. The school committee of the city of Revere may allow the park commission of said city to exercise control of the use of athletic facilities during periods of nonschool scheduled use; provided, however, that said commission shall grant priority in the use of such facilities during periods of nonschool scheduled use to local area and neighborhood groups. Upon completion of said athletic facilities it shall be designated and known as Curtis park and Merullo field.

SECTION 4. Prior to the design of said public school and said athletic facilities, the designers shall meet with the park commissioners for the purpose of the designers documenting to said park commissioners that the designers have exercised their best efforts to replace the existing athletic facilities in both quality and size as best as possible within the design constraints of the construction of the new public school. The designers shall further document to the park commissioners that the necessary funds to construct said athletic facilities have been budgeted for as a part of the construction of said public school building.

SECTION 5. This act shall take effect upon its passage.

Approved December 16, 1986.

Chapter 598. AN ACT ESTABLISHING A SPECIAL ACCOUNT FOR THE CITY OF QUINCY SEWERAGE REHABILITATION FUND.

SECTION 1. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the city of Quincy is hereby authorized to establish a special account to be known as the "City of Quincy Sewerage Rehabilitation Fund." The purpose of such fund is to provide revenue for the funding of engineering, testing, construction and rehabilitation of the sewage pipes, lines, facilities and systems located within the city of Quincy and to provide revenues to do all things necessary to correct, remedy, repair, prevent and prohibit any and all forms of infiltration or inflow from ground water and other sources of water into pipes, lines, facilities and systems. Such special account shall be maintained by the city treasurer of said city in a banking institution doing business in the commonwealth, and expenditures from said special account shall be made subject to appropriation initiated by the mayor of said city upon the recommendation of the commissioner of public works or the planning director of said city and approved by a majority vote of the city council of said city.

SECTION 2. Contributions to such account shall be made by applicants for building permits for the construction, erection, improvement, reuse or rehabilitation of land or the buildings thereon for industrial, commercial, multi-family and residential uses. Excluded from the requirements of this act shall be single family residences if the owner occupies such as his primary residence for a least one year. The method and amount of such contributions from such private sources shall be as determined by ordinance, but not to exceed one per cent of estimated construction cost. Said ordinance shall provide for the method of determining the amount of each contribution from such applicants based upon their anticipated water and sewer use by each and for the particular kind of development contemplated.

SECTION 3. Appropriation from time to time may be made by the city of Quincy into said special account for the purpose of providing additional funds for aforesaid improvements, rehabilitation or repairs of sewage pipes, lines, facilities and systems.

SECTION 4. The city treasurer of the city of Quincy shall be authorized to invest monies in said special account and the interest accruing shall inure to the benefit of said special account. Said special account shall be maintained in accordance with generally accepted principles and shall be audited annually with the cost of such audit charged to said special account.

SECTION 5. The commissioner of public works for the city of Quincy may make applications for available state and federal government grants for the construction, improvements engineering, rehabilitation and repair of the sewage pipes, lines, facilities and systems and to pledge any and all such sums of money in said special account with the approval of said city for any such matching grants for the construction, improvements repair and rehabilitation of said sewage pipes, lines, facilities and systems.

SECTION 6. The city auditor shall file jointly with the city council, the mayor, the treasurer of said city, and with the bureau of accounts, a written report relative to such special account authorized by section one. Said report shall be made within one hundred twenty days after the books of account are closed for each fiscal year. Such report shall include a financial statement relating to the operation, maintenance and expenditures made under the said special account. Said city council may review and comment on said report and may file such review and comments with the state auditor.

SECTION 7. This act shall take effect upon its passage.

Approved December 16, 1986.

Chapter 599. AN ACT TO REORGANIZE THE MANAGEMENT OF MENTAL HEALTH AND MENTAL RETARDATION SERVICES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 11 of chapter 5 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "health", in line 40, the first time it appears, the words:– , mental retardation.

SECTION 2. Section 81 of chapter 6 of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 4, the first time it appears, the words:– , mental retardation.

SECTION 3. The first paragraph of section 181 of said chapter 6, as so appearing, is hereby amended by inserting after the word "health", in line 5, the words:– , the commissioner of mental retardation.

SECTION 4. Section 16 of chapter 6A of the General Laws, as amended by section 3 of chapter 715 of the acts of 1985, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

The following state agencies are hereby declared to be within the executive office of human services: the office for children, including the councils for children and the statewide advisory council established by sections seven and eight of chapter twenty-eight A; the department of social services, including the area advisory boards and the statewide advisory council established by sections thirteen and sixteen of chapter eighteen B; the department of public health and all other agencies within said department, including the commission on hypertension, the drug addiction rehabilitation board, and the several advisory councils established by section four D, four F and fifty-five of chapter one hundred and eleven, but excluding such divisions and personnel which relate to the areas of environmental health, including air pollution control, noise regulation, community sanitation, water supply and water quality, noisome trades and sanitary landfills; the department of public welfare and all other state agencies within said department; the commission on supplemental security income; the department of mental health, including the advisory council established by chapter nineteen, the several institutions within said department and their advisory boards, and all other state agencies within said department; the department of mental retardation, including the advisory council established by chapter nineteen B, the several institutions within said department and their advisory boards, and all other state agencies within said department; the department of corrections including the parole board and all other state agencies within said department; the advisory council on home and family; the commissioner of veterans' services; the board of trustees of the Soldiers' Home in Massachusetts and the board of trustees of the Soldiers' Home in Holyoke; the youth service board; the advisory committee on service to youth; the division of youth service, including the several institutions within said division; the Massachusetts rehabilitation commission and the advisory council; the boxers' fund board; the health and welfare commission; the nutrition board; the health facilities appeals board; the rate setting commission established by section thirty-two; and the Massachusetts commission for the blind and its advisory board, and all other state agencies within said commission;

and the Massachusetts commission for deaf and hard of hearing people and its advisory board.

SECTION 5. Section 17 of chapter 10 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– The state treasurer may receive the principal of any fund given or bequeathed to the commonwealth or the department of mental health for the use of mentally ill persons or to the commonwealth or the department of mental retardation for the use of mentally retarded persons; and upon the request of the department of mental health in the case of funds for the use of mentally ill persons, or upon the request of the department of mental retardation in the case of funds for the use of mentally retarded persons, the state treasurer shall expend the income of all such funds, and such part of the principal as may be subject to the control of the respective department, in such manner as it may direct, subject to any condition affecting the administration thereof. Said funds shall be invested safely by the state treasurer, and he shall be held responsible for the faithful management of the same in the same manner as for other funds held by him.

SECTION 6. Section 1Q of chapter 15 of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 7, the first time it appears, the words:– , mental retardation.

SECTION 7. The first paragraph of section 13 of chapter 18B of the General Laws, as so appearing, is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence:– One member of said board at the time of appointment shall be a member of the mental health area board established under chapter nineteen, one member of said board at the time of appointment shall be a person knowledgeable in the field of mental retardation, two members of said board at the time of their appointment shall be members of the councils for children established under section seven of chapter twenty-eight A, two members of said board at the time of their appointment shall be members of the financial or business professions with special fiscal or budgetary skills, and two members of said board shall at the time of their appointment be members of the community service area boards established under section seven of chapter eighteen.

SECTION 8. The General Laws are hereby amended by striking out chapter 19 and inserting in place thereof the following chapter:–

CHAPTER 19.
DEPARTMENT OF MENTAL HEALTH.

Section 1. There shall be a department of mental health, in this chapter called the department, and a commissioner of mental health who shall have and shall exercise supervision and control of the department. All action of the department shall be taken by the commissioner, or under the direction of said commissioner, by such agents or subordinate officers as he shall determine.

The department shall take cognizance of all matters affecting the

mental health of the citizens of the commonwealth; provided, that the primary mission of the department shall be to provide for services to citizens with long-term or serious mental illness, early and ongoing treatment for mental illness, and research into the causes of mental illness. The department shall have supervision and control of all public facilities, for mentally ill persons and of all persons received into any of said facilities and shall have general supervision of all private facilities for such persons; provided, however, that this sentence shall not be deemed to interfere with or supersede any other provision of general or special law which grants or confers supervision and control of certain public facilities for mentally ill persons and persons admitted to such facilities or which grants or confers supervision over certain private facilities for such persons, to any other department of the commonwealth or to any political subdivision. The department shall have supervision and control of all hospitals, comprehensive centers and clinics, and other mental health facilities established within the department and, subject to appropriation, may further develop additional state hospitals, comprehensive centers and clinics, or other mental health facilities under commonwealth operation or, subject to appropriation, may contract with any private hospital, institution, nonprofit charitable corporation, partnership, collaborative or other agency furnishing community or complementary mental health services to pay it the ordinary and reasonable compensation for such services actually rendered or furnished to persons in need thereof. Such agreements may provide for the retention of all revenues resulting from all billings and third party reimbursements by the contracting agency, provided that the expenditure of such funds is made in conformance with applicable state and federal law and subject to the approval of the commissioner.

The department shall designate those facilities to which persons may be committed or admitted as patients under the provisions of chapter one hundred and twenty-three. The department shall periodically inform the courts as to the available facilities to which persons may be committed or admitted as patients or residents.

The department shall be a corporation for the purpose of taking, holding and administering in trust for the commonwealth any grant, devise, gift or bequest made either to the commonwealth, to it, or to any state hospital or other mental health facility of the department, for the use of persons under its control in any mental health facility of the department, or for the use of such hospital or facility, or if the acceptance of such trust is approved by the governor, for expenditure upon any work which the department is authorized to undertake.

The department shall select the site of any new state mental health facility and any land to be taken or purchased by the commonwealth for the purposes of any new or existing state mental health facility.

The department of public works shall construct and maintain roads on the grounds of property of a state mental health facility; and expenses so incurred shall be paid from appropriations for the maintenance of such facility.

The department may make contracts with the federal government relative to receiving persons in the United States armed forces for care and treatment in departmental facilities and for support of such persons.

Section 2. The secretary of human services shall appoint, with the

approval of the governor, a commissioner of mental health who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor.

Such commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary of human services determines are necessary for the performance of the duties of the commissioner.

The commissioner shall appoint and may remove such agents and subordinate officers as the commissioner may deem necessary, and may establish such divisions or regional management systems in the department as the commissioner deems appropriate from time to time. Except as otherwise provided by law all offices and positions shall be subject to the provisions of chapter thirty-one; provided, however, the provisions of chapter thirty-one shall not apply to physicians and psychiatrists with full medical-psychiatric responsibility as opposed to administrative responsibility, to community mental health area directors appointed under the provisions of section thirteen, to nurses employed as such by the department, or to attorneys acting as legal counsel; and provided further, however, and notwithstanding the preceding provision or any other provision of law, all offices and positions which as a condition of receiving federal grants for programs and activities to which the federal standards for a merit system of personnel administration relate and make necessary the application of the provisions of the civil service law, shall be subject to the provisions of chapter thirty-one if such federal standards are uniform in all states.

At the end of each fiscal year, the commissioner shall make an annual report of the activities of the department, and of each facility, clinic, or unit under its control, the cost of operating the same, the initiation of new programs, and the progress made in providing services and facilities for mental health in the commonwealth.

The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

Section 3. The commissioner shall appoint, with the approval of the secretary of human services, a person qualified to serve as deputy commissioner of mental health. Said deputy commissioner shall perform such duties as the commissioner may determine and shall, in the case of a vacancy in the office of the commissioner, and during said commissioner's absence or disability, exercise the powers and perform the duties of the office of the commissioner. Said deputy commissioner may be allowed such professional affiliations as the commissioner approves, subject to the provisions of chapter two hundred and sixty-eight A.

The deputy commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the commissioner determines are necessary for the performance of the duties of the deputy commissioner. The commissioner or a deputy commissioner shall be a diplomate in psychiatry of the American Board of Psychiatry and Neurology, Inc.

Section 4. The commissioner shall appoint, subject to appropriation, such other assistant, deputy or associate commissioners as the commis-

sioner may determine to be necessary or desirable to carry out the work of the department. Assistant, deputy and associate commissioners shall be assigned areas of responsibility to be specified by the commissioner. At the time of appointment, they shall possess such qualifications as the commissioner shall determine. Persons appointed to such positions shall serve at the pleasure of the commissioner. Chapter thirty-one and section nine A of chapter thirty shall not apply to said positions.

Section 5. The commissioner shall appoint a member of the Massachusetts bar to serve as legal counsel to the commissioner. Such legal counsel shall devote full time to his duties. Such legal counsel shall have been a member of the bar for not less than six years and shall have been actively engaged in the practice of law.

Section 6. The commissioner may establish a program for the training of residents in psychiatry and any other professional disciplines as required by departmental programs. Such residents shall be eligible for training grants from the commonwealth. Recipients of said grants shall be exempt from the provisions of chapter thirty-one and shall not be deemed employees of the commonwealth; provided, however, that such recipients shall be deemed public employees under chapter two hundred and fifty-eight. Such grants shall not be deemed income under chapter sixty-two. Approval of such training programs by the personnel administrator shall be required in accordance with the provisions of section twenty-eight of chapter seven.

Section 7. The state facilities under the control of the department shall be such state hospitals, mental health centers and other mental health facilities as the commissioner from time to time shall designate in the regulations of the department, including any facilities or portions thereof which the department may, subject to appropriation, construct or develop for use as homes or facilities for aging persons who are not mentally ill. Admissions of patients to said facilities or homes for aging persons shall be voluntary and not by commitment and said facilities or homes, although under the supervision and control of said department, shall be deemed to be public medical institutions within the meaning of section two of chapter one hundred and eighteen E.

Section 8. When a vacancy occurs in the positions of superintendent of a state hospital of the department or director of any other mental health facility of the department, the commissioner shall appoint to such a vacancy a person who has such educational qualifications and such administrative and other experience, including education or experience in the care, treatment or education of the mentally ill, as the commissioner determines are necessary for the performance of the duties of superintendent or director.

The superintendent with the approval of the commissioner shall appoint and may remove a treasurer and assistant treasurer in each state hospital, each of whom shall give bond for the faithful performance of this duties. The provisions of section forty-nine of chapter thirty-one shall apply to the appointment of such treasurers and assistant treasurers. The superintendent with the approval of the commissioner shall appoint and may remove assistant physicians and necessary subordinate officers and other persons. The superintendent may require that a physician who is to be so appointed be certified as to his qualifications by one of the physicians' specialty boards approved by the Council on Medical Education and Hospitals of the American Medical Association.

Section 9. The governor shall appoint a board of trustees for each state hospital. A majority of the members of each such board of trustees shall be consumers and their guardians or family members. Said board shall visit and familiarize itself with its state hospital, and may from time to time make suggestions to the department as to improvements therein, especially such as will make the administration thereof more effective, economical and humane. Said board shall serve without compensation, but each member shall be reimbursed by the commonwealth for all expenses incurred in the performance of his duties.

Section 10. The superintendent of any state hospital or the director of any mental health facility of the department, who has reason to believe that a crime which is punishable by imprisonment in the state prison has been committed by or upon any person on the premises of the particular facility or by or upon any person in the care of the particular facility but not on the premises thereof, shall, no later than one week from the date of the commission of such crime, report the same to the district attorney of the district within which the crime was committed.

Section 11. There shall be a mental health advisory council consisting of fifteen persons to be appointed by the secretary of human services, with the approval of the governor, eight of whom shall be members of community mental health area boards, and of the remaining seven at least four shall be appointed to represent one of the following professions and groups: state level medical, psychological, nursing, educational, social work, occupational therapy, or bar associations, associations for mental health, industrial and labor groups and the clergy. Upon the expiration of the term of office of any member, his successor shall be appointed for a term of three years. No member shall be appointed to serve more than two consecutive three-year terms. The councils shall elect a chairman annually. The council shall serve without compensation, but each member shall be reimbursed by the commonwealth for all expenses incurred in the performance of his official duties.

Said advisory council shall have the following duties:

(a) It shall advise the commissioner on policy, program development, and priorities of need in the commonwealth for comprehensive programs in mental health;

(b) It shall participate with the department in holding a regular series of public hearings throughout the commonwealth to obtain the views of the area boards and other citizens concerning the programs of the department and the needs of the people for mental health services;

(c) It shall review the annual plans and the proposed annual budget of the department, and shall make recommendations to the commissioner in regard thereto;

(d) It shall hold at least three meetings per year and shall convene special meetings at the call of the chairman of the council, a majority of the council, or the commissioner.

Section 12. The department shall establish a comprehensive program of community mental health services which shall include state hospitals, clinics, comprehensive centers and other facilities of the department, and to promote such programs the department shall divide the commonwealth into service areas for the conduct of said mental health services, and shall establish standards for the development of said community programs.

Each area shall be drawn so as to include and to allow for the development of mental health services and facilities, as needed, which shall be readily accessible to the people in the area, taking into consideration such factors as geographic boundaries, roads and other means of transportation, population concentration, city, town and county lines, other relevant community services, and community economic and social relationships.

Section 13. The commissioner shall, after consultation with the area board, appoint in each community mental health area an area director. Such area director shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the commissioner determines are necessary for the performance of the duties of area director.

The area director shall perform such duties as are described in this chapter and any other law and such other duties as are assigned by the department.

Where there is established within the area a comprehensive center operated by the department and designated as a comprehensive center by the commissioner, the area director may also serve by appointment of the commissioner as head of such center. The area board shall also serve as the citizen board for such center and no other board shall be formed or designated for such center. The area director, subject to departmental regulations, shall supervise all employees within such center.

Salaries for area directors shall be fixed under and in accordance with sections forty-five to fifty, inclusive, of chapter thirty, taking into account those individual cases where an area director is also superintendent of a state hospital or a comprehensive center.

Section 14. In each area established under section twelve there shall be a community mental health area board, hereinafter called the area board, which shall be an agency of the commonwealth, and shall serve in the department. The area board shall consist of fifteen members, who shall be appointed by the commissioner. Two thirds of the members shall live within the area for which they are appointed, and the remaining members shall either live or work within said area. The commissioner shall seek to provide proper geographical representation in the membership of the board.

Two thirds of such members shall be persons other than employees of the commonwealth. No member shall be an employee of the department.

Upon the expiration of the term of any member of the area board, a successor shall be appointed, in like manner, for a term of three years. In the event of vacancy, the commissioner may, in like manner, appoint a member who shall serve for the remainder of the unexpired term. Members of the board shall serve without compensation, and shall be sworn to the faithful performance of their duties. The area board shall suggest for consideration by the commissioner one or more names for each such expiring term or vacancy. No member shall be appointed for more than two consecutive three-year terms.

Section 15. The area board shall have the following duties and powers:

- (a) to act as the representative of the citizens of the area;
- (b) to advise regarding local needs and resources in the development of comprehensive mental health services;
- (c) to advise in the recruitment and selection of the area director to

be appointed by the commissioner, provided that, where the area director will also be an executive head of a facility which is integrated with a university medical center or medical school or with a hospital, the university, medical school, or hospital authorities shall advise in the recruitment and selection of such director; provided, that the commissioner may designate a person to act as area director in any case in which such office shall be vacant;

(d) to review and make recommendations concerning the annual budget for the comprehensive mental health services of the area;

(e) to review programs and services which are a part of the program of the area but which are not conducted within commonwealth-operated facilities;

(f) to consult with the commissioner in personnel recruitment and appointment policies, in the establishment of program priorities for the area, in admission policies for all facilities and services, and in policies regarding relationships with other agencies and organizations;

(g) to communicate with the mental health advisory council, established under section eleven, to discuss any matters concerning the area program;

(h) to receive and administer any gift or bequest of personal property or funds in trust or any grant or devise of lands made to its use in trust in the interest of the area program of mental health services, or for any special purpose as indicated in the gift or grant in trust, and may invest the proceeds thereof in notes, bonds or property secured by sufficient mortgages;

(i) to hold regular meetings in each year and to convene special meetings on the call of the president, or ten members of the board, or the area director, or the commissioner. The area director shall be notified of, and may participate in, all meetings, but shall not vote;

(j) to elect from their members annually a president and such other officers as they deem appropriate. The area board shall adopt rules for its proper organization and for procedures at meetings. Such rules and any subsequent amendments thereto shall be submitted to the commissioner for approval.

Section 16. The department shall develop and maintain, subject to appropriation, and in accordance with its standards, a comprehensive, area-based system to provide community mental health services, including specialized services for both children and adults.

Major consideration shall be given to the development of

(a) inpatient services; (b) outpatient services; (c) emergency services on a twenty-four hour basis; (d) partial hospitalization services for day care and night care; (e) mental health consultation and educational services to community agencies and professional personnel practicing in the area; and (f) employment opportunities for patients.

Mental health services shall include case management services, the primary purpose of which is to assure continuity of care for a patient's medical or psychiatric needs, but which shall include a determination of eligibility for existing federal, state, and municipal programs to provide for social and economic needs as well. The department shall issue rules and regulations which shall govern the provision of such management services, to be implemented and adhered to by each area, provided, however, that each patient shall have the right to confidentiality of all records and communications to the extent provided by chapter one

hundred and twenty-three. Mental health services shall also, where applicable, include: (a) diagnostic services; (b) rehabilitative services; (c) preventive, precare, and aftercare services within the area; and (d) research programs including evaluation of effectiveness and efficiency of the various programs operating within the area.

The services described in this section may, unless otherwise provided in this chapter or by departmental regulations, be developed for each area through commonwealth-operated facilities or, subject to appropriation, by contracts for services. Programs and services may also be developed in cooperation with facilities or other resources located in other community mental health areas of the commonwealth or operated regionally, subject to appropriation. In arranging cooperative services between or among areas, or on a regional basis, provision should be made to ensure continuity of services to clients. The department may also receive funds under contracts or other agreements from community sources, including municipalities as authorized by clause (40C) of section five of chapter forty for the rendering of services in collaboration with such municipal or other community or private agencies providing cooperative or complementary services. Those eligible for participation in any one service must be eligible for and have access to other services made available in the area. Services shall be offered without discrimination to all people in the area except where specialized programs are developed such as for children or the aging, provided that within such specialized categories the services shall be equally available to all such persons in the area.

Notwithstanding any provision of law to the contrary, all revenues received by the community mental health facilities operated by the department shall be deposited in one or more trust funds in the state treasury of which the commissioner shall be trustee and may be expended by the department for the operation and maintenance of such community mental health facilities and may be further expended for the management, stabilization, and delivery of mental health services by and through such community mental health facilities and other affiliated service providing agencies; provided, that all expenditures from said trust funds so made shall conform to standard state accounting procedures and such further requirements as prescribed by the comptroller; provided further, that the commissioner in his capacity as trustee shall report monthly to the commissioner of administration and to the house and senate committees on ways and means such revenues and reimbursements received and expenditures made; and provided further, that whenever any such trust fund ceases to be operative, all monies remaining in such fund shall accrue to the General Fund.

Section 17. The area board may appoint such advisory committees as it may from time to time deem necessary. The members of such committees shall serve for such terms as the area board may determine.

Section 18. The department may from time to time adopt such rules and regulations as it deems necessary to carry out the provisions of this chapter, and may amend or repeal the same.

Section 19. (a) The department shall issue for a term of two years, and may renew for like terms, a license, subject to revocation by it for cause, to any private, county or municipal facility or department or ward of any such facility which offers to the public residential or day care services and is represented as providing treatment of persons who are

mentally ill and which is deemed by it to be responsible and suitable to meet applicable licensure standards and requirements except that: (1) the department may license those facilities providing care but not treatment of persons who are mentally ill, and (2) licensing by the department is not required where such residential or day care treatment is provided within an institution or facility licensed by the department of public health under the provisions of chapter one hundred and eleven unless such services are provided on an involuntary basis. Whether or not a license is issued under clause (1), the department shall make regulations for the operation of such facilities. The department may grant the type of license which it deems suitable for the facility, department or ward. The department shall fix reasonable fees for licenses and renewal thereof.

(b) Each facility, department or ward licensed under the provisions of this section shall maintain and make available to the department such statistical and diagnostic data as may be required by the department.

(c) Each such facility, department or ward licensed by the department shall be subject to the supervision, visitation and inspection of the department, and the department may make regulations for the proper operation of such facilities, departments or wards.

(d) The department may refuse to grant, suspend, revoke, limit or restrict the applicability of or refuse to renew a license granted under this section, subject to the procedural requirements of section thirteen of chapter thirty A, for any violation of its regulations or standards concerning such facilities, department or ward. The department may temporarily suspend a license prior to a hearing in cases of emergency if it deems that such suspension would be in the public interest; provided, however, that upon request of an aggrieved party, a hearing pursuant to section thirteen of chapter thirty A shall be held after the license is suspended. Any party aggrieved by a decision of the department under this section may appeal in accordance with the provisions of section fourteen of chapter thirty A.

(e) No facility nor any department or ward of any such facility, for which a license is required under paragraph (a), shall provide residential or day care services for the treatment or care of persons who are mentally ill, unless it has obtained a license under the provisions of this section. The superior court sitting in equity shall have jurisdiction, upon petition of the department, to restrain any violation of the provisions of this section or to take such other action as equity and justice may require. Whoever violates the provisions of this section shall be punished for the first offense by a fine of not more than five hundred dollars and for subsequent offenses by a fine of not more than one thousand dollars or by imprisonment for not more than two years.

(f) Each patient shall be granted protection from commercial exploitation of any kind. No patient shall be photographed, interviewed or exposed to public view without either his expressed written consent or that of his legal guardian.

(g) Notwithstanding the provisions of paragraphs (a) to (f), inclusive, any day care center, family day care home, family day care system, family foster care, or group care facility as defined in section nine of chapter twenty-eight A, shall not be subject to the provisions of this section.

Section 20. Stationary engineers, steam firemen, school teachers and

head farmers employed in mental health facilities of the department and, except as otherwise provided by the civil service law and rules, the classified labor service of the department, shall be exempt from chapter thirty-one; provided, however, that whenever, as a condition of receiving federal grants for programs and activities to which the federal standards for a merit system of personnel administration relate, federal requirements make necessary the application of the civil service law and rules to any such position, or to the classified labor service or any portion thereof, said positions or service shall be subject to chapter thirty-one; provided, further, such federal requirements are uniform in all states.

Section 21. Subject to approval by the secretary of human services, the commissioner may enter into interagency agreements with the commissioner of mental retardation for the coordinated regulation of or for the coordinated or joint management of certain services that are required or that must be provided by both the department of mental retardation and the department of mental health. Such agreements may be entered where it is determined by the commissioners of said departments that the services require coordinated regulation to ensure development of substantially similar standards consistent with certain shared needs of mentally ill and mentally retarded individuals or that the services will be more efficiently and effectively provided by a single, unified management system than by two separate management systems. Such services may include, without limitation, transportation, laundry, data processing, certain services to mixed populations of mentally ill and mentally retarded individuals with common needs for care and treatment or to individuals who are diagnosed as both mentally retarded and mentally ill, research activities and program monitoring. Coordinated regulation of such services may include, without limitation, such issues as restraint, charges for care, investigations and case management. Pursuant to such agreements the department of mental health may assume responsibility for the provision of such services to the department of mental retardation. Such agreements may delegate responsibility to the department of mental retardation to provide such services for the department of mental health. Such agreements may provide for the expenditure of appropriated funds consistent with such joint management service systems and may further provide for assignment of certain staff to such joint management service systems. Such agreements shall not, however, conflict with the department of mental retardation's primary responsibility for mentally retarded persons regardless of whether such persons are also mentally ill.

SECTION 9. The General Laws are hereby amended by inserting after chapter 19A the following chapter:–

**CHAPTER 19B.
DEPARTMENT OF MENTAL RETARDATION.**

Section 1. There shall be a department of mental retardation, in this chapter called the department, and a commissioner of mental retardation who shall have and shall exercise exclusive supervision and control of the department. All action of said department shall be taken by the commissioner, or under the direction of said commissioner, by such agents or subordinate officers as he shall determine.

The department shall take cognizance of all matters affecting the welfare of the mentally retarded citizens of the commonwealth. The department shall have supervision and control of all public facilities for mentally retarded persons and of all persons received into any of said facilities, and shall have general supervision of all private facilities for such persons; provided, however, that this sentence shall not be deemed to interfere with or supersede any other provision of general or special law which grants or confers supervision and control of certain public facilities for mentally retarded persons and persons admitted to such facilities or which grants or confers supervision over certain private facilities for such persons, to any other department of the commonwealth or to any political subdivision. The department shall have supervision and control of all mental retardation facilities established within the department and, subject to appropriation, may further develop additional mental retardation facilities under commonwealth operation or, subject to appropriation, may contract with any private agency furnishing complementary or community mental retardation services to pay it the ordinary and reasonable compensation for such services actually rendered or furnished to persons in need thereof. The department may, subject to appropriation, enter into agreements with nonprofit charitable corporations, partnerships or collaboratives for the providing of mental retardation services. Such agreements may provide for the retention of all revenues resulting from all billings and third party reimbursements by such organizations, provided, that the expenditure of such funds is made in conformance with applicable state and federal law and subject to the approval of the commissioner.

The department shall be a corporation for the purpose of taking, holding and administering in trust for the commonwealth any grant, devise, gift or bequest made to the commonwealth, to it, or to any state school or other mental retardation facility of the department for the use of persons under its control in any such facility or for the use of such school or facility, or, if the acceptance of such trust is approved by the governor, for expenditure upon any work which the department is authorized to undertake.

The department shall select the site of any new state mental retardation facility and any land to be taken or purchased by the commonwealth for the purposes of any new or existing state mental retardation facility.

The department of public works shall construct and maintain roads on the grounds of property of a state mental retardation facility; and expenses so incurred shall be paid from appropriations for the maintenance of such facility.

Section 2. The secretary of human services shall appoint, with the approval of the governor, a commissioner of mental retardation who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor.

Such commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the secretary of human services determines are necessary for performance of the duties of commissioner.

The commissioner shall appoint and may remove such agents and subordinate officers as the commissioner may deem necessary, and may establish such divisions or regional management systems in the

department as the commissioner deems appropriate from time to time. Except as otherwise provided by law all offices and positions shall be subject to the provisions of chapter thirty-one; provided, however, the provisions of chapter thirty-one shall not apply to physicians and psychiatrists with full medical-psychiatric responsibility as opposed to administrative responsibility, to mental retardation regional managers, if any, to nurses employed as such by the department, or to attorneys acting as legal counsel; and provided further, however, and notwithstanding the preceding provision or any other provision of law, all offices and positions, which as a condition of receiving federal grants for programs and activities to which the federal standards for a merit system of personnel administration relate and make necessary the application of the provisions of the civil service law, shall be subject to the provisions of chapter thirty-one if such federal standards are uniform in all states.

At the end of each fiscal year, the commissioner shall make an annual report of the activities of the department and of each facility or unit under its control, the cost of operating the same, the initiation of new programs, and the progress made in providing services and facilities for mental retardation in the commonwealth.

The position of commissioner shall be classified in accordance with section forty-five of chapter thirty and the salary shall be determined in accordance with section forty-six C of said chapter thirty.

Section 3. The commissioner shall appoint, with the approval of the secretary of human services, a person qualified to serve as deputy commissioner of mental retardation. Said deputy commissioner shall perform such duties as the commissioner may determine and shall, in the case of a vacancy in the office of the commissioner, and during said commissioner's absence or disability, exercise the powers and perform the duties of the office of the commissioner. Said deputy commissioner may be allowed such professional affiliations as the commissioner approves, subject to the provisions of chapter two hundred and sixty-eight A.

The deputy commissioner shall have such educational qualifications and such administrative and other experience, including education or experience in a field related to human services, as the commissioner determines are necessary for the performance of the duties of deputy commissioner.

Section 4. The commissioner shall, subject to appropriation, appoint such other assistant, associate or deputy commissioners as the commissioner may determine to be necessary or desirable to carry out the work of the department. Such other assistant, associate or deputy commissioners shall be assigned areas of responsibility to be specified by the commissioner. At the time of appointment, they shall possess such qualifications as the commissioner shall determine. Persons appointed to such positions shall serve at the pleasure of the commissioner. Chapter thirty-one and section nine A of chapter thirty shall not apply to said positions.

Section 5. The commissioner shall appoint a member of the Massachusetts bar to serve as legal counsel to the commissioner. Such legal counsel shall devote full time to his duties. Such legal counsel shall have been a member of the bar for not less than six years and shall have been actively engaged in the practice of law.

Section 6. The commissioner may establish a program for the training of residents in professional disciplines as required by departmental programs. Such residents shall be eligible for training grants from the commonwealth. Recipients of said grants shall be exempt from the provisions of chapter thirty-one and shall not be deemed employees of the commonwealth; provided, however, that such recipients shall be deemed public employees under chapter two hundred and fifty-eight. Such grants shall not be deemed income under chapter sixty-two. Approval of such training programs by the personnel administrator shall be required in accordance with the provisions of section twenty-eight of chapter seven.

Section 7. The state facilities under the control of the department shall be the state schools, and such other mental retardation facilities as the commissioner from time to time shall designate or approve pursuant to the regulations of the department.

Section 8. When a vacancy occurs in the position of superintendent of a state school of the department, or of director of any other mental retardation facility of the department, the commissioner shall appoint to such a vacancy a person who has such educational qualifications and such administrative and other experience, including education and experience in the care, treatment or education of the mentally retarded, as the commissioner determines are necessary for the performance of the duties of superintendent or director.

The superintendent with the approval of the commissioner shall appoint and may remove a treasurer and assistant treasurer in each state school, each of whom shall give bond for the faithful performance of his duties. The provisions of section forty-nine of chapter thirty-one shall apply to the appointment of such treasurers and assistant treasurers. The superintendent with the approval of the commissioner shall appoint and may remove assistant physicians and necessary subordinate officers and other persons. The superintendent may require that a physician who is to be so appointed be certified as to his qualifications by one of the physicians' specialty boards approved by the Council on Medical Education and Hospitals of the American Medical Association.

Section 9. The governor shall appoint a board of trustees for each state school. A majority of the members of each board of trustees shall be consumers and their guardians or family members. Said board shall visit and familiarize themselves with their respective public institutions, and may from time to time make suggestions to the department as to improvements therein, especially such as will make the administration thereof more effective, economical and humane. Said advisory board shall serve without compensation, but shall be reimbursed for all expenses incurred in the performance of their duties.

Section 10. The superintendent of any state school, or the director of any mental retardation facility of the department, who has reason to believe that a crime which is punishable by imprisonment in the state prison has been committed by or upon any person on the premises of the particular facility or by or upon any person in the care of the particular facility but not on the premises thereof, shall, no later than one week from the date of the commission of such crime, report the same to the district attorney of the district within which the crime was committed.

Section 11. There shall be a mental retardation advisory council consisting of fifteen persons to be appointed by the secretary of human

services, with the approval of the governor, five of whom shall be citizens who are members of the department's mental retardation citizens' advisory committees across the state, and of the remaining ten at least five shall be appointed to represent one of the following professions and groups: state level medical, psychological, nursing, educational, social work, occupational therapy, or bar associations, state level associations for mental retardation, industrial and labor groups and the clergy. Upon the expiration of the term of office of any member, his successor shall be appointed for a term of three years. No member shall be appointed to serve more than two consecutive three-year terms. The council shall elect a chairman annually. The council shall serve without compensation, but each member shall be reimbursed by the commonwealth for all expenses incurred in the performance of his official duties.

Said advisory council shall have the following duties:

(a) It shall advise the commissioner on policy, program development and priorities of need in the commonwealth for comprehensive programs in mental retardation;

(b) It shall participate with the department in holding a regular series of public hearings throughout the commonwealth to obtain the views of the citizens concerning the programs of the department and the needs of the people in mental retardation services;

(c) It shall review the annual plans and the proposed annual budget of the department, and shall make recommendations to the commissioner in regard thereto;

(d) It shall hold at least three meetings per year and shall convene special meetings at the call of the chairman of the council, a majority of the council, or the commissioner.

Section 12. The department shall establish a comprehensive program of community mental retardation services which shall include state schools and other facilities of the department and shall establish standards for the development of mental retardation programs at appropriate geographic levels to ensure access to needed services. The commissioner shall ensure citizen, consumer and family participation, through the appointment of mental retardation citizens' advisory committees and other appropriate methods, in the oversight of mental retardation services at all such levels, including the local level.

Section 13. The department shall develop and maintain, subject to appropriation and in accordance with its standards, comprehensive community mental retardation services including specialized services for both children and adults.

Major consideration shall be given to: (a) diagnostic, evaluation and reevaluation services; (b) various treatment services; (c) various training programs; (d) preschool clinical services; (e) long and short-term day and night care residential services for various purposes; (f) mental retardation consultation and education services to community agencies and professional personnel; (g) employment opportunities for department clients; and (h) locally-based service delivery.

Mental retardation services shall also, where applicable, include: (a) research programs including evaluation of effectiveness and efficiency of the various programs of the department; and (b) preventive services.

The services described in this section may, unless otherwise provided in this chapter or by departmental regulation, be developed through

commonwealth-operated facilities or, subject to appropriation, by contracts for services. Those eligible for participation in any one service must be eligible for and have access to other services made available by the department. Services shall be offered without discrimination to all people who are eligible, except where specialized programs are developed such as for children or the aging, provided that within such specialized categories the services shall be equally available to all such persons who are eligible.

Notwithstanding any provision of law to the contrary, all revenues received by the community mental retardation facilities operated by the department shall be deposited in one or more trust funds in the state treasury of which the commissioner shall be trustee and may be expended by the department for the operation and maintenance of such community mental retardation facilities and may be further expended for the management, stabilization, and delivery of mental retardation services by and through such community mental retardation facilities and other affiliated service providing agencies; provided, that all expenditures from said trust funds so made shall conform to standard state accounting procedures and such further requirements as prescribed by the comptroller; provided further, that the commissioner in his capacity as trustee shall report monthly to the commissioner of administration and to the house and senate committees on ways and means such revenues and reimbursements received and expenditures made; and provided further, that whenever any such trust fund ceases to be operative, all monies remaining in such fund shall accrue to the General Fund.

Section 14. The department may from time to time adopt such rules and regulations as it deems necessary to carry out the provisions of this chapter, and may amend or repeal the same.

Section 15. (a) The department shall issue for a term of two years, and may renew for like terms, a license, subject to revocation by it for cause, to any private, county or municipal facility or department or ward of any such facility which offers to the public residential or day care services and is represented as providing treatment of persons who are mentally retarded, and which is deemed by it to be responsible and suitable to meet applicable licensure standards and requirements, except that: (1) the department may license those facilities providing care but not treatment of persons who are mentally retarded; and (2) licensing by the department is not required where such residential or day care treatment is provided within an institution or facility licensed by the department of public health under the provisions of chapter one hundred and eleven. Whether or not a license is issued under clause (1), the department shall make regulations for the operation of such facilities. The department may grant the type of license which it deems suitable for the facility, department or ward. The department shall fix reasonable fees for licenses and renewal thereof.

(b) Each facility, department or ward licensed under the provisions of this section shall maintain and make available to the department such statistical and diagnostic data as may be required by the department.

(c) Each such facility, department or ward licensed by the department shall be subject to the supervision, visitation and inspection of the department, and the department may make regulations for the proper operation of such facilities, departments or wards.

(d) The department may refuse to grant, suspend, revoke, limit or restrict the applicability of or refuse to renew a license granted under this section, subject to the procedural requirements of section thirteen of chapter thirty A for any violation of its regulations or standards concerning such facility, department or ward. The department may temporarily suspend a license prior to a hearing in cases of emergency if it deems that such suspension would be in the public interest; provided, however, that upon request of an aggrieved party, a hearing pursuant to section thirteen of chapter thirty A, shall be held after the license is suspended. Any party aggrieved by a decision of the department under this section may appeal in accordance with the provisions of section fourteen of chapter thirty A.

(e) No facility nor any department or ward of any such facility, for which a license is required under paragraph (a), shall provide residential or day care services for the treatment or care of persons who are mentally retarded unless it has obtained a license under the provisions of this section. The superior court sitting in equity shall have jurisdiction, upon petition of the department, to restrain any violation of the provisions of this section or to take such other action as equity and justice may require. Whoever violates the provisions of this section shall be punished for the first offense by a fine of not more than one thousand dollars or by imprisonment for not more than two years.

(f) Each patient shall be granted protection from commercial exploitation of any kind. No patient shall be photographed, interviewed or exposed to public view without either his expressed written consent or that of his legal guardian.

(g) Notwithstanding the provisions of paragraphs (a) to (f), inclusive, any day care center, family day care home, family day care system, family foster care, or group care facility as defined in section nine of chapter twenty-eight A, shall not be subject to the provisions of this section.

Section 16. Stationary engineers, steam firemen, school teachers and head farmers employed in mental retardation facilities of the department and, except as otherwise provided by the civil service law and rules, the classified labor service of the department, shall be exempt from chapter thirty-one; provided, however, that whenever, as a condition of receiving federal grants for programs and activities to which the federal standards for a merit system of personnel administration relate, federal requirements make necessary the application of the civil service law and rules to any such position, or to the classified labor service or any portion thereof, said positions or service shall be subject to chapter thirty-one; provided, further, such federal requirements are uniform in all states.

Section 17. The department shall provide transportation for mentally retarded persons with respect to educational, habilitational or day care services provided pursuant to section thirteen. The department shall take appropriate steps to ensure the safety of all persons transported under this section. If the department determines that said persons cannot be transported safely without the assistance of monitors, said transporting shall include provision for monitors. Nothing in this section shall preclude the ability of parents to serve as unpaid monitors when their children are being transported.

Section 18. Subject to approval by the secretary of human services, the commissioner may enter into interagency agreements with the commissioner of mental health for the coordinated regulation of or for the coordinated or joint management of certain services that are required or that must be provided by both the department of mental retardation and the department of mental health. Such agreement may be entered where it is determined by the commissioners of said departments that the services require coordinated regulation to ensure development of substantially similar standards consistent with certain shared needs of mentally ill and mentally retarded individuals or that the services will be more efficiently and effectively provided by a single, unified management system than by two separate management systems. Such services may include, without limitation, transportation, laundry, data processing, certain services to mixed populations of mentally ill and mentally retarded individuals with common needs for care and treatment or to individuals who are diagnosed as both mentally retarded and mentally ill, research activities, and program monitoring. Coordinated regulation of such services may include, without limitation, such issues as restraint, charges for care, investigations and case management. Pursuant to such agreements the department of mental retardation may assume responsibility for the provision of such services to the department of mental health. Such agreements may delegate responsibility to the department of mental health to provide such services to the department of mental retardation. Such agreements may provide for the expenditure of appropriated funds consistent with such joint management service systems and may further provide for assignment of certain staff to such joint management service system. Such agreements shall not, however, conflict with the department of mental retardation's primary responsibility for mentally retarded persons regardless of whether such persons are also mentally ill.

SECTION 10. Section 8 of chapter 22A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "health", in line 3, the words:– , department of mental retardation.

SECTION 11. Section 6A of chapter 28A of the General Laws, as so appearing, is hereby amended by inserting after the word "health," in line 13, the words:– , the department of mental retardation.

SECTION 12. Clause (c) of section 10 of said chapter 28A, as so appearing, is hereby amended by inserting after the word "health", in line 28, the first time it appears, the words:– , mental retardation.

SECTION 13. Section 9B of chapter 30 of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 2, the first time it appears, the words:– , mental retardation.

SECTION 14. Section 9C of said chapter 30, as so appearing, is hereby amended by inserting after the word "health", in line 2, the first time it appears, the words:– , mental retardation.

SECTION 15. Section 9D of said chapter 30, as so appearing, is hereby

amended by inserting after the word "health", in line 2, the first time it appears, the words:– , mental retardation.

SECTION 16. The second paragraph of section 24A of said chapter 30, as so appearing, is hereby amended by inserting after the word "health", in line 19, the first time it appears, the words:– , mental retardation.

SECTION 17. Clause (a) of section 91 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 46, the first time it appears, the words:– , mental retardation.

SECTION 18. The first paragraph of section 13 of chapter 58 of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 9, the first time it appears, the words:– , the department of mental retardation.

SECTION 19. Section 1 of chapter 71B of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 19, the words:– , mental retardation.

SECTION 20. The first paragraph of section 2 of said chapter 71B, as so appearing, is hereby amended by inserting after the word "health", in line 2, the first time it appears, the words:– , mental retardation.

SECTION 21. The second paragraph of said section 2 of said chapter 71B, as so appearing, is hereby amended by striking out, in line 33, the words "and mental health" and inserting in place thereof the words:– , mental health and mental retardation.

SECTION 22. Section 3 of said chapter 71B, as so appearing, is hereby amended by inserting after the word "health", in line 3, the first time it appears, line 34, the first time it appears, line 48, 71, the first time it appears, and in line 77, the words:– , mental retardation,.

SECTION 23. Section 9 of said chapter 71B, as so appearing, is hereby amended by inserting after the word "health", in line 2, the first time it appears, the words:– , mental retardation.

SECTION 24. Section 10 of said chapter 71B, as so appearing, is hereby amended by inserting after the word "health", in line 9, 28, 36, and 55, the first time it appears, the words:– , mental retardation.

SECTION 25. Section 12 of said chapter 71B, as so appearing, is hereby amended by inserting after the word "health", in line 3, the first time it appears, and in line 34, the words:– , mental retardation.

SECTION 26. Section 12B of said chapter 71B, as so appearing, is hereby amended by inserting after the word "health", in line 11, the words:– , the department of mental retardation.

SECTION 27. Section thirteen of said chapter seventy-one B is hereby repealed.

SECTION 28. Section 1 of chapter 90C of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "health", in line 39, the words:– , or as the commissioner of mental retardation may designate at each institution of the department of mental retardation.

SECTION 29. Section 4J of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 12, the words:– and the department of mental retardation.

SECTION 30. Section 70E of said chapter 111, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

As used in this section, "facility" shall mean any hospital, institution for the care of unwed mothers, clinic, infirmary maintained in a town, convalescent or nursing home, rest home, or charitable home for the aged, licensed or subject to licensing by the department; any state hospital operated by the department; any "facility" as defined in section three of chapter one hundred and eleven B; any private, county or municipal facility, department or ward which is licensed or subject to licensing by the department of mental health pursuant to section nineteen of chapter nineteen; or by the department of mental retardation pursuant to section fifteen of chapter nineteen B; any "facility" as defined in section one of chapter one hundred and twenty-three; the Soldiers Home in Holyoke, the Soldiers' Home in Massachusetts; and any facility set forth in section one of chapter nineteen or section one of chapter nineteen B.

SECTION 31. The thirteenth paragraph of section 71 of said chapter 111, as so appearing, is hereby amended by inserting after the word "health", in line 127, the words:– , or the department of mental retardation.

SECTION 32. The first paragraph of section 5 of chapter 111E of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words "regions established by the department of mental health pursuant to section seventeen" and inserting in place thereof the words:– areas established by the department of mental health pursuant to section twelve.

SECTION 33. Section 3 of chapter 111G of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 4, the words:– , the department of mental retardation.

SECTION 34. Said chapter 111G is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:–

Section 6. Whenever transportation to early intervention services is required, the department shall provide transportation with respect to said services. The department shall take appropriate steps to ensure the safety of all persons transported under this section. If the department determines that said persons cannot be transported safely without the assistance of monitors, said transporting shall include provision for

monitors. Nothing in this section shall preclude the ability of parents to serve as unpaid monitors when their children are being transported.

SECTION 35. The second paragraph of section 7 of chapter 118E of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 17, the second time it appears, the words:– , mental retardation.

SECTION 36. The first paragraph of section 23 of chapter 119 of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 26, the words:– or the department of mental retardation.

SECTION 37. Paragraph (10) of section 51B of said chapter 119, as appearing in section 2 of chapter 776 of the acts of 1985, is hereby amended by inserting after the word "health", in line 1, the words:– , the department of mental retardation.

SECTION 38. The General Laws are hereby amended by striking out chapter 123 and inserting in place thereof the following chapter:–

**CHAPTER 123.
MENTAL HEALTH.**

Section 1. The following words as used in this section and sections two to thirty-seven, inclusive, shall, unless the context otherwise requires, have the following meanings:

"Commissioner", the commissioner of mental health.

"Department", the department of mental health.

"Dependent funds", those funds which a resident is unable to manage or spend himself as determined by the periodic review.

"District court", the district court within the jurisdiction of which a facility is located.

"Facility", a public or private facility for the care and treatment of mentally ill persons, except for the Bridgewater State Hospital.

"Fiduciary", any guardian, conservator, trustee, representative payee as appointed by a federal agency, or other person who receives or maintains funds on behalf of another.

"Funds", all cash, checks, negotiable instruments or other income or liquid personal property, and governmental and private pensions and payments, including payments pursuant to a Social Security Administration program.

"Independent funds", those funds which a resident is able to manage or spend himself as determined by the periodic review.

"Likelihood of serious harm", (1) a substantial risk of physical harm to the person himself as manifested by evidence of, threats of, or attempts at, suicide or serious bodily harm; (2) a substantial risk of physical harm to other persons as manifested by evidence of homicidal or other violent behavior or evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them; or (3) a very substantial risk of physical impairment or injury to the person himself as manifested by evidence that such person's judgment is so affected that he is unable to protect himself in the community and that reasonable provision for his

protection is not available in the community.

"Qualified physician", a physician who is licensed pursuant to section two of chapter one hundred and twelve who is designated by and who meets qualifications required by the regulations of the department; provided that different qualifications may be established for different purposes of this chapter. A qualified physician need not be an employee of the department or of any facility of the department.

"Qualified psychologist", a psychologist who is licensed pursuant to sections one hundred and eighteen to one hundred and twenty-nine, inclusive, of chapter one hundred and twelve who is designated by and who meets qualifications required by the regulations of the department, provided that different qualifications may be established for different purposes of this chapter. A qualified psychologist need not be an employee of the department or of any facility of the department.

"Restraint", bodily physical force, mechanical devices, chemicals, confinement in a place of seclusion other than the placement of an inpatient or resident in his room for the night, or any other means which unreasonably limit freedom of movement.

"Superintendent", the superintendent or other head of a public or private facility.

Section 2. The department shall, in accordance with section two of chapter thirty A and subject to appropriation, adopt regulations consistent with this chapter which establish procedures and the highest practicable professional standards for the reception, examination, treatment, restraint, transfer and discharge of mentally ill persons in departmental facilities. Said regulations shall be adaptable to changing conditions and to advances in methods of care and treatment of the mentally ill. Said regulations (1) shall include, but not necessarily be limited to, provisions for inpatient care, both during the day and at night, halfway house services, family care, aftercare and home treatment, (2) shall define the categories of mental illness for the purpose of this chapter, and (3) may provide for different procedures for specific types of patients or for particular facilities.

Section 3. The department may transfer any person from any facility to any other facility which the department determines is suitable for the care and treatment of such person; provided that no transfer to a private facility shall occur except with the approval of the superintendent thereof. At least six days before a transfer from a facility occurs, the superintendent shall give written notice thereof to the person and to the nearest relative, unless said person knowingly objects, or guardian of such person; provided, however, if the transfer must be made immediately because of an emergency, such notice shall be given within twenty-four hours after the transfer. Except in emergency cases, no person who at any time prior to transfer has given notice of his intention to leave a facility under the provisions of section eleven shall be transferred until a final determination has been made as to whether such person should be retained in a facility.

Section 4. Each person within the care of the department and each person at the Bridgewater state hospital under the provisions of this chapter relative to the mentally ill shall be the subject of a periodic review under the supervision of the superintendent, if said person is in a department facility, or of the medical director if said person is at the Bridgewater state hospital, which shall include, but not necessarily be

limited to, (1) a thorough clinical examination, (2) an evaluation of the legal competency of the person and the necessity or advisability of having a guardian or conservator appointed or removed, (3) a consideration of all possible alternatives to continued hospitalization or residential care including, but not necessarily limited to, a determination of the person's relationship to the community and to his family, or his employment possibilities, and of available community resources, foster care and convalescent facilities, and (4) unless a guardian or conservator has been appointed, an evaluation of each person who is an inpatient or resident of a facility in order to determine how much of his funds shall be designated as dependent funds and how much as independent funds, and the formulation and maintenance of a financial plan for the use of his dependent funds. Said periodic review shall take place at least upon admission, once during the first three months after admission, once during the second three months after admission and annually thereafter. Said person shall be given a physical examination by a physician licensed under the provisions of chapter one hundred and twelve at least once in every twelve-month period during which he is resident in said departmental facility or at the Bridgewater state hospital.

The superintendent or the medical director at the Bridgewater state hospital shall give written notice to said person and his guardian, or, if there is no such guardian and the mentally ill person does not knowingly object, his nearest relative prior to any such review which is made subsequent to admission. The social service department of the facility or of the Bridgewater state hospital shall take part in the review and may utilize community resources, including the area-based community mental health programs. The results of each review shall become part of the official record of the person reviewed.

If the mentally ill person is in need of further care and treatment, the superintendent or said medical director shall notify him and his guardian, or, if there is no such guardian and the mentally ill person does not knowingly object, his nearest relative, of that fact, and of his right to leave the facility or said hospital if he was not committed under a court order. If said mentally ill person was not committed under a court order and does not choose further treatment as an inpatient, within fourteen days of said notification he shall be discharged or be made the subject of a petition for a court ordered commitment. Following any review under the provisions of this section, or at any other time, any patient who is no longer in need of care as an inpatient shall be discharged or placed on interim community leave.

Section 5. Whenever the provisions of this chapter require that a hearing be conducted in any court for the commitment or further retention of a person to a facility or to the Bridgewater state hospital or for medical treatment including treatment with antipsychotic medication, it shall be held as hereinafter provided. Such person shall have the right to be represented by counsel and shall have the right to present independent testimony. The court shall appoint counsel for such person whom it finds to be indigent and who is not represented by counsel, unless such person refuses the appointment of counsel. The court may provide an independent medical examination for such indigent person upon request of his counsel or upon his request if he is not represented by counsel. The person shall be allowed not less than two days after the appearance of his counsel in which to prepare his case and a hearing

shall be conducted forthwith after such period unless counsel requests a delay. Notice of the time and place of hearing shall be furnished by the court to the department, the person, his counsel, and his nearest relative or guardian. The court may hold the hearing at the facility or said hospital.

Section 6. (a) No person shall be retained at a facility or at the Bridgewater state hospital except under the provisions of paragraph (a) of section ten, the provisions of paragraphs (a), (b), and (c) of section twelve, section thirteen, paragraph (e) of section sixteen and section thirty-five or except under a court order or except during the pendency of a petition for commitment or to the pendency of a request under section fourteen. A court order of commitment to a facility or to the Bridgewater state hospital shall be valid for the period stipulated in this chapter or, if no such period is so stipulated, for one year. A petition for the commitment of a person may not be issued except as authorized under the provisions of this chapter.

(b) Following the filing of a petition for a commitment to a facility or to the Bridgewater state hospital, a hearing shall be held unless waived in writing by the person after consultation with his counsel. In the event the hearing is waived, the person may request a hearing for good cause shown at any time during the period of commitment.

Section 7. (a) The superintendent of a facility may petition the district court in whose jurisdiction the facility is located for the commitment to said facility and retention of any patient at said facility whom said superintendent determines that the failure to hospitalize would create a likelihood of serious harm by reason of mental illness.

(b) The medical director of the Bridgewater state hospital, the commissioner of mental health, or with the approval of the commissioner of mental health, the superintendent of a facility, may petition the district court in whose jurisdiction the facility or hospital is located for the commitment to the Bridgewater state hospital of any male patient at said facility or hospital when it is determined that the failure to hospitalize in strict security would create a likelihood of serious harm by reason of mental illness.

(c) Whenever a court receives a petition filed under any provisions of this chapter for an order of commitment of a person to a facility or to the Bridgewater state hospital, such court shall notify the person, and his nearest relative or guardian, of the receipt of such petition and of the date a hearing on such petition is to be held. The hearing shall be commenced within fourteen days of the filing of the petition unless a delay is requested by the person or his counsel.

Section 8. (a) After a hearing, unless such hearing is waived in writing, the district court shall not order the commitment of a person at a facility or shall not renew such order unless it finds after a hearing that (1) such person is mentally ill, and (2) the discharge of such person from a facility would create a likelihood of serious harm.

(b) After hearing, unless such hearing is waived in writing, the district court shall not order the commitment of a person at the Bridgewater state hospital or shall not renew such order unless it finds that (1) such person is mentally ill; (2) such person is not a proper subject for commitment to any facility of the department; and (3) the failure to retain such person in strict custody would create a likelihood of serious harm. If the court is unable to make the findings required by this

paragraph, but makes the findings required by paragraph (a), the court shall order the commitment of the person to a facility designated by the department.

(c) The court shall render its decision on the petition within ten days of the completion of the hearing, provided, that for reasons stated in writing by the court, the administrative justice for the district court department may extend said ten day period.

(d) The first order of commitment of a person under this section shall be valid for a period of six months and all subsequent commitments shall be valid for a period of one year; provided that if such commitments occur at the expiration of a commitment under any other section of this chapter, other than a commitment for observation, the first order of commitment shall be valid for a period of one year; and provided further, that the first order of commitment to the Bridgewater state hospital of a person under commitment to a facility shall be valid for a period of six months. If no hearing is held before the expiration of the six months commitment, the court may not recommit the person without a hearing.

(e) In the event that the hearing is waived and on the basis of a petition filed under the authority of this chapter showing that a person is mentally ill and that the discharge of the person from a facility would create a likelihood of serious harm, the district court which has jurisdiction over the commitment of the person may order the commitment of the person to such facility.

(f) In the event that the hearing is waived and on the basis of a petition filed under the authority of this chapter showing that a person is mentally ill, that the person is not a proper subject for commitment to any facility of the department and that the failure to retain said person in strict security would create a likelihood of serious harm, the district court which has jurisdiction over a facility, or the Brockton district court if a person is retained in the Bridgewater state hospital, may order the commitment of the person to said hospital.

Section 8B. (a) With respect to any patient who is the subject of a petition for a commitment or an order of a commitment for care and treatment under the provisions of sections seven, eight, fifteen, sixteen or eighteen, the superintendent of a facility or medical director of the Bridgewater state hospital may further petition the district court in whose jurisdiction the facility is located (i) to adjudicate the patient incapable of making informed decisions about proposed medical treatment, (ii) to authorize, by an adjudication of substituted judgment, treatment with antipsychotic medications, and (iii) to authorize according to the applicable legal standards such other medical treatment as may be necessary for the treatment of mental illness.

(b) A petition filed under this section shall be separate from any pending petition for commitment and shall not be heard or otherwise considered by the court unless the court has first issued an order of commitment on the pending petition for commitment.

(c) Whenever a court receives a petition filed under the provisions of this section, such court shall notify the person, and his nearest relative or guardian of the receipt of such petition and of the date a hearing on such petition is to be held. The hearing shall be commenced within fourteen days of the filing of the petition unless a delay is requested by the person or his counsel, provided that the commencement of such hearing shall not be delayed beyond the date of the hearing on the

commitment petition if the petition was filed concurrently with a petition for commitment.

(d) After a hearing on the petition regarding antipsychotic medication treatment the court shall not authorize medical treatment unless it (i) specifically finds that the person is incapable of making informed decisions concerning the proposed medical treatment, (ii) upon application of the legal substituted judgment standard, specifically finds that the patient would accept such treatment if competent, and (iii) specifically approves and authorizes a written substituted judgment treatment plan. The court may base its findings exclusively upon affidavits and other documentary evidence if it (i) determines, after careful inquiry and upon representations of counsel, that there are not contested issues of fact and (ii) includes in its findings the reasons that oral testimony was not required.

(e) The court may delegate to a guardian who has been duly appointed by a court of competent jurisdiction the authority to monitor the antipsychotic medication treatment process to ensure that an antipsychotic medication treatment plan is followed, provided such a guardian is readily available for such purpose. Approval of a treatment plan shall not be withheld, however, because such a guardian is not available to perform such monitoring. In such circumstances, the court shall monitor the treatment process to ensure that the treatment plan is followed.

(f) Any authorization for treatment that is ordered pursuant to the provisions of this section shall expire at the same time as the expiration of the order of commitment that was in effect when the authorization for treatment was ordered; provided that subsequent authorizations may be ordered and any party may at any time petition the court for modification of a medical treatment authorization that has been ordered pursuant to the standards and procedures established in this section.

(g) An adjudication of competency or incompetency with respect to treatment for mental illness by a court pursuant to this section shall be binding upon the probate court in any subsequent guardianship proceedings only with respect to matters which were the subject of the district court adjudication.

(h) Any privilege established by section one hundred and thirty-five of chapter one hundred and twelve or by section twenty B of chapter two hundred and thirty-three, relating to confidential communications, shall not prohibit the filing of reports or affidavits, or the giving of testimony, pursuant to this section, for the purpose of obtaining treatment of a patient, provided that such patient has been informed prior to making such communications that they may be used for such purpose and has waived the privilege.

Section 9. (a) Matters of law arising in commitment hearings, antipsychotic medication hearings or incompetency for trial proceedings in a district court may be reviewed by the appellate division of the district courts in the same manner as the civil cases generally.

(b) Any person may make written application to a justice of superior court at any time and in any county, stating that he believes or has reason to believe that a person named in such application is retained in a facility or the Bridgewater state hospital, who should no longer be so retained, or that a person named in such application is the subject of a medical treatment order issued by a district court and should not be so

treated, giving the names of all persons interested in his confinement or medical treatment and requesting his discharge or other relief. The justice within seven days thereof shall order notice of the time and place for hearing to be given to the superintendent or medical director and to such other persons as he considers proper; and such hearing shall be given promptly before a justice of the superior court in any county. The justice shall appoint an attorney to represent any applicant whom he finds to be indigent. The alleged mentally ill person may be brought before the justice at the hearing upon a writ of habeas corpus, upon a request approved by the justice. Pending the decision of the court such person may be retained in the custody of the superintendent or medical director. If the justice decides that the person is not mentally ill or that failure to retain the person in a facility or the Bridgewater state hospital would not create a likelihood of serious harm; has not engaged in repeated and recent incidents of serious self-destructive behavior or assaultive behavior as an inpatient at a facility or an inmate of a place of detention; can be properly treated in any other facility licensed, operated or regulated by the department, said person shall be discharged. If the justice decides that a patient at the Bridgewater state hospital does not require strict security, he shall be transferred to a facility. If the justice decides that a person who is the subject of a medical treatment order issued by a district court pursuant to section eight B should not be treated, the justice shall issue an appropriate order modifying or vacating such order and, where such previous order is modified, the court shall monitor said modified order by means of a guardian or otherwise as provided in paragraph (e) of section eight B.

Section 10. (a) Pursuant to departmental regulations on admission procedures, the superintendent may receive and retain on a voluntary basis any person providing the person is in need of care and treatment and providing the admitting facility is suitable for such care and treatment. The application may be made (1) by a person who has attained the age of sixteen, (2) by a parent or guardian of a person on behalf of a person under the age of eighteen years, and (3) by the guardian of a person on behalf of a person under his guardianship. Prior to accepting an application for a voluntary admission, the superintendent shall afford the person making the application the opportunity for consultation with an attorney, or with a person who is working under the supervision of an attorney, concerning the legal effect of a voluntary admission. The superintendent may discharge any person admitted under the provisions of this paragraph at any time he deems such discharge in the best interest of such person, provided, however, that if a parent or guardian made the application for admission, fourteen days' notice shall be given to such parent or guardian prior to such discharge.

(b) Pursuant to departmental regulations, the superintendent of a facility may treat persons as outpatients providing application for outpatient treatment is made in accordance with the application provisions of paragraph (a). The superintendent may, in the best interest of the person, discontinue the outpatient treatment of a person at any time.

(c) The chief officer of any facility of the Veterans Administration within the commonwealth may admit eligible veterans under the provisions of this chapter and thereupon shall be vested with the same powers as the department has under this chapter with respect to retention or discharge.

Section 11. Any person retained in a facility under the provisions of paragraph (a) of section ten shall be free to leave such facility at any time, and any parent or guardian who requested the admission of such person may withdraw such person at any time, upon giving written notice to the superintendent. The superintendent may restrict the right to leave or withdraw to normal working hours and weekdays and, in his discretion, may require persons or the parents or guardians of persons to give three days written notice of their intention to leave or withdraw. Where persons or their parents or guardians are required to give three days notice of intention to leave or withdraw, an examination of such persons may be conducted to determine their clinical progress, their suitability for discharge and to investigate other aspects of their case including their legal competency and their family, home or community situation in the interest of discharging them from the facility. Such persons may be retained at the facility beyond the expiration of the three day notice period if, prior to the expiration of the said three day notice period, the superintendent files with the district court a petition for the commitment of such person at the said facility.

Section 12. (a) Any physician who is licensed pursuant to section two of chapter one hundred and twelve or a qualified psychologist licensed pursuant to sections one hundred and eighteen to one hundred and twenty-nine, inclusive of said chapter one hundred and twelve, who after examining a person has reason to believe that failure to hospitalize such person would create a likelihood of serious harm by reason of mental illness may restrain or authorize the restraint of such person and apply for the hospitalization of such person for a ten day period at a public facility or at a private facility authorized for such purposes by the department. If an examination is not possible because of the emergency nature of the case and because of the refusal of the person to consent to such examination, the physician or qualified psychologist on the basis of the facts and circumstances may determine that hospitalization is necessary and may apply therefore. In an emergency situation, if a physician or qualified psychologist is not available, a police officer, who believes that failure to hospitalize a person would create a likelihood of serious harm by reason of mental illness may restrain such person and apply for the hospitalization of such person for a ten day period at a public facility or a private facility authorized for such purpose by the department. An application for hospitalization shall state the reasons for the restraint of such person and any other relevant information which may assist the admitting physician or physicians. Whenever practicable, prior to transporting such person, the applicant shall telephone or otherwise communicate with a facility to describe the circumstances and known clinical history and to determine whether the facility is the proper facility to receive such person and also to give notice of any restraint to be used and to determine whether such restraint is necessary.

(b) Only if the application for hospitalization under the provisions of this section is made by a physician specifically designated to have the authority to admit to a facility in accordance with the regulations of the department, shall such person be admitted to the facility immediately after his reception. If the application is made by someone other than a designated physician, such person shall be given a psychiatric examination by a designated physician immediately after his reception at such facility. If the physician determines that failure to hospitalize

such person would create a likelihood of serious harm by reason of mental illness he may admit such person to the facility for care and treatment.

(c) No person shall be admitted to a facility under the provisions of this section unless he, or his parent or legal guardian in his behalf, is given an opportunity to apply for voluntary admission under the provisions of paragraph (a) of section ten and unless he, or such parent or legal guardian has been informed (1) that he has a right to such voluntary admission, and (2) that the period of hospitalization under the provisions of this section cannot exceed ten days. At any time during such period of hospitalization, the superintendent may discharge such person if he determines that such person is not in need of care and treatment.

(d) A person shall be discharged at the end of the ten-day period unless the superintendent applies for a commitment under the provisions of sections seven and eight of this chapter or the person remains on a voluntary status.

(e) Any person may make application to a district court justice for a ten-day commitment to a facility of a mentally ill person, whom the failure to confine would cause a likelihood of serious harm. After hearing such evidence as he may consider sufficient, a district court justice may issue a warrant for the apprehension and appearance before him of the alleged mentally ill person, if in his judgment the condition or conduct of such person makes such action necessary or proper. Following apprehension, the court shall have the person examined by a physician designated to have the authority to admit to a facility in accordance with the regulations of the department. If said physician reports that failure to hospitalize the person would create a likelihood of serious harm by reason of mental illness, the court may order the person committed to a facility for a period not to exceed ten days, but the superintendent may discharge him at any time within the ten day period.

Section 13. If the superintendent of any facility determines that failure to retain a male resident therein in strict security would create a likelihood of serious harm by reason of mental illness and that the person's violent behavior constitutes an emergency, he may, with the consent of the commissioner, transfer the person to the Bridgewater state hospital for a period not to exceed five days. At the end of the five days the person shall be returned to the facility unless before the end of the five day period, the superintendent of the facility or medical director of the Bridgewater state hospital has filed a petition for his commitment to the Bridgewater state hospital under sections seven and eight. Such commitment shall not be ordered without a hearing. Such petition shall be brought in the district court of Brockton unless already filed in some other court before the emergency transfer.

Section 14. Whenever the medical director of the Bridgewater state hospital certifies that the failure to retain any person in strict security would not create a likelihood of serious harm by reason of mental illness but that such person is in need of further care and treatment in a facility, he shall request the commission to transfer such person to a facility designated by the commissioner. Within thirty days of the receipt of such request the commissioner shall execute the transfer, unless within said period he files a petition under sections seven and eight for the further commitment of the person to the Bridgewater state hospital.

Section 15. (a) Whenever a court of competent jurisdiction doubts whether a defendant in a criminal case is competent to stand trial or is criminally responsible by reason of mental illness or mental defect, it may at any stage of the proceedings after the return of an indictment or the issuance of a criminal complaint against the defendant, order an examination of such defendant to be conducted by one or more qualified physicians or one or more qualified psychologists. Whenever practicable, examinations shall be conducted at the court house or place of detention where the person is being held. When an examination is ordered, the court shall instruct the examining physician or psychologist in the law for determining mental competence to stand trial and criminal responsibility.

(b) After the examination described in paragraph (a), the court may order that the person be hospitalized at a public facility or, if such person is a male and appears to require strict security, at the Bridgewater state hospital, for a period not to exceed twenty days for observation and further examination, if the court has reason to believe that such observation and further examination are necessary in order to determine whether mental illness or mental defect have so affected a person that he is not competent to stand trial or not criminally responsible for the crime or crimes with which he has been charged. Copies of the complaints or indictments and the physician's or psychologist's report under paragraph (a) shall be delivered to the facility or said hospital with the person. If, before the expiration of such twenty day period, an examining qualified physician or an examining qualified psychologist believes that observation for more than twenty days is necessary, he shall so notify the court and shall request in writing an extension of the twenty day period, specifying the reason or reasons for which such further observation is necessary. Upon the receipt of such request, the court may extend said observation period, but in no event shall the period exceed forty days for the date of the initial court order of hospitalization; provided, however, if the person requests continued care and treatment during the pendency of the criminal proceedings against him and the superintendent or medical director agrees to provide such care and treatment, the court may order the further hospitalization of such person at the facility or the Bridgewater state hospital.

(c) At the conclusion of the examination or the observation period, the examining physician or psychologist shall forthwith give to the court written signed reports of their findings, including the clinical findings bearing on the issue of competence to stand trial or criminal responsibility. Such reports shall also contain an opinion, supported by clinical findings, as to whether the defendant is in need of treatment and care offered by the department.

(d) If on the basis of such reports the court is satisfied that the defendant is competent to stand trial, the case shall continue according to the usual course of criminal proceedings; otherwise the court shall hold a hearing on whether the defendant is competent to stand trial; provided that at any time before trial any party to the case may request a hearing on whether the defendant is competent to stand trial. A finding of incompetency shall require a preponderance of the evidence. If the defendant is found incompetent to stand trial, trial of the case shall be stayed until such time as the defendant becomes competent to stand trial, unless the case is dismissed.

(e) After a finding of guilty on a criminal charge and prior to sentencing, the court may order a psychiatric or other clinical examination and, after such examination, it may also order a period of observation in a facility, or at the Bridgewater state hospital if the court determines that strict security is required and if such person is a male. The purpose of such observation or examination shall be to aid the court in sentencing. Such period of observation or examination shall not exceed forty days. During such period of observation, the superintendent or medical director may petition the court for commitment of such person. The court may hear the petition as provided in sections seven and eight, and if the court makes the necessary findings it may in its discretion commit the person to a facility or the Bridgewater state hospital. Such order of commitment shall be valid for a period of six months. All subsequent proceedings for commitment shall take place under the provisions of sections seven and eight in the district court which has jurisdiction of the facility or hospital.

(f) In like manner to the proceedings under paragraphs (a), (b), (c), and (e) of this section, a court may order a psychiatric or psychological examination or a period of observation for an alleged delinquent in a facility to aid the court in its disposition. Such period shall not exceed forty days.

Section 16. (a) The court having jurisdiction over the criminal proceedings may order that a person who has been found incompetent to stand trial or not guilty by reason of mental illness or mental defect in such proceedings be hospitalized at a facility for a period of forty days for observation and examination; provided that, if the defendant is a male and if the court determines that the failure to retain him in strict security would create a likelihood of serious harm by reason of mental illness, or other mental defect, it may order such hospitalization at the Bridgewater state hospital; and provided, further, that the combined periods of hospitalization under the provisions of this section and paragraph (b) of section fifteen shall not exceed fifty days.

(b) During the period of observation of a person believed to be incompetent to stand trial or within sixty days after a person is found to be incompetent to stand trial or not guilty of any crime by reason of mental illness or other mental defect, the district attorney, the superintendent of a facility or the medical director of the Bridgewater state hospital may petition the court having jurisdiction of the criminal case for the commitment of the person to a facility or to the Bridgewater state hospital. However, the petition for the commitment of an untried defendant shall be heard only if the defendant is found incompetent to stand trial, or if the criminal charges are dismissed after commitment. If the court makes the findings required by paragraph (a) of section eight it shall order the person committed to a facility; if the court makes the findings required by paragraph (b) of section eight, it shall order the commitment of the person to the Bridgewater state hospital; otherwise the petition shall be dismissed and the person discharged. An order of commitment under the provisions of this paragraph shall be valid for six months. In the event a period of hospitalization under the provisions of paragraph (a) has expired, or in the event no such period of examination has been ordered, the court may order the temporary detention of such person in a jail, house of correction, facility or the Bridgewater state hospital until such time as

the findings required by this paragraph are made or a determination is made that such findings cannot be made.

(c) After the expiration of a commitment under paragraph (b) of this section, a person may be committed for additional one year periods under the provisions of sections seven and eight of this chapter, but no untried defendant shall be so committed unless in addition to the findings required by sections seven and eight the court also finds said defendant is incompetent to stand trial. If the person is not found incompetent, the court shall notify the court with jurisdiction of the criminal charges, which court shall thereupon order the defendant returned to its custody for the resumption of criminal proceedings. All subsequent proceedings for the further commitment of a person committed under this section shall be in the court which has jurisdiction of the facility or hospital.

(d) The district attorney for the district within which the alleged crime or crimes occurred shall be notified of any hearing conducted for a person under the provisions of this section or any subsequent hearing for such person conducted under the provisions of this chapter relative to the commitment of the mentally ill and shall have the right to be heard at such hearings.

(e) Any person committed to a facility under the provisions of this section may be restricted in his movements to the buildings and grounds of the facility at which he is committed by the court which ordered the commitment. If such restrictions are ordered, they shall not be removed except with the approval of the court. In the event the superintendent communicates his intention to remove or modify such restriction in writing to the court and within fourteen days the court does not make written objection thereto, such restrictions shall be removed by the superintendent. If the superintendent or medical director of the Bridgewater state hospital intends to discharge a person committed under this section or at the end of a period of commitment intends not to petition for his further commitment, he shall notify the court and district attorney which have or had jurisdiction of the criminal case. Within thirty days of the receipt of such notice, the district attorney may petition for commitment under the provisions of paragraph (c). During such thirty day period, the person shall be held at the facility or hospital. This paragraph shall not apply to persons originally committed after a finding of incompetence to stand trial whose criminal charges have been dismissed.

(f) If a person is found incompetent to stand trial, the court shall send notice to the department of correction which shall compute the date of the expiration of the period of time equal to the time of imprisonment which the person would have had to serve prior to becoming eligible for parole if he had been convicted of the most serious crime with which he was charged in court and sentenced to the maximum sentence he could have received, if so convicted. For purposes of the computation of parole eligibility, the minimum sentence shall be regarded as one half of the maximum sentence potential sentence. Where applicable, the provisions of sections one hundred and twenty-nine, one hundred and twenty-nine A, one hundred and twenty-nine B, and one hundred and twenty-nine C of chapter one hundred and twenty-seven shall be applied to reduce such period of time. On the final date of such period, the court shall dismiss the criminal charges against such person, or the court in the interest of justice may dismiss the criminal charges against such

person prior to the expiration of such period.

Section 17. (a) The periodic review of a person found incompetent to stand trial shall include a clinical opinion with regard to the person's competence to stand trial, which opinion shall be noted in writing on the patient's record. If any person found incompetent to stand trial is determined by the superintendent of the facility or the medical director of the Bridgewater state hospital to be no longer incompetent, the superintendent or medical director shall notify the court, which shall without delay hold a hearing on the person's competency to stand trial. Any person found incompetent to stand trial may at any time petition the court for a hearing on his competency. Whenever a hearing is held and the court finds that the person is competent to stand trial, his commitment, if any, to a facility or to the Bridgewater state hospital shall be terminated and he shall be returned to the custody of the court for trial. However, if the person requests continued care and treatment during the pendency of the criminal proceedings against him and the superintendent or medical director agrees to provide such care and treatment, the court may order the further hospitalization of such person at the facility or the Bridgewater state hospital.

(b) If either a person or counsel of a person who has been found to be incompetent to stand trial believes that he can establish a defense of not guilty to the charges pending against the person other than the defense of not guilty by reason of mental illness or mental defect, he may request an opportunity to offer a defense thereto on the merits before the court which has criminal jurisdiction. The court may require counsel for the defendant to support the request by affidavit or other evidence. If the court in its discretion grants such a request, the evidence of the defendant and of the commonwealth shall be heard by the court sitting without a jury. If after hearing such petition the court finds a lack of substantial evidence to support a conviction it shall dismiss the indictment or other charges or find them defective or insufficient and order the release of the defendant from criminal custody.

(c) Notwithstanding any finding of incompetence to stand trial under the provisions of this chapter, the court having jurisdiction may, at any appropriate stage of the criminal proceedings, allow a defendant to be released with or without bail.

Section 18. (a) If the person in charge of any place of detention within the commonwealth has reason to believe that a person confined therein is in need of hospitalization by reason of mental illness at a facility of the department or at the Bridgewater state hospital, he shall cause such prisoner to be examined at such place of detention by a physician or psychologist, designated by the department as qualified to perform such examination. Said physician or psychologist shall report the results of the examination to the district court which has jurisdiction over the place of detention or, if the prisoner is awaiting trial, to the court which has jurisdiction of the criminal case. Such report shall include an opinion, with reasons therefore, as to whether such hospitalization is actually required. The court which receives such report may order the prisoner to be taken to a facility or, if a male, to the Bridgewater state hospital to be received for examination and observation for a period not to exceed thirty days. After completion of such examination and observation, a written report shall be sent to such court and to the person in charge of the place of detention. Such report

shall be signed by the physician or psychologist conducting such examination, and shall contain an evaluation, supported by clinical findings, of whether the prisoner is in need of further treatment and care at a facility or, if a male, the Bridgewater state hospital by reason of mental illness. The person in charge of the place of detention shall have the same right as a superintendent of a facility to file a petition with the court which received the results of the examination for the commitment of the person to a facility or to the Bridgewater state hospital; provided, however, that, notwithstanding the court's failure, after an initial hearing or after any subsequent hearing, to make a finding required for commitment to the Bridgewater state hospital, the prisoner shall be confined at said hospital if the findings required for commitment to a facility are made and if the commissioner of correction certifies to the court that confinement of the prisoner at said hospital is necessary to insure his continued retention in custody. An initial court order of commitment issued subject to the provisions of this section shall be valid for a six-month period, and all subsequent commitments during the term of the sentence shall take place under the provisions of sections seven and eight and shall be valid for one year.

(b) Notwithstanding any contrary provision of general or special law, a prisoner who is retained in any place of detention within the commonwealth and who is in need of care and treatment in a facility may, with the approval of the person in charge of such place of detention apply for voluntary admission under the provisions of paragraph (a) of section ten.

(c) At the commencement of hospitalization under the provisions of paragraph (a) or paragraph (b) the department of correction shall enter in the patient record of such prisoner the date of the expiration of the sentence of the prisoner. Where applicable, the provisions of sections one hundred and twenty-nine, one hundred and twenty-nine A, one hundred and twenty-nine B and one hundred and twenty-nine C of chapter one hundred and twenty-seven may be applied to reduce such sentence, and on such date the prisoner shall be discharged; provided, however, that if the superintendent or other head of a facility or the medical director of the Bridgewater state hospital determines that the discharge of the prisoner committed subject to the provisions of paragraph (a) would create a likelihood of serious harm by reason of mental illness, he shall petition the district court having jurisdiction over the facility prior to the date of expiration to order the commitment of such person to a facility or to the Bridgewater state hospital under the provisions of this chapter other than paragraph (a); and provided, further, that any prisoner resident in a facility subject to the provisions of paragraph (b) shall be free to leave such facility subject to the provisions of section eleven.

(d) In the event the provisions of this chapter require the release of a prisoner from a facility or from the Bridgewater state hospital prior to the date of expiration of his sentence calculated under the provisions of paragraph (c), such prisoner shall be forthwith returned to the place of detention from which he was transferred to such facility or to said hospital.

Section 19. In order to determine the mental condition of any party or witness before any court of the commonwealth, the presiding judge may, in his discretion, request the department to assign a qualified physician

or psychologist, who, if assigned shall make such examinations as the judge may deem necessary.

Section 20. (a) The governor may upon demand deliver to the executive of any other state any person who has escaped from an institution for the mentally ill to which he has been committed under the laws of such state, and who may be dangerous to the safety of the public, or may upon application appoint an agent to demand of the executive authority of any other state any person who has escaped from an institution in this commonwealth. Such demand or application shall be accompanied by an attested copy of the commitment and sworn evidence of the superintendent or manager of the institution stating that the person demanded has escaped from such institution, and by such further evidence as the governor requires.

(b) If the governor is satisfied that the demand made upon him under the preceding paragraph conforms to law and ought to be complied with, he shall issue his warrant under the seal of the commonwealth to an officer authorized to serve warrants in criminal cases, directing him at the expense of the agent who makes the demand, and at a time designated in the warrant, to deliver custody of such person to such agent.

(c) A person arrested upon such a warrant shall not be delivered to the agent of another state until he has been notified of the demand for his surrender and has had an opportunity to apply for a writ of habeas corpus, if he claims such right of the officer making the arrest. If said writ is applied for, notice thereof and of the time and place of hearing shall be given to the attorney general or to the district attorney for the district where the arrest is made. An officer who delivers such person in his custody upon such warrant to such agent for rendition without having complied with this section shall forfeit not more than one thousand dollars. Pending the determination of the court upon an application for said writ, the person shall be detained in custody in a suitable facility.

Section 21. Any person who transports a mentally ill person to or from a facility for any purpose authorized under this chapter shall not use any restraint which is unnecessary for the safety of the person being transported or other persons likely to come in contact with him.

In the case of persons being hospitalized under the provisions of section six, the applicant shall authorize practicable and safe means of transport, including where appropriate, departmental or police transport.

Restraint of a mentally ill patient may only be used in cases of emergency, such as the occurrence of, or serious threat of, extreme violence, personal injury, or attempted suicide; provided, however, that written authorization for such restraint is given by the superintendent or director of the facility or by a physician designated by him for this purpose who is present at the time of the emergency or if the superintendent or director or designated physician is not present at the time of the emergency, non-chemical means of restraint may be used for a period of one hour provided that within one hour the person in restraint shall be examined by the superintendent, director or designated physician. Provided further, that if said examination has not occurred within one hour, the patient may be restrained for up to an additional one hour period until such examination is conducted, and the superintendent, director, or designated physician shall attach to the restraint form a written report as to why the examination was not

completed by the end of the first hour of restraint.

Any minor placed in restraint shall be examined within fifteen minutes of the order for restraint by a physician or, if a physician is not available, by a registered nurse or a certified physician assistant; provided, however, that said minor shall be examined by a physician within one hour of the order for restraint. A physician or, if a physician is not available, a registered nurse or a certified physician assistant, shall review the restraint order, by personal examination of the minor or consultation with ward staff attending the minor, every hour thereafter.

No minor shall be secluded for more than two hours in any twenty-four hour period; provided, however, that no such seclusion of a minor may occur except in a facility with authority to use such seclusion after said facility has been inspected and specially certified by the department. The department shall issue regulations establishing procedures by which a facility may be specially certified with authority to seclude a minor. Such regulations shall provide for review and approval or disapproval by the commissioner of a biannual application by the facility which shall include (i) a comprehensive statement of the facility's policies and procedures for the utilization and monitoring of restraint of minors including a statistical analysis of the facility's actual use of such restraint, and (ii) a certification by the facility of its ability and intent to comply with all applicable statutes and regulations regarding physical space, staff training, staff authorization, record keeping, monitoring and other requirements for the use of restraints.

Any use of restraint on a minor exceeding one hour in any twenty-four hour period shall be reviewed within two working days by the director of the facility. The director shall forward a copy of his report on each such instance of restraint to the human rights committee of that facility and, in the event that there is no human rights committee, to the appropriate body designated by the commissioner of mental health. The director shall also compile a record of every instance of restraint in the facility and shall forward a copy of said report on a monthly basis to the human rights committee or the body designated by the commissioner of mental health.

No order for restraint for an individual shall be valid for a period of more than three hours beyond which time it may be renewed upon personal examination by the superintendent, director, authorized physician or, for adults, by a registered nurse or a certified physician assistant; provided, however, that no adult shall be restrained for more than six hours beyond which time an order may be renewed only upon personal examination by a physician. The reasons for the original use of restraint, the reason for its continuation after each renewal, and the reason for its cessation shall be noted upon the restraining form by the superintendent, director or authorized physician or, when applicable, by the registered nurse or certified physician assistant at the time of each occurrence.

When a designated physician is not present at the time and site of the emergency, an order for chemical restraint may be issued by a designated physician who has determined, after telephone consultation with a physician, registered nurse or certified physician assistant who is present at the time and site of the emergency and who has personally examined the patient, that such chemical restraint is the least restrictive, most appropriate alternative available; provided, however,

that the medication so ordered has been previously authorized as part of the individual's current treatment plan.

No person shall be kept in restraint without a person in attendance specially trained to understand, assist and afford therapy to the person in restraint. The person may be in attendance immediately outside the room in full view of the patient when an individual is being secluded without mechanical restraint; provided, however, that in emergency situations when a person specially trained is not available, an adult, may be kept in restraint unattended for a period not to exceed two hours. In that event, the person kept in restraints must be observed at least every five minutes; provided, further, that the superintendent, director, or designated physician shall attach to the restraint form a written report as to why the specially trained attendant was not available. The maintenance of any adult in restraint for more than eight hours in any twenty-four hour period must be authorized by the superintendent or facility director or the person specifically designated to act in the absence of the superintendent or facility director; provided, however, that when such restraint is authorized in the absence of the superintendent or facility director, such authorization must be reviewed by the superintendent or facility director upon his return.

No "P.R.N." or "as required" authorization of restraint may be written. No restraint is authorized except as specified in this section in any public or private facility for the care and treatment of mentally ill persons including Bridgewater.

No later than twenty-four hours after the period of restraint, a copy of the restraint form shall be delivered to the person who was in restraint. A place shall be provided on the form or on attachments thereto, for the person to comment on the circumstances leading to the use of restraint and on the manner of restraint used.

A copy of the restraint form and any such attachments shall become part of the chart of the patient. Copies of all restraint forms and attachments shall be sent to the commissioner of mental health who shall review them and sign them within thirty days, and statistical records shall be kept therefor for each facility and each designated physician. Furthermore, such reports, excluding patient identification, shall be made available to the general public at the department's central office.

Responsibility and liability for the implementation of the provisions of this section shall rest with the department, the superintendent or director of each facility or the physician designated by such superintendent or director for this purpose.

Section 22. Physicians, qualified psychologists and police officers shall be immune from civil suits for damages for restraining, transporting, applying for the admission of or admitting any person to a facility or the Bridgewater state hospital, providing said physician, qualified psychologist or police officer acts pursuant to the provisions of this chapter.

Section 23. Any mentally ill person in the care of the department under the provisions of this chapter shall be provided with stationery and postage in reasonable amounts and shall have the right to have his letters forwarded unopened to the governor, to the commissioner, to his personal physician, his attorney, his clergyman, to any court, to any public elected official and to any member of his immediate family. The

superintendent may open and restrict the forwarding of any other letters written by said person when in said person's best interest.

A mentally ill person has the right to be visited at all reasonable times by his personal physician, his attorney, and his clergyman, and the right to be visited by other persons unless the superintendent determines that such a visit by any of said persons would not be in the best interest of the mentally ill person and incorporates a statement of the reasons for any denial of visiting rights in the treatment record of said person.

In addition to the rights specified above and any other rights guaranteed by law, a mentally ill person in the care of the department shall have the following legal and civil rights: to wear his own clothes, to keep and use his own personal possessions including toilet articles, to keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases, to have access to individual storage space for his private use, reasonable access to telephones to make and receive confidential calls, to refuse shock treatment, to refuse lobotomy, and any other rights specified in the regulations of the department; provided, however, that any of these rights may be denied for good cause by the superintendent or his designee and a statement of the reasons for any such denial entered in the treatment record of such person.

Section 24. No person shall be deemed to be incompetent to manage his affairs, to contract, to hold professional or occupational or vehicle operators licenses or to make a will solely by reason of his admission or commitment in any capacity to the treatment or care of the department or to any public or private facility, nor shall departmental regulations restrict such rights.

Section 25. In addition to the periodic review under section four of this chapter, whenever the superintendent has reason to believe that a person who has been under the care of the department as an inpatient or resident for more than six months, who is not under guardianship or conservatorship, is unable to care for his property, he shall promptly notify said person's nearest living relative and recommend that the necessary steps be taken for the appointment of a guardian or a conservator.

Section 26. (a) The superintendent may deposit in any bank organized and existing under the laws of the commonwealth funds belonging to persons who are inpatients or residents at such facility, funds deposited by relatives or friends of such persons, and other funds belonging to such persons except that independent funds shall only be deposited with the consent of the resident. The interest earned by any funds so deposited shall be credited to the account of such person. Such funds shall be held in trust or used for the benefit of such persons except that such person shall have an unrestricted right to manage and spend in his sole discretion all his independent funds.

(b) Any funds held in trust by the superintendent for any persons who have been discharged from or who have otherwise left any facility of the department, or the custody of the department, which shall have remained unclaimed for more than seven years, shall be paid by the superintendent to the state treasurer to be held subject to being paid to the person establishing a lawful right thereto, with interest at the rate of five per cent per annum from the time when it was so paid to the state treasurer to the time when it is paid by him to such person;

provided, however, that the department shall first be paid from such funds for any sum due it for charges to the person for whom such funds were originally deposited, and provided, further, that if such amount does not exceed fifty dollars, the superintendent may pay such sum to the state treasurer immediately. The balance of such funds, after six years from the date when such funds were paid to the state treasurer, may be used as part of the ordinary revenue of the commonwealth. Any person may, however, establish his claim to such funds after the expiration of such six year period and any claim so established shall be paid from the ordinary revenue of the commonwealth. Any person claiming a right to funds deposited with the state treasurer under this section may establish the same by a petition to the probate court; provided, however, that in cases where claims amount to less than fifty dollars, the claims may be presented to the comptroller who shall examine the same and allow and certify for payment such as may be proved to his satisfaction.

(c) Personal property belonging to or deposited for the benefit of any persons who have been discharged from or who have otherwise left any facility or the custody of the department, which shall have remained unclaimed for more than one year shall be sold, or if without value, otherwise disposed of by the superintendent; provided, however, that no less than thirty days prior to such disposition the superintendent shall send notice of the intended sale or disposition of such property to the person at his last known residential address, to the nearest relative or guardian or conservator of such person or the person with whom such person last resided. If such person, relative or other person does not within such thirty day period object to such sale or disposition, the department may sell or dispose of the property in accordance with its regulations. Funds received as a result of such sale or disposition shall be disposed of in accordance with the provisions of subsection (b) of this section.

(d) All fiduciaries of persons who are inpatients or residents at a departmental facility shall register with the superintendent of such facility on a form supplied by the department.

(e) The department shall establish procedures to make the fiduciaries accountable to the department for all funds belonging to such inpatients and residents. These procedures shall require an annual report by the fiduciary to the department on a form supplied by the department indicating the manner in which such funds were managed or expended during the report period. The annual report shall be submitted by the fiduciary under penalty of perjury pursuant to sections one and one A of chapter two hundred and sixty-eight.

(f) A fiduciary who fails to register with the department or who fails to submit an annual report to the department shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five hundred dollars.

(g) A fiduciary who embezzles or fraudulently converts or appropriates money, goods, or property held or possessed by him for the use and benefit of the resident shall be subject to penalties prescribed in section fifty-seven of chapter two hundred and sixty-six.

(h) A guardian, trustee, or conservator shall be removed from his duties upon his conviction of any of the offenses enumerated in paragraphs (f) and (g). The department shall petition the appropriate

federal agency for the removal of a representative payee from his duties upon his conviction of any of the offenses enumerated in said paragraphs (f) and (g).

Section 27. If an inpatient or resident of any facility dies leaving an estate which does not exceed five thousand dollars in value, the superintendent shall notify the nearest living relative of such inpatient or resident of such fact, and if, after the expiration of thirty days from the date of such notice, no petition for administration of said estate has been filed, the department may provide for the administration of said estate under the provisions of section sixteen of chapter one hundred and ninety-five.

Section 28. Upon the death of any person confined to a mental institution under the control of the department, the superintendent of such institution shall, if he is of the opinion that the death may have resulted from violence or unnatural causes, immediately notify the district attorney for the district in which the death occurred, giving him the name and address of the person who died and the cause of death.

Section 29. (a) In cooperation with other state departments and agencies the department shall cause to be given to persons under its care instruction and education as may be appropriate for such persons to undertake, especially persons who are unable to engage in programs for patient-trainees.

(b) In cooperation with other state departments and agencies, the department shall cause to be established at each facility programs for persons under its care who would be assisted by performing work in or about such facility. The department shall pay or credit such trainee for work performed by him under said program in accordance with payment schedules established by the department in its regulations and approved by the commissioner of administration.

(c) The department may permit the sale of the work products of any person under its care on such conditions as it shall determine. The department shall also determine the price for which said goods may be sold, and the portion, if any, of the proceeds of each sale which shall be returned to the commonwealth to reimburse it for its costs in connection therewith. The balance of the proceeds of any such sale shall be held in trust in accordance with the provisions of paragraph (a) of section twenty-six.

Section 30. If a patient or resident in a facility of the department is absent without authorization the superintendent of the facility shall notify the state and local police, the district attorney of the county wherein the facility is located and the next of kin of such patient or resident. Any patient or resident in a facility of the department who is absent for less than six months without authorization consistent with the provisions of this chapter, the regulations of the department, or the rules of said facility may be returned by a police officer or other person designated by the superintendent or the director. Said six month limitation shall not apply to persons who have been found not guilty of a criminal charge by reason of insanity nor to persons who have been found incompetent to stand trial on a criminal charge.

Section 31. Medicine and drugs shall be furnished free of charge to any patient at the outpatient clinic of a facility of the department who, in the opinion of the head of the facility or his representatives, is indigent and requires them. For the purpose of this section, the

determination as to whether the patient is indigent shall be final; provided, however, that all medicines and drugs furnished a patient who meets the eligibility requirements for medical assistance under chapter one hundred and eighteen E shall be provided in accordance with the provisions of that chapter.

Section 32. The department may make charges for the care of any person in its facilities. To the extent that any person in its facilities is eligible for third party payment of charges for care, the department shall make said charges for care at rates established by the rate setting commission under chapter six A. To the extent that third party payment is not available, or is not sufficient to pay said charges, the charges may be recovered from said person, or from any person with a legal obligation to support the person; provided, however, that said person shall be entitled to retain one thousand dollars in cash or personal property; and provided, further, that the department shall make adjustments to the charges based upon said person's individual circumstances. The department also shall establish, by regulation, a system of charges for care in programs funded by or under a contract with the department which is consistent with the provisions of this section.

Section 33. All necessary expenses attending the apprehension, examination, hearing, commitment or delivery of a mentally ill person, or an alleged alcoholic shall be allowed and certified by the judge if said person is committed pursuant to this chapter, and presented as often as once a year to the comptroller, who shall examine and audit the same. Necessary expenses attending the apprehension, examination or hearing of any person sought to be committed pursuant to this chapter but not so committed shall be so presented, examined and audited if they have been allowed in the discretion of the judge and certified by him. All expenses certified, examined and audited as provided in this section shall be paid by the commonwealth. If application is made for the commitment of a person whose expenses and support are not to be paid by the commonwealth, said expenses shall be paid by the applicant or by a person in his behalf. The compensation of the physicians and officers taking part in the commitment or admission of persons to facilities in accordance with this chapter shall be as follows: The fee for each physician making an authorized mental examination and for making a written report thereon to the court, or for making a medical certificate, shall be twenty-five dollars, and twenty cents for each mile traveled one way or such other rates as may be set by the rate setting commission under chapter six A. Any physician required to appear before a judge or justice in any commitment proceedings, in which such physician has made an examination, shall receive a fee of twenty-five dollars, and twenty cents for each mile traveled one way for such appearance before the court, or such other rate as may be set by the rate setting commission under chapter six A. The fees for officers servicing process shall be the same as are allowed by law in like cases.

Section 34. (a) The judgment or order of commitment by a court of competent jurisdiction of another state or of the district of Columbia, committing a person to the Veterans Administration or other agency of the United States government for care or treatment shall have the same force and effect as to the committed person while in this commonwealth as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of the committing state, or of the

District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for continuance of his restraint. The law of the committing state or district shall govern with respect to the authority of the chief officer of any facility of said Veterans Administration or of any institution operated in this commonwealth by any other agency of the United States to retain custody of, or transfer, trial visit, or discharge, the committed person.

(b) Whenever, in any proceeding under the laws of this commonwealth for the commitment of a person alleged to be of unsound mind or otherwise in need of care and treatment in a facility or other institution for his proper care, it is determined after such adjudication of the status of such person as may be required by law that commitment to a facility for the mentally ill or other institution is necessary for care and treatment and it appears that such person is eligible for care or treatment by said Veterans Administration or other agency of the United States government, the court, upon receipt of certificate from said Veterans Administration or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to said Veterans Administration or other agency. The person whose commitment is sought shall be personally served with such notice of the pending commitment proceedings as is required, and in such manner as is provided, by the laws of the commonwealth; and nothing in this section shall affect his right to appear and be heard in the proceedings. Upon commitment, such person, when admitted to any facility operated by any such agency within or without this commonwealth shall be subject to the rules and regulations of said Veterans Administration or other agency. The chief officer of any facility of said Veterans Administration or institution operated by any other agency of the United States to which the person is so committed shall with respect to such person be vested with the same powers as the department with respect to retention of custody, transfer, parole or discharge. Jurisdiction is retained in the committing or other appropriate court of the commonwealth at any time to inquire into the mental condition of the person so committed, and to determine the necessity for continuance of his restraint, and all commitments pursuant to this section are so conditioned.

(c) Upon receipt of a certificate of said Veterans Administration or such other agency of the United States that facilities are available for the care or treatment of any person committed to any facility for the mentally ill or other institution for the care or treatment of persons similarly afflicted and that such person is eligible for care or treatment, the department or the committing court may cause the transfer of such person to said Veterans Administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the committing court or proper officer thereof shall be notified thereof by the transferring agency. No person shall be transferred to said Veterans Administration or other agency of the United States if he is confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the grounds of insanity, unless prior to transfer the court or other authority originally committing such person shall enter an order for such transfer after appropriate motion and hearing. Any person transferred as provided in this subsection shall be

deemed to be committed to said Veterans Administration or other agency of the United States pursuant to the original commitment.

Section 35. For the purpose of this section, "alcoholic" shall mean a person who chronically or habitually consumes alcoholic beverages to the extent that (1) such use substantially injures his health or substantially interferes with his social or economic functioning, or (2) he has lost the power of self-control over the use of such beverages.

Any police officer, physician, spouse, blood relative or guardian may petition in writing any district court for an order of commitment of a person whom he has reason to believe is an alcoholic. Upon receipt of a petition for an order of commitment of a person and any sworn statements the court may request from the petitioner, the court shall immediately schedule a hearing on the petition and shall cause a summons and a copy of the application to be served upon the person in the manner provided by section twenty-five of chapter two hundred and seventy-six. In the event of the person's failure to appear at the time summoned, the court may issue a warrant for the person's arrest. Upon presentation of such a petition, if there is reasonable grounds to believe that such person will not appear and that any further delay in the proceedings would present an immediate danger to the physical well-being of the respondent, said court may issue a warrant for the apprehension and appearance of such person before it. No arrest shall be made on such warrant unless the person may be presented immediately before a judge of the district court. The person shall have the right to be presented by legal counsel and may present independent expert or other testimony. If the court finds the person indigent, it shall immediately appoint counsel. The court shall order examination by a qualified physician.

If, after a hearing, the court based upon competent medical testimony finds that said person is an alcoholic and that there is a likelihood of serious harm as a result of his alcoholism, it may order such person to be committed for a period not to exceed thirty days. Such commitment shall be for the purpose of inpatient care in public or private facilities approved by the department of public health under the provisions of chapter one hundred and eleven B for the care and treatment of alcoholism. The person may be committed to the Massachusetts correctional institution at Bridgewater, if a male, or at Framingham, if a female, provided that there are not suitable facilities available under chapter one hundred and eleven B; and provided, further, that the person so committed shall be housed and treated separately from convicted criminals. A person so committed may be released prior to the expiration of the period of commitment upon determination by the superintendent that release of said person will not result in a likelihood of serious harm. Said person shall be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the facility for such purposes. The department of mental health, in conjunction with the department of public health, shall maintain a roster of public and private facilities available, together with the number of beds currently available, for the care and treatment of alcoholism and shall make it available to the district courts of the commonwealth on a monthly basis.

Nothing in this section shall preclude any public or private facility for the care and treatment of alcoholism, including the separated facilities at the Massachusetts correctional institutions at Bridgewater and

Framingham, from treating persons on a voluntary basis.

Section 36. The department shall keep records of the admission, treatment and periodic review of all persons admitted to facilities under its supervision. Such records shall be private and not open to public inspection except (1) upon proper judicial order whether or not in connection with pending judicial proceedings, (2) that the commissioner shall allow the attorney of a patient or resident to inspect records of said patient or resident if requested to do so by the patient, resident or attorney, and (3) that the commissioner may permit inspection or disclosure when in the best interest of the patient or resident as provided in the rules and regulations of the department. This section shall govern the patient records of the department notwithstanding any other provision of law.

Section 36A. All reports of examinations made to a court pursuant to sections one to eighteen, inclusive, section forty-seven and forty-eight shall be private except in the discretion of the court. All petitions for commitment, notices, orders of commitment and other commitment papers used in proceedings under sections one to eighteen and section thirty-five shall be private except in the discretion of the court. Each court shall keep a private docket of the cases of persons coming before it believed to be mentally ill, including proceedings under section thirty-five; provided that nothing in this section shall prevent public inspection of any complaints or indictments in a criminal case, or prevent any notation in the ordinary docket of criminal cases concerning commitment proceedings under sections one to eighteen against a defendant in a criminal case. Notwithstanding the provisions of this paragraph, any person who is the subject of an examination or a commitment proceeding, or his counsel, may inspect all reports and papers filed with the court in a pending proceeding, and the prosecutor in a criminal case may inspect all reports and papers concerning commitment proceedings that are filed with the court in a pending case.

SECTION 39. The General Laws are hereby amended by inserting after chapter 123A the following chapter:–

**CHAPTER 123B.
MENTAL RETARDATION.**

Section 1. The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:

"Commissioner", the commissioner of mental retardation.

"Department", the department of mental retardation.

"Dependent funds", those funds which a resident is unable to manage or spend himself as determined by the periodic review.

"Facility", a public or private facility for the care and treatment of mentally retarded persons.

"Fiduciary", any guardian, conservator, trustee, representative payee as appointed by a federal agency, or other person who receives or maintains funds on behalf of another.

"Funds", all cash, checks, negotiable instruments or other income or liquid personal property, and governmental and private pensions and payments, including payments pursuant to a Social Security Administration program.

"Independent funds", those funds which a resident is able to manage or spend himself as determined by the periodic review.

"Mentally retarded person", a person who, as a result of inadequately developed or impaired intelligence, as determined by clinical authorities as described in the regulations of the department is substantially limited in his ability to learn or adapt, as judged by established standards available for the evaluation of a person's ability to function in the community.

A mentally retarded person may be considered mentally ill provided that no mentally retarded person shall be considered mentally ill solely by virtue of his mental retardation.

"Restraint", bodily physical force, mechanical devices, chemicals, confinement in a place of seclusion other than the placement of a resident in his room for the night, or any other means which unreasonably limit freedom of movement.

"Superintendent", the superintendent or other head of a public or private facility.

Section 2. The department shall, in accordance with section two of chapter thirty A and subject to appropriation, adopt regulations consistent with this chapter which establish procedures and the highest practicable professional standards for the reception, examination, treatment, restraint, transfer and discharge of mentally retarded persons in departmental facilities. Said regulations shall be adaptable to changing conditions and to advances in methods of care and treatment and in programs and services for the mentally retarded. Said regulations (1) shall include, but not necessarily be limited to, long and short-term residential care, educational services, and preschool clinical services, (2) shall define the levels of and other aspects of mental retardation as deemed necessary by the department, and (3) shall provide for different procedures for particular facilities or programs.

Section 3. The department shall notify and consult with the permanent guardian or, if there is no such guardian and the mentally retarded person does not knowingly object, the nearest relative of a mentally retarded person, prior to the transfer of said person from one residential facility for the mentally retarded to another. Such notice shall be given at least forty-five days prior to the proposed transfer.

If a permanent guardian has been appointed for a mentally retarded person who is receiving residential services through the department, said department shall request said guardian's consent prior to the transfer by the department of said mentally retarded person from one residential facility for the mentally retarded to another. Said consent shall be requested in writing by registered mail, at least forty-five days prior to the proposed transfer. The request for consent shall include (1) a statement of how the proposed residential transfer from the current facility to the proposed residential facility will result in improved services and quality of life for the retarded ward, (2) the location of the proposed facility and a statement that said guardian may examine the facility, and (3) a statement of the rights of said guardian established by this section. Any objection by the guardian to the proposed transfer shall be in writing and shall contain a statement of the reasons upon which the objection is based. Failure to object in writing within forty-five days shall be deemed to be a consent to said transfer. If the guardian files an objection, the transfer shall not occur unless the department prevails at

an adjudicatory proceeding pursuant to this section.

If the individual service plan developed for the mentally retarded person by the department pursuant to its regulations cannot be fully implemented as a result of the guardian's objection to a proposed transfer, the department shall, within twenty days of receipt of said objection, file a request for an adjudicatory proceeding with the division of administrative law appeals established by section four H of chapter seven, whereupon said division shall be authorized to conduct said proceeding to determine whether the transfer should proceed. The division shall conduct an adjudicatory hearing with ninety days in accordance with the provisions of chapter thirty A, and the burden of proof shall be on the department. During the pendency of said hearing the proposed residential transfer shall not occur. Said mentally retarded person shall have the right to be represented by counsel. The hearing officer shall determine which placement meets the best interest of the ward giving due consideration to the objections to the placement made by the relative or permanent guardian. The hearing officer shall issue a decision within thirty days of the hearing. After the hearing officer renders a written decision the parties shall have twenty days in which to appeal the decision to the superior court and the court shall hear such appeal as expeditiously as possible in open court or in chambers, and at such time and upon such notice, if notice is required as it in its discretion determines.

Notwithstanding the provisions of this section, in the case of an emergency, a transfer from one residential facility for the mentally retarded to another may be made immediately, provided, however, that no mentally retarded person shall be transferred to a facility for the mentally ill and notice of said transfer shall be given to said guardian or relative pursuant to this section within eight hours after said transfer. Failure by said guardian to object in writing within forty-five days of said notice shall be deemed to be a consent to said transfer. In all other respects, the standards and procedures governing a non-emergency transfer shall be the same as those governing an emergency transfer.

Section 4. Each person within the care of the department shall be the subject of a periodic review under the supervision of the superintendent, which shall include, but not necessarily be limited to, (1) a thorough clinical examination, (2) an evaluation of the legal competency of the person and the necessity or advisability of having a guardian or conservator appointed or removed, (3) a consideration of all possible alternatives to continued residential care including, but not necessarily limited to, a determination of the person's relationship to the community and to his family, or his employment possibilities, and of available community resources, foster care and convalescent facilities, and (4) unless a guardian or conservator has been appointed, an evaluation of each person who is a resident of a facility in order to determine how much of his funds shall be designated as dependent funds and how much as independent funds, and the formulation and maintenance of a financial plan for the use of his dependent funds. Said periodic review shall take place at least upon admission, once during the first three months after admission, once during the second three months after admission and annually thereafter. Said person shall be given a physical examination by a physician licensed under the provisions of chapter one hundred and twelve at least once in every twelve-month period during which he is

resident in said departmental facility. The superintendent shall give written notice to said person and his guardian, or, if there is no such guardian and the mentally retarded person does not knowingly object, his nearest relative prior to any such review which is made subsequent to admission. The social service department of the facility shall take part in the review and may utilize community resources. The results of each review shall become part of the official record of the person reviewed.

Following such review, if the person is still in need of care as a resident, the superintendent shall notify the person and his guardian, or, if there is no such guardian and the mentally retarded person does not knowingly object, his nearest relative.

Section 5. No mentally retarded person shall be retained at a facility except under the provisions of sections six and seven.

Section 6. Pursuant to departmental regulations on admission procedures, the superintendent may receive and retain on a voluntary basis any mentally retarded person providing the person is in need of care and treatment and providing the admitting facility is suitable for such care and treatment. The application may be made (1) by a person who has attained the age of sixteen, (2) by a parent or guardian of a person on behalf of a person under the age of eighteen years, and (3) by the duly authorized guardian of a person on behalf of an adult person under his guardianship. Prior to accepting an application for a voluntary admission, the superintendent shall afford the person making the application the opportunity for consultation with an attorney, or with a person who is working under the supervision of an attorney, concerning the legal effect of a voluntary admission. The superintendent may discharge any person admitted under the provisions of this paragraph at any time he deems such discharge in the best interest of such person, provided, however, that if a parent or guardian made the application for admission, fourteen days' notice shall be given to such parent or guardian prior to such discharge.

Section 7. Any person retained in a facility under the provisions of section six shall be free to leave such facility at any time, and any parent or guardian who requested the admission of such person may withdraw such person at any time, upon giving written notice to the superintendent. The superintendent may restrict the right to leave or withdraw to normal working hours and weekdays and, in his discretion, may require persons or the parents or guardians of persons to give three days written notice of their intention to leave or withdraw. Where persons or their parents or guardians are required to give three days notice of intention to leave or withdraw, an examination of such persons may be conducted to determine their clinical progress, their suitability for discharge and to investigate other aspects of their case including their legal competency and their family, home or community situation in the interest of discharging them from the facility.

Section 8. Any person who transports a mentally retarded person to or from a facility for any purpose authorized under this chapter shall not use any restraint which is unnecessary for the safety of the person being transported or other persons likely to come in contact with him.

Restraint of a mentally retarded person may only be used in cases of emergency, such as the occurrence of, or serious threat of, extreme violence, personal injury, or attempted suicide; provided, however, that written authorization for such restraint is given by the superintendent or

director of the facility or by a physician designated by the superintendent for this purpose who is present at the time of the emergency or if the superintendent or director or designated physician is not present at the time of the emergency, non-chemical means of restraint may be used for a period of one hour provided that within one hour the person in restraint shall be examined by the superintendent, director or designated physician. Provided further, that if said examination has not occurred within one hour, the person may be restrained for up to an additional one hour period until such examination is conducted, and the superintendent, director, or designated physician shall attach to the restraint form a written report as to why the examination was not completed by the end of the first hour of restraint.

Any minor placed in restraint shall be examined within fifteen minutes of the order for restraint by a physician or, if a physician is not available, by a registered nurse or a certified physician assistant; provided, however, that said minor shall be examined by a physician within one hour of the order for restraint. A physician or, if a physician is not available, a registered nurse or a certified physician assistant, shall review the restraint order, by personal examination of the minor or consultation with ward staff attending the minor, every hour thereafter.

No minor shall be secluded for more than two hours in any twenty-four hour period; provided, however, that no such seclusion of a minor may occur except in a facility with authority to use such seclusion after said facility has been inspected and specially certified by the department. The department shall issue regulations establishing procedures by which a facility may be specially certified with authority to seclude a minor. Such regulations shall provide for review and approval or disapproval by the commissioner of a biannual application by the facility which shall include (i) a comprehensive statement of the facility's policies and procedures for the utilization and monitoring of restraint of minors including a statistical analysis of the facility's actual use of such restraint, and (ii) a certification by the facility of its ability and intent to comply with all applicable statutes and regulations regarding physical space, staff training, staff authorization, record keeping, monitoring and other requirements for the use of restraints.

Any use of restraint on a minor exceeding one hour in any twenty-four hour period shall be reviewed within two working days by the director of the facility. The director shall forward a copy of his or her report on each such instance of restraint to the human rights committee of that facility and, in the event that there is no human rights committee, to the appropriate body designated by the commissioner of mental retardation. The director shall also compile a record of every instance of restraint in the facility and shall forward a copy of said report on a monthly basis to the human rights committee or the body designated by the commissioner of mental health.

No order of restraint for an individual shall be valid for a period of more than three hours beyond which time it may be renewed upon personal examination by the superintendent, director, authorized physician or, for adults, by a registered nurse or a certified physician assistant; provided, however, that no adult shall be restrained for more than six hours beyond which time an order may be renewed only upon personal examination by a physician. The reasons for the original use of restraint, the reason for its continuation after each renewal and the

reason for its cessation shall be noted upon the restraining form by the superintendent, director or authorized physician or, when applicable, by the registered nurse or certified physician assistant at the time of each occurrence.

When a designated physician is not present at the time and site of the emergency, an order for chemical restraint may be issued by a designated physician who has determined, after telephone consultation with a physician, registered nurse or certified physician assistant who is present at the time and site of the emergency and who has personally examined the patient, that such chemical restraint is the least restrictive, most appropriate alternative available; provided, however, that the medication so ordered has been previously authorized as part of the individual's current treatment plan.

No person shall be kept in restraint without a person in attendance specially trained to understand, assist and afford therapy to the person in restraint. The person may be in attendance immediately outside the room in full view of the patient when an individual is being secluded without mechanical restraint; provided, however, that in emergency situations when a person specially trained is not available, an adult may be kept in restraint unattended for a period not to exceed two hours. In that event, the person kept in restraints must be observed at least every five minutes; provided, further that the superintendent, director, or designated physician shall attach to the restraint form a written report as to why the specially trained attendant was not available. The maintenance of any adult in restraint for more than eight hours in any twenty-four hour period must be authorized by the superintendent or facility director or the person specifically designated to act in the absence of the superintendent or facility director; provided, however, that when such restraint is authorized in the absence of the superintendent or facility director, such authorization must be reviewed by the superintendent or facility director upon his return.

No "P.R.N." or "as required" authorization of restraint may be written. No restraint is authorized except as specified in this section in any public or private facility for the care and treatment of mentally retarded persons.

No later than twenty-four hours after the period of restraint, a copy of the restraint form shall be delivered to the person who was in restraint. A place shall be provided on the form or on attachments thereto, for the person to comment on the circumstances leading to the use of restraint and on the manner of restraint used.

A copy of the restraint form and any such attachments shall become part of the chart of the mentally retarded person. Copies of all restraint forms and attachments shall be sent to the commissioner who shall review them and sign them within thirty days, and statistical records shall be kept therefor for each facility and each designated physician. Furthermore, such reports, excluding identification of mentally retarded persons, shall be made available to the general public at the department's central office.

Responsibility and liability for the implementation of the provisions of this section shall rest with the department, the superintendent or director of each facility or the physician designated by such superintendent or director for this purpose.

Section 9. A mentally retarded person in the care of the department

shall be provided with stationery and postage in reasonable amounts and shall have free and unrestricted mailing privileges.

A mentally retarded person shall have the right to be visited at all reasonable times by anyone unless he is ill or incapacitated and the superintendent determines that such a visit would be unreasonable. A statement of the reasons for any such denial of visiting rights shall be entered in the treatment record of said person.

In addition to the rights specified above and any other rights guaranteed by law, a mentally retarded person in the care of the department shall have the following legal and civil rights: to wear his own clothes, to keep and use his own personal possessions including toilet articles, to keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases, to have access to individual storage space for his private use, reasonable access to telephones to make and receive confidential calls, to refuse shock treatment, to refuse lobotomy, and any other rights specified in the regulations of the department; provided, however, that any of these rights may be denied for good cause by the superintendent or his designee and a statement of the reasons for any such denial entered in the treatment record of such person.

Section 10. No person shall be deemed to be incompetent to manage his affairs, to contract, to hold professional or occupational or vehicle operators licenses or to make a will solely by reason of his admission or commitment in any capacity to the treatment or care of the department or to any public or private facility, nor shall departmental regulations restrict such rights.

Section 11. In addition to the periodic review under section four of this chapter, whenever the superintendent has reason to believe that a person who has been under the care of the department as a resident for more than six months, who is not under guardianship or conservatorship, is unable to care for his property, he shall promptly notify said person's nearest living relative and recommend that the necessary steps be taken for the appointment of a guardian or a conservator.

Section 12. (a) The superintendent may deposit in any bank organized and existing under the laws of the commonwealth funds belonging to persons who are residents at such facility, funds deposited by relatives or friends of such persons, and other funds belonging to such persons except that independent funds shall only be deposited with the consent of the resident. The interest earned by any funds so deposited shall be credited to the account of such person. Such funds shall be held in trust or used for the benefit of such person except that such person shall have an unrestricted right to manage and spend in his sole discretion all his independent funds. The superintendent, subject to the regulations of the department, may also petition the probate division of the trial court to appoint a conservator of the property of a mentally retarded person for the purpose of transferring into trusts such portion of any dependent funds of a person deposited or otherwise held by the superintendent as may be necessary to establish the eligibility of such person for the medical assistance program under chapter one hundred and eighteen E or for supplemental security income payments under the provisions of Title XVI of the federal Social Security Act. The superintendent may establish such a trust on behalf of a mentally retarded person with independent funds only with the consent of such person. No such funds

shall be transferred or held in trust except as is in the best interest of the clients.

(b) Any funds held in trust by the superintendent for any persons who have been discharged from or who have otherwise left any facility of the department, or the custody of the department, which shall have remained unclaimed for more than seven years, shall be paid by the superintendent to the state treasurer to be held subject to being paid to the person establishing a lawful right thereto, with interest at the rate of five per cent per annum from the time when it was so paid to the state treasurer to the time when it is paid by him to such person; provided, however, that the department shall first be paid from such funds for any sum due it for charges to the person for whom such funds were originally deposited, and provided, further, that if such amount does not exceed fifty dollars, the superintendent may pay such sum to the state treasurer immediately. The balance of such funds, after six years from the date when such funds were paid to the state treasurer, may be used as part of the ordinary revenue of the commonwealth. Any person may, however, establish his claim to such funds after the expiration of such six year period and any claim so established shall be paid from the ordinary revenue of the commonwealth. Any person claiming a right to funds deposited with the state treasurer under this section may establish the same by a petition to the probate court; provided, however, that in cases where claims amount to less than fifty dollars, the claims may be presented to the comptroller who shall examine the same and allow and certify for payments such as may be proved to his satisfaction.

(c) Personal property belonging to or deposited for the benefit of any persons who have been discharged from or who have otherwise left any facility or the custody of the department, which shall have remained unclaimed for more than one year shall be sold, or if without value, otherwise disposed of by the superintendent; provided, however, that no less than thirty days prior to such disposition the superintendent shall send notice of the intended sale or disposition of such property to the person at his last known residential address, to the nearest relative or guardian or conservator of such person or the person with whom such person last resided. If such person, relative or other person does not within such thirty day period object to such sale or disposition, the department may sell or dispose of the property in accordance with its regulations. Funds received as a result of such sale or disposition shall be disposed of in accordance with the provisions of subsection (b) of this section.

(d) All fiduciaries of persons who are residents at a departmental facility shall register with the superintendent of such facility on a form supplied by the department.

(e) The department shall establish procedures to make the fiduciaries accountable to the department for all funds belonging to such residents. These procedures shall require an annual report by the fiduciary to the department on a form supplied by the department indicating the manner in which such funds were managed or expended during the report period. The annual report shall be submitted by the fiduciary under penalty of perjury pursuant to sections one and one A of chapter two hundred and sixty-eight.

(f) A fiduciary who fails to register with the department or who fails

to submit an annual report to the department shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five hundred dollars.

(g) A fiduciary who embezzles or fraudulently converts or appropriates money, goods, or property held or possessed by him for the use and benefit of the resident shall be subject to penalties prescribed in section fifty-seven of chapter two hundred and sixty-six.

(h) A guardian, trustee, or conservator shall be removed from his duties upon his conviction of any of the offenses enumerated in paragraphs (f) and (g). The department shall petition the appropriate federal agency for the removal of a representative payee from his duties upon his conviction of any of the offenses enumerated in said paragraphs (f) and (g).

Section 13. If a resident of any facility dies leaving an estate which does not exceed five thousand dollars in value, the superintendent shall notify the nearest living relative of such resident of such fact, and if, after the expiration of thirty days from the date of such notice, no petition for administration of said estate has been filed, the department may provide for the administration of said estate under the provisions of section sixteen of chapter one hundred and ninety-five.

Section 14. Upon the death of any person confined to an institution under the control of the department, the superintendent of such institution shall, if he is of the opinion that the death may have resulted from violence or unnatural causes, immediately notify the district attorney for the district in which the death occurred, giving him the name and address of the person who died and the cause of death.

Section 15. (a) In cooperation with other state departments and agencies, the department shall cause to be given to persons under its care instruction and education as may be appropriate for such persons to undertake, especially persons who are unable to engage in programs for resident-trainees.

(b) In cooperation with other state departments and agencies the department shall cause to be established at each facility programs for persons under its care who would be assisted by performing work in or about such facility. The department shall pay or credit such trainee for work performed by him under said program in accordance with payment schedules established by the department in its regulations and approved by the commissioner of administration.

(c) The department may permit the sale of the work products of any person under its care on such conditions as it shall determine. The department shall also determine the price for which said goods may be sold, and the portion, if any, of the proceeds of each sale which shall be returned to the commonwealth to reimburse it for its costs in connection therewith. The balance of the proceeds of any such sale shall be held in trust in accordance with the provisions of paragraph (a) of section twelve.

Section 16. The department may make charges for the care of any person in its facilities. To the extent that any person in its facilities is eligible for third party payment of charges for care, the department shall make said charges for care at rates established by the rate setting commission under chapter six A. To the extent that third party payment is not available, or is not sufficient to pay said charges, the charges may be recovered from said person, or from any person with a legal obligation

to support the person; provided, however, that said person shall be entitled to retain one thousand dollars in cash or personal property; and provided, further, that the department shall make adjustments to the charges based upon said person's individual circumstances. If a superintendent of a facility for the mentally retarded holds the funds of a resident in a dependent funds account, the amount recoverable from the resident which would be paid from the dependent funds shall be deferred until the death of the resident, at which time the accumulated deferred payment shall be owed to the department by the estate of the resident; provided, however that this shall not prevent the department from recovering charges without deferral from any of the resident's funds which are held outside of a dependent funds account.

The department shall not recover charges from a resident of a facility for the mentally retarded until the status of the dependent and independent funds of said resident has been reviewed by the department pursuant to section four of this chapter.

The department also shall establish, by regulation, a system of charges for care in programs funded by or under a contract with the department which is consistent with the provisions of this section.

Section 17. The department shall keep records of the admission, treatment and periodic review of all persons admitted to facilities under its supervision. Such records shall be private and not open to public inspection except (1) upon proper judicial order whether or not in connection with pending judicial proceedings, (2) that the commissioner shall allow the attorney of a patient or resident to inspect records of said patient if requested to do so by the patient, resident or attorney, and (3) that the commissioner may permit inspection or disclosure when in the best interest of the patient or resident as provided in the rules and regulations of the department. This section shall govern the patient records of the department notwithstanding any other provision of law.

SECTION 40. Section 49B of chapter 127 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "health", in line 23, the words:– , the department of mental retardation.

SECTION 41. Section 10B of chapter 147 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– The commissioner may, upon petition of the commissioner of mental health or the commissioner of mental retardation, appoint as special police officers employees of the department of mental health or the department of mental retardation or employees of the various institutions under the respective jurisdictions of said departments, who shall have the same power to make arrests as the state police for any criminal offence committed in or upon lands or structures within the charge of said departments or of the various institutions under the respective jurisdictions of said departments.

SECTION 42. Said section 10B of chapter 147 of the General Laws, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:– They shall serve without pay, except for their regular compensation as employees of the

ACTS, 1986. – Chap. 599.

department of mental health or the department of mental retardation or the various institutions under the respective jurisdictions of said departments, and they shall receive no fees for services for return of any criminal process.

SECTION 43. Section 30A of chapter 149 of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 21, the first time it appears, the words:– , mental retardation.

SECTION 44. Section 30B of said chapter 149, as so appearing, is hereby amended by inserting after the word "health", in line 14, the words:– , mental retardation.

SECTION 45. Section 28 of chapter 152 of the General Laws is hereby further amended by striking out the last paragraph, added by section 37 of chapter 572 of the acts of 1985, and inserting in place thereof the following paragraph:–

As used in this section the term "minor" shall include mentally retarded persons eighteen years of age or older unless:

(1) the employment takes place in a sheltered workshop which holds either a license from the department of mental retardation or accreditation from the commission on accreditation of rehabilitation facilities; and

(2) a professional vocational specialist evaluates the employee at the employment site, for the specific job performed and such evaluation determines in writing that the employee is appropriate for and capable of such employment; and

(3) the employee has agreed in writing to the written rehabilitation plan or to an accurate verbal description of such written plan.

The division of administration shall keep statistical records on injuries that occur at sheltered workshops. If there appears to be a pattern of such injuries at a particular sheltered workshop, the office of claims administration shall notify the department of mental retardation and such department shall take whatever action it deems appropriate.

SECTION 46. Section 16 of chapter 195 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after word "health", in lines 8 and 13, the words:– , the department of mental retardation.

SECTION 47. Section 6A of chapter 201 of the General Laws, as amended by section 2 of chapter 525 of the acts of 1985, is hereby further amended by striking out, in line 27, the word "health" and inserting in place thereof the word:– retardation.

SECTION 48. Section 7 of chapter 201 of General Laws, as appearing in 1984 Official Edition, is hereby amended by inserting after the word "health," in line 4, the words:– in the case of a petition filed pursuant to section six, or the department of mental retardation in the case of a petition filed pursuant to section six A.

SECTION 49. Section 13 of said chapter 201, as so appearing, is hereby amended by inserting after the word "health", in line 6, the

words:– in the case of a guardianship established pursuant to section six or the department of mental retardation in the case of a guardianship established pursuant to section six A.

SECTION 50. Section 7 of chapter 206 of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 3, the words:– in the case of a mentally ill person or the department of mental retardation in the case of a mentally retarded person.

SECTION 51. The first paragraph of section 24 of chapter 206 of the General Laws, as so appearing, is hereby amended by inserting after the word "health", in line 6, the words:– in the case of mentally ill persons or to the department of mental retardation in the case of mentally retarded persons.

SECTION 52. Section five of chapter two hundred and seven of the General Laws is hereby repealed.

SECTION 53. The last paragraph of section 7 of chapter 268A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 61 and 62, the words "mental health care" and inserting in place thereof the words:– the care of mentally ill or mentally retarded persons.

SECTION 54. No later than March first, nineteen hundred and eighty-seven, the commissioner of mental health shall prepare and submit a transition plan to the special commission established by section seventy-one of chapter two hundred and six of the acts of nineteen hundred and eighty-six, hereinafter referred to in this act as the special commission. Any subsequent amendments to said transition plan shall likewise be submitted to such special commission. Neither said plan nor any subsequent amendments shall become effective until at least thirty days after their submission to said commission. During such thirty day period, said commission shall hold a public hearing regarding said plan or amendments.

Said transition plan shall provide for the transfer of responsibility for services to mentally retarded persons from the department of mental health to the department of mental retardation created by this act, so as to ensure the continuity of such services and so as to protect the rights of employees of the department of mental health. Said transition plan shall include but shall not be limited to the following: a plan for the allocation of employees, positions, property, legal obligations, legal proceedings, orders, rules and regulations, to the department of mental retardation; a specific schedule containing proposed dates for the transfer of all powers and duties relative to mental retardation services and for all of the related transfers required in sections fifty-seven to sixty, inclusive; a plan proposing allocations of expenditures between said departments and transfers of funds from the department of mental health to the department of mental retardation before and during the transition period; and necessary revisions to the budget requests of said departments for fiscal year nineteen hundred and eighty-eight.

Pursuant to said transition plan and notwithstanding section twenty-two of chapter twenty-nine of the General Laws or any other

law to the contrary, sums appropriated to the department of mental health for mental retardation services for fiscal year nineteen hundred and eighty-seven or nineteen hundred and eighty-eight may at the direction of the commissioner of mental health and with the approval of the comptroller be transferred to and expended for the purposes of the commissioner of mental retardation and the department of mental retardation. The commissioner of mental health shall make a monthly report to the comptroller of the amount of funds so transferred, and shall certify that expenditures of such transferred funds are substantiated by detailed records and vouchers retained in the custody of the commissioner of mental retardation.

SECTION 55. The secretary of human services shall appoint a commissioner of mental retardation no later than July first nineteen hundred and eighty-seven. Effective upon the approval of his appointment by the governor, said commissioner shall have all powers necessary to prepare for orderly and timely implementation of the transition according to the plan required in section fifty-four, including the power to sign contracts for services and, subject to appropriation or the transfer of funds by the commissioner of mental health, to employ staff and sign leases.

The commissioner shall appoint local mental retardation citizens' advisory committees pursuant to section twelve of chapter nineteen B within six months of his determination of the geographic service levels of the department pursuant to said section. Insofar as possible, notwithstanding the provisions of section eleven of chapter nineteen B, the five citizen members of the initial statewide advisory council appointed pursuant to said section shall be drawn from designated mental retardation members of mental health area boards selected pursuant to chapter nineteen prior to its amendment by this act. Within one year of the effective date of this section, with the participation of the said statewide mental retardation advisory council and of said local mental retardation citizens' advisory committees, the commissioner shall report to the commission on his designation of geographic levels for service and on the roles of the mental retardation citizens' advisory committees in the department.

SECTION 56. The commissioner of mental health and the commissioner of mental retardation shall provide all information requested by the special commission and shall cooperate in all other respects with said commission, as it (a) oversees the planning for and implementation of the transfer of powers and duties to the department of mental retardation, (b) explores the needs, delivery mechanisms and organizational structures for developmental services to persons with disabilities in the commonwealth, and (c) studies the advisability of increasing the responsibility of the department of mental retardation for such developmental services. Said special commission shall review the amendments to the General Laws contained in this act, and shall propose any additional amendments which it deems necessary to assure effective administration and the protection of client rights.

SECTION 57. All employees of the department of mental health who hold positions at the state schools or other department facilities for

mentally retarded persons and all other employees of such department who are allocated to the department of mental retardation pursuant to the transition plan required in section fifty-four, shall be transferred to the department of mental retardation according to the schedule contained in such transition plan, without interruption of service, without impairment of seniority, retirement or other rights of employees, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such transfer. Nothing in this section shall be construed to confer upon any employee any right not held immediately prior to the date of such transfer, or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited prior to such date.

SECTION 58. The commissioner of mental health shall transfer to the department of mental retardation, according to the schedule contained in the transition plan required by section fifty-four, all books, papers, records, documents, equipment, land, interests in land, buildings, facilities, and other property, both personal and real, which, immediately prior to the dates set forth in such transition plan, are in the custody of the department of mental health, which are allocated to the department of mental retardation pursuant to such transition plan, and which relate to or are maintained for the purpose of services to mentally retarded persons; provided, that all such property held in trust shall continue to be held in trust by the department of mental retardation.

SECTION 59. All duly existing contracts, leases, and obligations of the department of mental health, which relate to services for mentally retarded persons, which are allocated to the department of mental retardation pursuant to the transition plan required by section fifty-four, and which are in effect immediately prior to the dates set forth in such transition plan, shall after such dates be performed by the department of mental retardation. This provision shall not affect any renewal provision or option to renew contained in any such lease in existence on the date of such transfer.

SECTION 60. All petitions, hearings, and other proceedings duly brought before or against, and all prosecutions and legal and other proceedings duly begun by, the department of mental health which relate to services for mentally retarded persons, which are allocated to the department of mental retardation pursuant to the transition plan required in section fifty-four, and which are pending immediately prior to the dates set forth in such transition plan, shall continue unabated and remain in force notwithstanding the passage of this act, and shall be transferred to the department of mental retardation upon such dates as are determined by such transition plan.

Any orders, rules, and regulations duly made, and all licenses, permits, certificates, and approvals duly granted, by the department of mental health which arise from or relate to services for mentally retarded persons, which are allocated to the department of mental retardation pursuant to said transition plan, and which are in force immediately prior to the dates set forth in said transition plan, shall remain in force and effect until superseded, revised, rescinded, or cancelled in accordance

with law, by the department of mental retardation.

SECTION 61. All questions regarding the identification of property, contracts, leases, obligations, petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates and approvals transferred from the department of mental health to the department of mental retardation by this act, shall be determined by the secretary of human services.

SECTION 62. Sections fifty-four, fifty-five and fifty-six of this act shall take effect upon its passage. The remaining sections of this act shall take effect on July first, nineteen hundred and eighty-seven; provided, however, that notwithstanding the provisions of this act, powers and duties vested in the department of mental health or any board, council or official of such department shall be exercised by such department until the date provided for the orderly transfer of such powers and duties by the transition plan required in section fifty-four.

SECTION 63. The special commission relative to the proposed division of the department of mental health into a department of mental health and a department of mental retardation, established under section seventy-one of chapter two hundred and six of the acts of nineteen hundred and eighty-six shall propose legislation regarding services to persons who are developmentally disabled no later than June thirtieth, nineteen hundred and eighty-seven.

Approved December 16, 1986.

EMERGENCY LETTER: December 17, 1986 @ 4:29 P.M.

Chapter 600. AN ACT AUTHORIZING THE TOWN OF GREENFIELD TO CONVEY CERTAIN LAND IN SAID TOWN TO PATRICIA M. DOANE.

Be it enacted, etc., as follows:

SECTION 1. In consideration of the conveyance of a certain parcel of land by Patricia M. Doane to the town of Greenfield, said town is hereby authorized to convey to said Patricia M. Doane a certain parcel of land acquired by said town for water supply purposes in an Order of Taking dated August 7, 1959 and recorded in the Franklin county registry of deeds, Book 1092, Page 249 and further bounded and described as follows:–

Beginning on the southerly side of the Gorge Road about 540 feet west of the west line of the Colrain Road; thence westerly along said Gorge Road 200 feet; thence southerly at right angles to said Gorge Road about 260 feet to Kelley Brook, so-called; thence easterly down said brook about 240 feet; thence northerly parallel to and 200 feet east of the west line of the tract hereby described about 180 feet to the place of beginning. Containing 0.83 acres.

Reference may be had to a plan on file in the town clerk's office entitled, "Plan of Land to be Conveyed to Patricia M. Doane – southerly of Old Gorge Road", file No. TCH-43.

ACTS, 1986. – Chaps. 601, 602.

The town of Greenfield reserves a twenty foot wide easement on the above conveyed parcel for water main purposes, the centerline of the easement being the center of the existing water main as shown on the above plan.

SECTION 2. All actions taken by the town of Greenfield relative to Article 3 at the special town meeting held on December twentieth, nineteen hundred and seventy-seven, and all actions subsequently taken pursuant thereto, are hereby validated, ratified and confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved December 16, 1986.

Chapter 601. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF HOWARD JONES, JR. AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of Howard Jones, Jr. as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Howard Jones, Jr. for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved December 16, 1986.

Chapter 602. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF BERNARD WASHINGTON AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of Bernard Washington as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall

ACTS, 1986. – Chaps. 603, 604.

certify Bernard Washington for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved December 16, 1986.

Chapter 603. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF TYRONE ROBINSON AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of Tyrone Robinson as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Tyrone Robinson for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved December 16, 1986.

Chapter 604. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT A PERMANENT EASEMENT OVER LAND UNDER THE CONTROL OF THE METROPOLITAN DISTRICT COMMISSION TO STONE MILL REALTY TRUST.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately grant a permanent easement over land under the control of the metropolitan district commission to Stone Mill Realty Trust, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The division of capital planning and operations, acting for and on behalf of the commonwealth and in consultation with the metropolitan district commission is hereby authorized to grant to Stone Mill Realty Trust, their successors and assigns and all others who may lawfully be entitled, a permanent easement, approved as to form by the attorney

general, in and over a certain parcel of recreation and flood control land located in the town of Dedham, under the control of the metropolitan district commission, for a right of way and access to a certain parcel of land owned by said Stone Mill Realty Trust. Said land is bounded and described as follows:–

Beginning at a point on the Southerly/Westerly side layout line of Oakland Terrace being the intersection between aforesaid side layout line and the property line between the MDC property and the Dedham Housing Authority property as shown on a plan by the Metropolitan District Commission – Engineering Division entitled

Mother Brook – Dedham

Land Taking Plan for open space, recreation and flood control dated February 26, 1975, File Number ACC. 62643.

– Hence, Northerly/Westerly sixty-one degrees fourteen minutes and two seconds (N 61°14'02" W) for twenty-eight and twelve hundredth feet (28.12').

– Hence, to the right by a curve with a radius of eighty-five feet (85.00') for one hundred and one and fifty-three hundredth feet (101.53')

– Hence, Northerly/Westerly forty-four degrees eleven minutes and twenty-five seconds (N 44°11'25" W) for thirty-five and seventy-two hundredth feet (35.72').

– Hence, to the left by a curve with a radius of eighty feet (80.00') for eleven and seventy-eight hundredth feet (11.78').

– Hence, Southerly/Westerly thirty-seven degrees twenty-two minutes and nineteen seconds (S 37°22'19" W) for six feet (6.00').

– Hence, to the left by a curve with a radius of seventy-four feet (74.00') for ninety-eight and eighty hundredth feet (98.80').

– Hence, to the left by a curve with a radius of fourteen feet (14.00') and for six and sixty-seven hundredth feet (6.67').

– Hence, Northerly/Westerly forty-four degrees eleven minutes and twenty-five seconds (N 44°11'25" W) for fourteen and twenty-seven hundredth feet (14.27').

– Hence, Northerly/Easterly forty-five degrees forty-eight minutes and thirty-five seconds (N 45°48'35" E) for sixty-five feet (65.00').

– Hence, Northerly/Westerly forty-four degrees eleven minutes and twenty-five seconds (N 44°11'25" W) for nine and eight hundredth feet (9.08').

– Hence, to the right by a curve with a radius of one hundred and sixteen feet (116.00') for eighty-three and ninety-eight hundredth feet (83.98').

– Hence, Northerly/Easterly thirty-one degrees twenty-two minutes and nineteen seconds (N 31°22'19" E) for six feet (6.00').

– Hence, to the right by a curve with a radius of one hundred and twenty-two feet (122.00') for thirty and seventy-four hundredth feet (30.74').

– Hence, Southerly/Easterly forty-four degrees eleven minutes and twenty-five seconds (S 44°11'25" E) for thirty-five and seventy-two hundredth feet (35.72').

– Hence, to the left by a curve with a radius of forty-three feet (43.00') and for thirty-three and fifty-nine hundredth feet (33.59').

– Hence, Northerly/Easterly forty-four degrees forty-five minutes and thirty-one seconds (N 44°45'31" E) for twenty-six and three hundredth feet (26.03').

– Hence, to the left by a curve with a radius of two hundred feet

(200.00') for seventy-eight and eighty-six hundredth feet (78.86") to the starting point. Said easement shall be granted for such consideration and upon such terms as may be acceptable to the division of capital planning and operations in consultation with the metropolitan district commission.

Approved December 16, 1986.

Chapter 605. AN ACT ESTABLISHING A MAYOR-COUNCIL FORM OF GOVERNMENT FOR THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. The city of Medford shall be governed by a Mayor-Council form of government, so-called, Plan A with certain exceptions, which was approved by the voters of the city of Medford at an election held November fourth, nineteen hundred and eighty-six, and is as follows:-

Section 1. The Plan E, Manager-Council form of government as presently in effect for the city of Medford is hereby abolished, declared null and void and of no effect.

Section 2. The Plan A, Mayor-Council form of government as provided for under the provisions of sections forty-six to fifty-five, inclusive of chapter forty-three of the General Laws, is hereby enacted and in effect for the city of Medford with the following exceptions to said sections forty-six to fifty-five, inclusive of said chapter forty-three:

(a) The city council shall remain as consisting of seven members elected at large for terms of two years at each municipal election,

(b) vacancies occurring in the city council shall be filled by that defeated candidate at the last regular municipal election who received the highest number of votes for election to the city council and is eligible and willing to serve, and

(c) such further exceptions as are expressly set forth under the terms of this act.

Section 3. The mayor shall serve as a member and as chairman of the school committee. Nothing in this act shall affect the election, powers or duties of the school committee, it being the intent and purpose of this act that the school committee remain as it exists under the laws in effect for the city of Medford immediately prior to the enactment of this Act.

Section 4. The salary for the office of mayor shall be the same as that salary for the position of city manager as of January first, nineteen hundred and eighty-six, namely the sum of fifty-two thousand dollars per year, and the Mayor shall receive no other compensation from the city. The term "Mayor" shall be exclusively reserved for that elected position as provided in this act and the presiding member of the city council shall hereafter be known as "President of The City Council."

Section 5. Sections one to forty-four G, inclusive, of chapter forty-three of the General Laws, as in effect for the city of Medford immediately prior to the enactment of this act, shall apply to the plan of government enacted by this Act except as otherwise provided herein.

Section 6. In order to provide for continuity of functions and insure an orderly transition of government, persons presently holding office by

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election, appointment, special acts of the Legislature and Ordinances of the city of Medford shall continue to hold office until their term of office expires and their successors are chosen and qualify under this Act.

Section 7. Preliminary and regular elections shall be held biennially in every odd-numbered year on the day fixed for holding such elections under the laws in effect in Medford immediately prior to enactment of this act. The first preliminary election after passage of this Act shall be held in September, nineteen hundred and eighty-seven, and the first regular election shall be held in November, nineteen hundred and eighty-seven.

Section 8. The mayor and members of the city council elected at the first regular election after passage of this Act shall hold office for the term of two years from the first Monday of January following their election and this act shall be in full force and effect from and after said date.

Section 9. None of the legislative powers of the city of Medford shall be abridged or impaired by this act; ordinances, regulations, orders and other regulations of the city of Medford and any authorized body or official thereof existing at the time of enactment hereof shall continue in full force and effect until repealed, modified or superseded and all official bonds, recognizances, obligations, contracts and other instruments entered into or executed by the city before enactment of this act, and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the city shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this act and no legal act done by or in favor of the city shall be rendered invalid by enactment of this act.

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

Approved December 16, 1986.

**Chapter 606. AN ACT AUTHORIZING THE DIVISION OF CAPITAL
PLANNING AND OPERATIONS TO CONVEY CERTAIN
LAND UNDER THE CONTROL OF THE ARMORY
COMMISSION IN THE CITY OF NEWBURYPORT TO
THE CITY OF NEWBURYPORT.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of capital planning and operations is hereby authorized to convey, subject to the provisions of sections forty E through forty J of chapter seven of the General Laws, a certain parcel of land containing approximately 7.87 acres, presently under the control of the armory commission and located on Malcolm Hoyt drive in the city of Newburyport, to said city. Said property shall be conveyed for the purposes of said city constructing a municipal facility thereon, said land is shown on a plan of land entitled "Plan of Land in Newburyport, Massachusetts", dated June 23, 1986 by Port

Engineering Associates, Inc, One Harris Street, Newburyport, MA, a copy of which is on file with the division of capital planning and operations.

SECTION 2. Said property shall be conveyed by quitclaim deed approved as to form by the attorney general, for nominal consideration subject to the conditions prescribed by the deputy commissioner of capital planning and operations in consultation with the state quartermaster of said armory commission and the executive office of public safety.

SECTION 3. No conveyance to the city of Newburyport shall be valid unless a condition is contained in the deed providing that in the event said city has not begun construction of a facility on the property within five years of the date of the conveyance, title to the property shall revert to the commonwealth.

Approved December 16, 1986.

Chapter 607. AN ACT ESTABLISHING A SPECIAL ACCOUNT FOR THE WOLLASTON RECREATIONAL FACILITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter thirty-four and chapter thirty-five of the General Laws, or any other provision of law to the contrary, Norfolk county with the approval of the advisory board on county expenditures for said county is hereby authorized to establish a special account to be known as the "Wollaston Recreational Facility Operations Account". Into such account shall be deposited all receipts, revenues and funds from any source derived from any activity of the Wollaston recreational facility together with the insurance or other proceeds from any and all claims made by the said county against third parties for damages of any nature to any portion of the facility or its attendant structures; specifically excluded herefrom are any and all funds received by, or paid to, the golf professional or tennis professional for services rendered, or for merchandise sold, or leased, by them in the normal course of their business and duties; further specifically excluded herefrom are any and all funds received by the lessee of any restaurant, lounge or other area at the facility for food, beverages or merchandise of any nature sold, or for any other services rendered, by said lessee under the terms of any such lessee's leasehold agreement with Norfolk county.

SECTION 2. The account authorized by section one of this act shall be maintained by the county treasurer, in accordance with the provisions of section ten of chapter thirty-five of the General Laws, shall be the custodian of said account, in a banking institution in said county and expenditures from such account shall be made, subject to appropriation by the advisory board on county expenditures, by the county treasurer whenever any such expenditures are requested in writing by the county commissioners; all such expenditures shall be made as aforesaid at the direction of the county commissioners, subject to appropriation by the

advisory board on county expenditures, and shall be used for, applied to, the conduct, operation, upkeep or maintenance of any and all aspects of said facility; for the purchase, maintenance or repair of equipment of any kind which may be necessary or desirable for the conduct or operation of said facility; for any necessary or desirable capital improvement or for the construction, reconstruction, repair or maintenance of any portion of the facility, including any and all buildings or structures of any nature thereon; for the accumulation of a capital reserve account; or for any other purpose which in the opinion of the county commissioners may be necessary or desirable for, and in any manner related to, the present or prospective operation and functioning of said facility. Such account shall be maintained in accordance with generally accepted principles of accounting, and shall be audited annually by a certified public accountant. Such annual audits shall be performed at the direction of the county commissioners and submitted to the county commissioners and to the county treasurer and to the county advisory board. The county commissioners shall be authorized to instruct the county treasurer to invest and the county treasurer shall at such direction of the county commissioners, invest the monies or any portion of the monies, received pursuant hereto, in such special account or accounts as the county commissioners may deem necessary and proper in the furtherance of the purposes of this act or for the proper functioning of the said facility, and the interest accruing on any and all such accounts shall inure to the benefit of Wollaston recreational facility and shall be includable in the funds of the Wollaston recreational facility operations account. For the purpose of providing recreational services and facilities for the citizens of Norfolk county, particularly, and of the commonwealth generally, the said county may from time to time appropriate in the manner provided by law, monies into said account and may receive and deposit donations from private sources directly into such special account.

SECTION 3. Nothing contained herein shall in any manner prohibit Norfolk county from obtaining at any time either a specific or a general appropriation for use and expenditure by the said county in accordance with the terms of any such appropriation and in further accordance with the purposes set forth in chapter seven hundred and thirty-six of the acts of nineteen hundred and seventy-two. Any such appropriation obtained by said county shall, however, neither be added to, nor in any manner cause a reduction in, the Wollaston recreational facility operations account established hereunder.

SECTION 4. The county treasurer of Norfolk county shall, upon the request of the county commissioners of Norfolk county, borrow upon the credit of said county in anticipation of the receipt of revenues from the operation of the said Wollaston recreational facility, monies in such amounts and for such periods of time as the county commissioners of Norfolk county may from time to time order and direct, and the monies realized from any such borrowings shall be deposited into said account established under section one. The aggregate of outstanding borrowings shall not, at any given time, exceed twenty-five per cent of the total gross revenue realized by said county from the operation of the Wollaston recreational facility in the prior fiscal year.

SECTION 5. The county commissioners of Norfolk county shall file with the advisory board and the treasurer, and with the bureau of accounts, a written report of the special account established in section one of this act within one hundred and twenty days after the books are closed for the fiscal year. Such report shall include financial statements relating to the operations, maintenance, capital and real properties of said Wollaston recreational facility. The county advisory board may review and comment upon such report and the county advisory board may file such comment with the county commissioners, the county treasurer and with the bureau of accounts. The county commissioners shall annually, not later than sixty days prior to the expiration of each fiscal year, submit to the advisory board a budget in such form as the advisory board may approve. The advisory board may review and comment on such budget and may file such review and comment with the county commissioners.

SECTION 6. Except as specifically abrogated herein, nothing in this act shall in any manner affect or alter the applicability to the operation and management of the Wollaston recreational facility of all existing rules and regulations presently governing the management of county affairs generally, as it is the intention of this act that such rules and regulations continue to apply to the operation and management of the Wollaston recreational facility.

SECTION 7. This act shall take effect as of July first, nineteen hundred and eighty-six.

Approved December 16, 1986.

Chapter 608. AN ACT CHANGING THE NAME OF THE TRAFFIC AND PARKING DEPARTMENT IN THE CITY OF BOSTON TO THE TRANSPORTATION DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 263 of the acts of 1929 is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 338 of the acts of 1962, and inserting in place thereof the following section:—

Section 1. There shall be in the city of Boston, hereinafter called the city, a department known as the transportation department, which shall be under the charge of a board, known as the transportation commission, hereinafter called the commission, consisting of an officer, known as the commissioner of transportation, appointed by the mayor for a term expiring on the first Monday of the January following the next biennial election at which a mayor is elected, who shall be chairman of the commission, and four other officers known as associate commissioners of transportation. The police commissioner, the fire commissioner, the commissioner of public works and the commissioner of real property of the city shall be ex-officiis, the associate commissioners of transportation.

The commissioner of transportation shall receive such annual salary as

shall from time to time is fixed by the city council with the approval of the mayor. The associate commissioners of transportation shall receive no compensation for their services as associate commissioners of transportation.

SECTION 2. Said chapter 263 is hereby further amended by striking out section 1A, as amended by section 2 of said chapter 338, and inserting in place thereof the following section:–

Section 1A. The commissioner of transportation shall exclusively have the powers, and perform the duties, of a department head with respect to the making of contracts, other than contracts for the acquisition, installation or maintenance of parking meters, and the appointment, suspension, discharge, compensation and indemnification of engineers, experts, assistants and other employees for the transportation department; but in the exercise of such powers and the performance of such duties he shall be subject to all statutes and ordinances applicable generally to departments of the city.

SECTION 3. Section 1B of said chapter 263 is hereby amended by striking out the words "traffic and parking", inserted by section 3 of said chapter 338, and inserting in place thereof the word:– transportation.

SECTION 4. Section 2 of said chapter 263 is hereby amended by striking out, in line 12, as appearing in chapter 387 of the acts of 1964, the words "traffic and parking" and inserting in place thereof the word:– transportation.

SECTION 5. The third paragraph of said section 2 of said chapter 263, inserted by section 13 of chapter 190 of the acts of 1982, is hereby amended by striking out, in line 1, the words "traffic and parking" and inserting in place thereof the word:– transportation.

SECTION 6. Said chapter 263 is hereby further amended by striking out section 2A, as most recently amended by section 5 of chapter 338 of the acts of 1962, and inserting in place thereof the following section:–

Section 2A. The commissioner of transportation shall have exclusive authority to designate, upon written application by an abutting owner or occupant and the payment of such fee as may from time to time be fixed by ordinance under chapter two hundred and twenty-two of the acts of nineteen hundred and forty-nine, parts of streets, ways, highways, roads and parkways under the control of the city as loading zones. Every designation of a loading zone under this section shall take effect on such date, not later than one month after it is made, and expire on such date, not later than one year after its effective date, as said commissioner shall determine, and may at any time, after reasonable notice and hearing, be revoked by said commissioner if he deems the continuation of such zone to be inconsistent with the public interest or if the owner or occupant who applied therefor shall have violated any condition of the designation or any rule of the transportation commission regulating the use thereof.

SECTION 7. Section 2B of said chapter 263, inserted by section 6 of

said chapter 338, is hereby amended by striking out, in line 2, the words "traffic and parking" and inserting in place thereof the word:– transportation,– and by striking out, in line 3, the words "traffic and parking" and inserting in place thereof the word:– transportation.

SECTION 8. Section 2C of said chapter 263, inserted by section 7 of said chapter 338, is hereby amended by striking out, in lines 2 and 10, and in lines 14 and 15, the words "traffic and parking" and inserting in place thereof, in each instance, the word:– transportation,– and by striking out, in line 5, the words "traffic and parking" and inserting in place thereof the word:– transportation.

SECTION 9. Section 2D of said chapter 263 is hereby amended by striking out the words "traffic and parking", inserted by section 8 of said chapter 338, and inserting in place thereof the word:– transportation.

SECTION 10. Chapter 140 of the acts of 1934 is hereby amended by striking out section 1, as amended by section 9 of said chapter 338, and inserting in place thereof the following section:–

Section 1. The transportation commission of the city of Boston is hereby directed to provide in its regulations prohibiting or restricting the parking and standing of motor vehicles on public ways in said city that they shall not, so far as they relate to the easterly side of Hancock street between Mount Vernon and Derne streets, the southerly side of Derne street between Hancock and Bowdoin streets, and the westerly side of Bowdoin street between Mount Vernon and Beacon streets, apply to motor vehicles owned or used by members and officers of the general court.

SECTION 11. Section 1 of chapter 474 of the acts of 1946 is hereby amended by striking out the words "traffic and parking", inserted by section 10 of said chapter 338, and inserting in place thereof the word:– transportation.

SECTION 12. Clause (a) of said section 1 of said chapter 474, as most recently amended by chapter 1195 of the acts of 1973, is hereby further amended by striking out, in line 11, the words "traffic and parking" and inserting in place thereof the word:– transportation.

SECTION 13. Clause (c) of said section 1 of said chapter 474, as amended by section 12 of chapter 338 of the acts of 1962, is hereby further amended by striking out, in line 4, the words "traffic and parking" and inserting in place thereof the word:– transportation.

SECTION 14. Clause (e) of said section 1 of said chapter 474 is hereby amended by striking out the words "traffic and parking", inserted by section 13 of said chapter 338, and inserting in place thereof the word:– transportation.

SECTION 15. Section 1 of chapter 203 of the acts of 1959 is hereby amended by striking out the words "traffic and parking", inserted by section 14 of said chapter 338, and inserting in place thereof the word:– transportation.

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SECTION 16. Section 2 of said chapter 203 is hereby amended by striking out the words "traffic and parking", inserted by section 15 of said chapter 338, and inserting in place thereof the word:– transportation.

SECTION 17. Section 17A of chapter 45 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words "traffic and parking" and inserting in place thereof the word:– transportation.

SECTION 18. Section 18 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, lines 41 and 42, and in line 47, the words "traffic and parking" and inserting in place thereof, in each instance, the word:– transportation.

SECTION 19. Section 56 of chapter 148 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "traffic and parking" and inserting in place thereof the word:– transportation.

SECTION 20. The powers and duties of the traffic and parking commission, the commissioner of traffic and parking and the traffic and parking department are hereby assumed by the transportation commission, the commissioner of transportation and the transportation department, respectively.

Approved December 16, 1986.

Chapter 609. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE CERTAIN LAND IN THE TOWN OF NEEDHAM TO BABSON COLLEGE.

Be it enacted, etc., as follows:

The deputy commissioner of the division of capital planning and operations, acting for and on behalf of the commonwealth, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws is hereby authorized in accordance with such terms and conditions as said deputy commissioner, in consultation with the metropolitan district commission and the Massachusetts Water Resources Authority, may prescribe, shall lease to Babson College in the town of Wellesley for recreational purposes, certain land located in the town of Needham, traversing over the Sudbury aqueduct comprising approximately thirty-one and thirty one hundredths acres as shown on a plan on file at the metropolitan district commission.

Approved December 16, 1986.

Chapter 610. AN ACT AUTHORIZING THE CITY OF HAVERHILL TO TAKE WATER FROM THE MERRIMACK RIVER.

Be it enacted, etc., as follows:

SECTION 1. The city of Haverhill, in accordance with such conditions as may be set forth by the department of environmental quality engineering and subject to the provisions of chapter twenty-one G of the General Laws, is hereby authorized to take, hold and convey into and through said city, from the Merrimack river at an approved point within said city, without liability to pay any compensation or other damages that the commonwealth itself would be legally liable to pay, sufficient water for the use of said city and the inhabitants thereof for the extinguishment of fires, domestic use, human consumption, irrigation, industrial, commercial and other purposes; provided, however, that no water supply source in said city has been abandoned unless said department has determined that such supply is not fit for drinking and cannot be economically restored, said city may also take and hold, by purchase or otherwise, land in said city for sinking wells or making excavations in order to obtain water by filtration or percolation, or from subterranean streams and to construct such works as may be necessary therefor; and to lay and maintain reservoirs or canals and such other work as may be deemed necessary or proper for conveying, raising, forcing, retaining, distributing, or disposing of said water in such a manner as may be deemed in the public interest.

The rights of the Essex Company, as granted by chapter one hundred and sixty-three of the acts of eighteen hundred and forty-five, and the rights of any successor to such company are hereby preserved insofar as these rights may be exercised in a manner reasonable and consistent with the public interest and the proper utilization of the Merrimack river as determined by the department of environmental quality engineering, provided that there shall be an adequate flowage of the river to supply the town of Merrimac and the city of Haverhill.

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

Approved December 17, 1986.

**Chapter 611. AN ACT PERMITTING THE DIRECTORS, OFFICERS
AND EMPLOYEES OF TRUST COMPANIES TO SERVE
AS DIRECTORS OF OTHER FINANCIAL INSTITUTIONS.**

Be it enacted, etc., as follows:

Section 19 of chapter 172 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:–

Notwithstanding the provisions of this section, a director, officer or employee of a trust company may at the same time be a director, officer or employee of a banking institution if such trust company and banking institution are affiliates of the same bank holding company. For the purposes of this section, the terms "banking institution" and "affiliate" shall have the same meanings as set forth in section one of chapter one hundred and sixty-seven A.

Approved December 17, 1986.

Chapter 612. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER CERTAIN LAND IN THE CITY OF SPRINGFIELD TO SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations is hereby authorized, subject to the provisions of sections forty E through forty J, inclusive, of chapter seven of the General Laws, to sell and convey by deed approved as to form by the attorney general, a certain parcel of land located in the city of Springfield, to the city of Springfield under the care and control of Springfield conservation commission, subject to the requirements of section two and to such terms and conditions as the deputy commissioner may prescribe in consultation with the executive office of human services, said land being bounded and described as follows:

A certain parcel of land located on the southerly line of Wilbraham Road, Springfield, Hampden County, bounded and described as follows.

Beginning at a concrete bound on the southerly line of Wilbraham Road, said point being the northeasterly corner of the premises herein described;

thence S 04 57'42", by land now or formerly of Samuel A. Andrews et al, 1000.06 feet to an iron pin;

thence N 88 16'34" E by last named land, 196.61 feet to a point;

thence S 00 29'53" W, 552.93' to a concrete bound;

thence S 86 30'56" W, 385.00' to a concrete bound;

thence N 12 41'51" W, 325.00' to a concrete bound;

thence S 75 27'03" W, 380.00' to a concrete bound found on the northeasterly line of Tinkham Road;

the last four lines being by land of the Commonwealth of Massachusetts;

thence N 27 22'36" W along the northeasterly line of Tinkham Road, 209.97' to a concrete bound;

thence N 35 35'22" W, continuing along the northeasterly line of Tinkham Road, 27.76 feet to an iron pin;

thence N 05 20'33" W, by land of several parties 778.74' to an iron pin;

thence N 84 11'45" E, by land now or formerly of Augustus J. Lococo III et ux, following the line of a page wire fence, 222.30' to an iron pin;

thence N 05 48'15" W, continuing by last named land and following the line of said fence, 285.00' to a concrete bound found on the southerly line of Wilbraham Road;

thence N 84 11'45" E, along the southerly line of Wilbraham Road, 540.98' to the point of beginning.

The above described parcel of land contains 24.116 acres and is further shown on a plan entitled "Plan of Land in Springfield, Massachusetts, being a subdivision of Land Court Plan No. 30070-A, dated April 15, 1985, scale: 1" : 100', by Heritage Surveyors, Bruce A. Coombs, R.L.S., College Highway, Southampton, Massachusetts.

Being a part of the premises conveyed to the Commonwealth of Massachusetts, Department of Youth Services by deed of The Good Shepherd Assoc. of Springfield, Mass., dated May 19, 1982, and filed with

Certificate of Title #20402 in the Registered Land Section of the Hampden County registry of deeds in the county of Hampden.

SECTION 2. No deed conveyed by or on behalf of the commonwealth concerning the property described in section one shall be valid unless the deed provides that the property shall be used for open space conservation and ancillary recreation uses solely. In the event that the above described parcel is not used for the purposes described in this section, the parcel shall revert to the commonwealth under such terms and conditions as the deputy commissioner of the division of capital planning and operations may prescribe.

Approved December 17, 1986.

**Chapter 613. AN ACT INCLUDING THE TOWN OF MIDDLETON
WITHIN THE SOUTH ESSEX SEWERAGE DISTRICT.**

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1 of chapter 339 of the acts of 1925, as most recently amended by section 1 of chapter 190 of the acts of 1972, is hereby further amended by striking, in line 4, the word "two" and inserting in place thereof the word:– four, and by striking, in line 5, the words "one hundred and seventy-eight" and inserting in place thereof the words:– two hundred and twenty-one.

SECTION 2. Said section 1 of said Chapter 339, as so amended, is hereby further amended by adding the following description:–

Parcel Three

A parcel of land situated in the Town of Middleton, Essex County, located on the southwesterly side of Locust Street, bounded and described as follows:

Beginning at a northerly corner of the parcel being an angle point on Locust Street:

Thence running by Locust Street southeasterly in various courses, a distance of two thousand one hundred ninety two and seventy-eight hundredths feet (2,192.78') to an angle;

Thence turning and running by land n/f of Maurice C. & Anna Belle Flannia, southwesterly three hundred ninety two and six hundredths feet (392.06') to an angle;

Thence turning and running by land n/f of County of Essex, Essex County Agricultural School, northwesterly a distance of eight hundred eighteen and eighty-two hundredths feet (818.82') to an angle;

Thence turning and running by land n/f of Massachusetts Institute of Technology, northwesterly in two courses, a distance of seven hundred ninety six and eighty-four hundredths feet (796.84') to an angle;

Thence turning and running by land n/f Massachusetts Institute of Technology, northeasterly in various courses, a distance of one thousand one hundred sixty four and fourteen hundredths feet (1,164.14') to an angle;

Thence turning and running southeasterly and northeasterly in various courses, a distance of three hundred thirty six and four hundredths feet

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(336.04') to the point of beginning.

Said parcel containing 42.46 acres, more or less.

Parcel Four:–

A parcel of land situated in the Town of Middleton, Essex County, Commonwealth of Massachusetts, being further bounded and described as follows:

NORTHEASTERLY: by a stone wall on the southwesterly side of Locust Street four hundred and fifteen (415) feet plus or minus;

SOUTHERLY: by the line separating the Town of Middleton from the town of Danvers three hundred and sixty (360) feet plus or minus;

SOUTHWESTERLY: by land now or formerly of the County of Essex two hundred and forty five (245) feet plus or minus;

NORTHWESTERLY: by land now or formerly Ferncroft Realty Trust three hundred ninety two and six hundredths (392.06) feet plus or minus.

Containing 2.54+ acres as shown on Plan Book 72, Plan 75, as the land of Mary E. Ryan in Middleton, subject to an easement as shown on Plan Book 132 Plan 34 for sewer purposes.

Approved December 17, 1986.

Chapter 614. AN ACT RELATIVE TO EXAMINATIONS OF DOMESTIC LIFE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Section 4 of chapter 175 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 22, the word "three" and inserting in place thereof the following word:– five.

Approved December 17, 1986.

Chapter 615. AN ACT RELATIVE TO INTEREST ON CERTAIN TAX REFUNDS.

Be it enacted, etc., as follows:

SECTION 1. Section 40 of chapter 62C of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 13 and 16, the words "six months" and inserting in place thereof, in each instance, the following:– ninety days.

SECTION 2. Section 40 of said chapter 62C, as so appearing, is hereby further amended by adding at the end thereof the following sentence:– For purposes of this section, a return shall not be treated as filed until such return is filed on an approved form and contains: (i) the taxpayers name, address, and identifying number and the required signature, and (ii) sufficient required information to permit the mathematical verification of the tax liability shown on the return.

Approved December 17, 1986.

Chapter 616. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC UTILITIES TO ASSESS GAS COMPANIES FOR THE COST OF MONITORING FEDERAL REGULATIONS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, in addition to the assessments authorized in sections seventeen and eighteen of chapter twenty-five of the General Law, the department of public utilities is hereby authorized to make an assessment against each gas company under the jurisdictional control of the department, based upon the intrastate operating revenues of each of said companies derived from sales within the commonwealth of gas and gas service as shown in the most recent annual report of each of said companies to the department. Said assessment shall be determined and certified by the department as sufficient to produce two hundred and fifty thousand dollars in revenue to be allocated among such companies in the proportion that each company's share of such operating revenues bears to the total operating revenues of all such companies in the commonwealth during the previous calendar year. The assessment under this section may be credited to the normal operating cost of each company. The funds produced by such assessment shall be placed in an account to be drawn upon by the department from year to year until depletion and shall be used by the department, in addition to other funds appropriated, to assist in defraying the general operating expenses and other expenses of the department relating to the regulation of gas companies.

The department shall, on or before the first Wednesday of June following passage of this act and every six months thereafter until depletion of said assessed funds, file a report with the clerks of the senate and house of representatives and with the senate and house committees on ways and means describing in detail to which expenses said funds were applied and their relation to the regulation of gas companies.

Approved December 17, 1986.

EMERGENCY LETTER: December 18, 1986 @ 9:57 A.M.

Chapter 617. AN ACT PROVIDING FOR THE TRAINING OF LAW ENFORCEMENT PERSONNEL IN DOMESTIC VIOLENCE.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 116 the following section:–

Section 116A. (a) The Massachusetts criminal justice training council shall establish within the recruit basic training curriculum a course for regional and municipal police training schools on or before January first, nineteen hundred and eighty-seven for the training of law enforcement officers in the commonwealth in the handling of domestic violence complaints and also shall develop guidelines for law enforcement response to domestic violence. The course of instruction and the

guidelines shall stress enforcement of criminal laws in domestic violence situations, availability of civil remedies and community resources, and protection of the victim. Where appropriate, the training presenters shall include domestic violence experts with expertise in the delivery of direct services to victims of domestic violence, including utilizing the staff of shelters for battered women in the presentation of training.

As used in this section, "law enforcement officer" shall mean any officer of a local police department, metropolitan district commission, capital and state police. As used in this section, "victim" shall mean any child or adult victim of abuse, including elder victims.

(b) The course of basic training for law enforcement officers shall, no later than January first, nineteen hundred and eighty-seven, include at least eight hours of instruction in the procedures and techniques described below:

(1) The procedures and responsibilities set forth in chapter two hundred and nine A of the General Laws relating to response to and enforcement of court orders, including violations of said chapter two hundred and nine A orders.

(2) The service of said chapter two hundred and nine A complaints and orders.

(3) Verification and enforcement of temporary restraining and vacate orders when the suspect is present and the suspect has fled.

(4) The legal duties imposed on police officers to offer protection and assistance, including guidelines for making felony and misdemeanor arrests, and for mandatory reporting of child and elder abuse cases.

(5) Techniques for handling domestic violence incidents that minimize likelihood of injury to the officer and that promote the safety of the victim.

(6) The nature and extent of domestic violence.

(7) The legal rights and the remedies available to victims of domestic violence.

(8) Documentation, report writing and evidence collection.

(9) Tenancy and custody issues, including those of married and unmarried couples.

(10) The impact of law enforcement intervention on children in domestic violence situations.

(11) The services and facilities available to victims of abuse, including the victim's compensation programs, emergency shelters and legal advocacy programs.

(c) All law enforcement recruits shall receive the course of basic training for law enforcement officers, established in subsections (a) and (b), as part of their required certification process.

(d) The course of basic training for law enforcement officers shall be taught as part of the crisis intervention and conflict resolution components of the recruit academy training, so that there will not be an increase in the currently required four hundred and eighty hours of recruit training curriculum.

(e) The course of instruction, the learning and performance objectives, the standards for training, and the guidelines shall be developed by the Massachusetts criminal justice training council in consultation with appropriate groups and individuals having an interest and expertise in the field of domestic violence.

(f) The Massachusetts criminal justice training council periodically

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may include within its in-service training curriculum a course of instruction on handling domestic violence complaints consistent with the provisions of subparagraphs one through eleven of paragraph (b) of this act.

Approved December 17, 1986.

EMERGENCY LETTER: December 17, 1986 @ 4:29 P.M.

Chapter 618. AN ACT REQUIRING HOME CARE SERVICES TO BE INCLUDED IN GROUP HEALTH INSURANCE POLICIES, EMPLOYEES HEALTH AND WELFARE FUNDS, GROUP HOSPITAL SERVICE CONTRACTS AND GROUP MEDICAL SERVICE CONTRACTS.

Be it enacted, etc., as follows:

SECTION 1. Section 110 of chapter 175 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following subdivision:–

(K) No group medical benefits contract shall be delivered or issued or renewed for delivery by an insurance company, to any group of persons in this Commonwealth and no employees health and welfare funds shall be promulgated or renewed to any group of persons in this Commonwealth unless persons covered under such group contract or fund will be eligible for benefits for expenses arising from the provisions of home care services. "As used in this subdivision, the words "Home care services", shall mean health care services for a patient provided by a public or private home health agency which meets the standards of service of the purchaser of service, provided in a patient's residence; provided, however, that such residence is neither a hospital nor an institution primarily engaged in providing skilled nursing or rehabilitation services. Said services shall include, but not be limited to, nursing and physical therapy. Additional services such as occupational therapy, speech therapy, medical social work, nutritional consultation, the services of a home health aid and the use of durable medical equipment and supplies shall be provided to the extent such additional services are determined to be a medically necessary component of said nursing and physical therapy. Benefits for home care services shall apply only when such services are medically necessary and provided in conjunction with a physician approved home health services plan.

SECTION 2. Chapter 176A of the General Laws is hereby amended by inserting after section 8H, inserted by section 4 of chapter 35 of the acts of 1986, the following section:–

Section 8I. Any subscription certificate under a group nonprofit hospital service agreement, except certificates which provide supplemental coverage to medicare or other governmental programs which shall be delivered, issued or renewed in the commonwealth, shall provide, as benefits to all group members having a principal place of employment within the commonwealth, for the expense of medically necessary health care services determined to be medically necessary and provided by a participating home health agency to a member in his

ACTS, 1986. – Chap. 619.

residence; provided, however, that such residence is neither a hospital nor an institution primarily engaged in providing skilled nursing or rehabilitation services. Said services shall include, but not be limited to, nursing and physical therapy. Additional services such as occupational therapy, speech therapy, medical social work, nutritional consultation services, the services of a home health aid and the use of durable medical equipment and supplies shall be provided to the extent such additional services are determined to be a medically necessary component of said nursing and physical therapy. Said benefits for home care services shall meet all other terms and conditions of the subscriber certificate. The provisions of this section shall not apply to group insurance plans issued pursuant to the provisions of chapter thirty-two B.

SECTION 3. Section 3 of chapter 176D of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out clause (4) and inserting in place thereof the following clause:–

(4) Boycott, coercion and intimidation: entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance; any refusal by a nonprofit hospital service corporation, medical service corporation, insurance or health maintenance organization to negotiate, contract or affiliate with a health care facility or provider because of such facility's or provider's contracts or affiliations with any other nonprofit hospital service corporation, medical service corporation, insurance company or health maintenance organization; or any nonprofit hospital service corporation, medical service corporation, insurance company or health maintenance organization establishing the price to be paid to any health care facility or provider at a level equal to the lowest price paid to such facility or provider under a contract with any other nonprofit hospital service corporation, medical service corporation, insurance company, health maintenance organization or government payor.

SECTION 4. Chapter 176G is hereby amended by inserting after section 4A the following section:–

Section 4B. Any group health maintenance contract shall provide coverage for home care services as set forth in clause (k) of section one hundred and ten of chapter one hundred and seventy-five.

Approved December 17, 1986.

Chapter 619. AN ACT AUTHORIZING REGIONAL SCHOOL DISTRICTS TO CONDUCT AUDITS ANNUALLY OR BIENNIALY.

Be it enacted, etc., as follows:

Section 40 of chapter 44 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:–

Commencing with the fiscal year nineteen hundred and eighty-seven, regional school districts may satisfy the requirements of the Single Audit Act of 1984, 31 USC Sec. 7502, by causing audits of its records to be

made annually or biennially by an independent auditor to be selected by such regional school districts to conduct such audits. Such audits shall be made in accordance with federal government auditing standards.

Approved December 17, 1986.

Chapter 620. AN ACT RELATIVE TO IMPROVING SAFETY ON THE HIGHWAYS AND ROADS OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for an increase in the penalties for operating under the influence, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for certain other activities and projects, the sums set forth in section two for the several purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter two hundred and six of the acts of nineteen hundred and eighty-six, for the fiscal year ending June thirtieth, nineteen hundred and eighty-seven or for such period as may be specified, the sums so appropriated to be in addition to any amounts available for the purpose.

SECTION 2.

EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

Miscellaneous.

1599–3609 For a reserve to implement the Safe Roads Act, so-called; provided, however, that funds appropriated herein may be transferred to other items of appropriation, including accounts under the control of the chief administrative justice of the trial courts; provided, further, that funds appropriated herein may be used to fund (1) programs in alcohol education and education in the laws relating to alcohol and motor vehicle use, to be administered by the office of the chief administrative justice of the trial court, for judicial and nonjudicial trial court personnel and district attorneys and their staffs, (2) pilot programs in three district courts to implement a uniform presentence reporting system and a direct linkup between said courts and the registry of motor vehicles' computerized record system, (3) the develop-

ment by the department of public health of programs established specifically for the education and treatment of drinking drivers under the age of twenty-one, and (4) the compensation through line item 0611-5000 of seriously injured victims of drivers found to have been operating under the influence of intoxicating liquor; provided, however, that all federal funds available for such purposes have been expended; and provided, further, that expenditures from this item shall be made in accordance with schedules approved by the house and senate committees on ways and means and that a progress report on programs funded from this item shall be submitted to the house and senate committees on post audit and oversight and the house and senate committees on ways and means no later than April thirtieth, nineteen hundred and eighty-seven \$500,000

SECTION 3. Section 23 of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Any person convicted of operating a motor vehicle after his license to operate has been suspended or revoked pursuant to a violation of paragraph (a) of subdivision (1) of section twenty-four, or pursuant to section twenty-four D, twenty-four E, twenty-four G, twenty-four L, or twenty-four N, or after notice of such suspension or revocation of his right to operate a motor vehicle without a license has been issued and received by such person or by his agent or employer, and prior to the restoration of such license or right to operate or the issuance to him of a new license to operate shall be punished by a fine of not less than one thousand nor more than ten thousand dollars and by imprisonment in a house of correction for not less than sixty days and not more than two and one-half years; provided, however, that the sentence of imprisonment imposed upon such person shall not be reduced to less than sixty days, nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served sixty days of such sentence; provided, further, that the commissioner of correction may, on the recommendation of the warden, superintendent or other person in charge of a correctional institution, or of the administrator of a county correctional institution, grant to an offender committed under this paragraph a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program. The provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person charged with a violation of this paragraph. Prosecutions commenced under this paragraph shall not be placed

on file or continued without a finding.

SECTION 4. The last paragraph of said section 23 of said chapter 90, as so appearing, is hereby amended by adding the following sentence:– A certificate of a clerk of court that a person's license or right to operate a motor vehicle was suspended for a specified period shall be admissible as prima facie evidence in any court of the commonwealth to prove the facts certified to therein in any prosecution commenced under this section.

SECTION 5. The second paragraph of subparagraph (1) of paragraph (a) of subdivision (1) of section 24 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 15, 17 and 20, the word "seven" and inserting in place thereof, in each instance, the word:– fourteen.

SECTION 6. The third paragraph of said subparagraph (1) of said paragraph (a) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 36, 37 and 40, the word "sixty" and inserting in place thereof, in each instance, the word:– ninety,– and by inserting after the word "program", in line 50, the words:– ; provided, further, that the defendant shall serve such ninety day sentence in a correctional facility specifically designated by the department of correction for the incarceration and rehabilitation of drinking drivers.

SECTION 7. Said subparagraph (1) of said paragraph (a) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby further amended by striking out the fourth and fifth paragraphs and inserting in place thereof the following three paragraphs:–

If the defendant has been previously convicted or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like offense three or more times within six years preceding the date of the commission of the offense for which he has been convicted, the defendant shall be punished by a fine of not less than five hundred nor more than one thousand dollars and by imprisonment for not less than six months nor more than two years; provided, however, that the sentence imposed upon such person shall not be reduced to less than six months nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served six months of such sentence; provided, further, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or of the administrator of a county correctional institution, grant to an offender committed under this subdivision a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program.

A prosecution commenced under the provisions of subparagraph (1) shall not be placed on file or continued without a finding except for dispositions under section twenty-four D. No trial shall be commenced

on a complaint alleging a violation of this subparagraph, nor shall any plea be accepted on such a complaint, nor shall the prosecution on such a complaint be transferred to another division of the district court or to a jury-of-six session, until the court receives a report from the commissioner of probation pertaining to the defendant's record, if any, of prior convictions of such violations or of assignment to an alcohol education or rehabilitation program because of a like offense; provided, however, that the provisions of this paragraph shall not justify the postponement of any such trial or of the acceptance of any such plea for more than five working days after the date of the defendant's arraignment. The commissioner of probation shall give priority to requests for such records.

At any time before the commencement of a trial or acceptance of a plea on a complaint alleging a violation of this subparagraph, the prosecutor may apply for the issuance of a new complaint pursuant to section thirty-five A of chapter two hundred and eighteen alleging a violation of this subparagraph and one or more prior like violations. If such application is made, upon motion of the prosecutor, the court shall stay further proceedings on the original complaint pending the determination of the application for the new complaint. If a new complaint is issued, the court shall dismiss the original complaint and order that further proceedings on the new complaint be postponed until the defendant has had sufficient time to prepare a defense.

SECTION 8. Subparagraph (3) of said paragraph (a) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by inserting after the word "holidays", in line 77, the words:– ; provided, however, that the provisions of this subparagraph shall apply only to a defendant who has not been convicted previously of such a violation or assigned to an alcohol education program within six years preceding the date of the commission of the offense for which he has been convicted.

SECTION 9. The first paragraph of subparagraph (4) of said paragraph (a) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by adding the following sentence:– Such condition of probation shall specify a date before which such residential alcohol treatment program shall be attended and completed.

SECTION 9A. The second paragraph of said subparagraph (4) of said paragraph (a) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by adding the following two sentences:– In such proceedings, such defendant shall be taken before the court and if the court finds that he has failed to attend or complete the residential alcohol treatment program before the date specified in the conditions of probation, the court shall forthwith specify a second date before which such defendant shall attend or complete such program and, unless such defendant shows extraordinary and compelling reasons for such failure, shall forthwith sentence him to imprisonment for not less than two days; provided, however, that such sentence shall not be reduced to less than two days, nor suspended, nor shall such person be eligible for furlough or receive any deduction from his sentence for good conduct until he shall have served two days of such sentence; and

provided, further, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or of the administrator of a county correctional institution, grant to an offender committed under this subdivision a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program. If such defendant fails to attend or complete the residential alcohol treatment program before the second date specified by the court, further proceedings pursuant to said section three of said chapter two hundred and seventy-nine shall be commenced, and the court shall forthwith sentence the defendant to imprisonment for not less than fourteen days as provided in subparagraph (1) for such a defendant.

SECTION 10. Subparagraph (3) of paragraph (c) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by striking out, in line 163, the words "or more".

SECTION 10A. Said paragraph (c) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby further amended by inserting after subparagraph (3) the following subparagraph:–

(3 1/2) Where the license or the right to operate of a person has been revoked under paragraph (b) and such person has been previously convicted of or assigned to an alcohol education or rehabilitation program by a court of the commonwealth because of a like violation three or more times within a period of six years preceding the date of the commission of the offense for which such person has been convicted, the registrar shall not restore the license or reinstate the right to operate of such person unless the prosecution of such person has terminated in favor of the defendant, until ten years after the date of the conviction; provided, however, that such person may, after the expiration of five years from the date of conviction, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the grounds of hardship and a showing by the person that the causes of the present and past violations have been dealt with or brought under control and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary.

SECTION 11. Paragraph (e) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by inserting after the second sentence the following sentence:– When there is no evidence presented at a civil or criminal proceeding of the percentage, by weight, of alcohol in the defendant's blood, the presiding judge at a trial before a jury shall include in his instructions to the jury a statement of an arresting officer's responsibilities upon arrest of a person suspected to be operating a motor vehicle under the influence of alcohol and a statement: that a blood alcohol test may only be administered with a person's consent; that a person has a legal right to take or not take such a test; that there may be a number of reasons why a person would not take such a test; that there may be a number of reasons why such a test

was not administered; that there shall be no speculation as to the reason for the absence of a test and no inference can be drawn from the fact that there was no evidence of a blood alcohol test; and that a finding of guilty or not guilty must be based solely on the evidence that was presented in the case.

SECTION 12. Paragraph (f) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 256 and 273, the word "ninety" and inserting in place thereof, in each instance, the words:– one hundred and twenty.

SECTION 13. Said section 24 of said chapter 90, as so appearing, is hereby further amended by adding the following subdivision:–

(4) In any prosecution commenced pursuant to this section, introduction into evidence of a prior conviction or prior finding of sufficient facts by either original court papers or certified attested copy of original court papers, accompanied by a certified attested copy of the biographical and informational data from official probation office records, shall be prima facie evidence that a defendant has been convicted previously or assigned to an alcohol education or rehabilitation program because of a like offense by a court of the commonwealth one or more times within a period of six years preceding the date of commission of the offense for which said defendant is being prosecuted.

SECTION 14. Section 24D of said chapter 90, as so appearing, is hereby amended by striking out, in line 7, the words "thirty days" and inserting in place thereof the words:– a period of no less than forty-five nor more than ninety days; provided, however, that if such person was under the age of twenty-one when the offense was committed, the person's license or right to operate shall be suspended for one hundred and eighty days, and such person shall be assigned to a program specifically designed by the department of public health for the education and treatment of underage drinking drivers.

SECTION 15. Subsection (a) of section 24G of said chapter 90, as so appearing, is hereby amended by striking out, in line 12, the word "ten" and inserting in place thereof the word:– fifteen,– and by inserting after the word "sentence", in line 19, the words:– until such person has served at least one year of such sentence.

SECTION 16. Said section 24G of said chapter 90, as so appearing, is hereby further amended by adding the following subsection:–

(c) The registrar shall revoke the license or right to operate of a person convicted of a violation of subsection (a) or (b) for a period of ten years after the date of conviction for a first offense. The registrar shall revoke the license or right to operate of a person convicted for a subsequent violation of this section for the life of such person. No appeal, motion for a new trial or exceptions shall operate to stay the revocation of the license or of the right to operate; provided, however, such license shall be restored or such right to operate shall be reinstated if the prosecution of such person ultimately terminates in favor of the defendant.

SECTION 17. Said chapter 90 is hereby further amended by inserting after section 24J the following five sections:–

Section 24K. Chemical analysis of the breath of a person charged with a violation of this chapter shall not be considered valid under the provisions of this chapter, unless such analysis has been performed by a certified operator, using infrared breath-testing devices according to methods approved by the secretary of public safety. The secretary of public safety shall promulgate rules and regulations regarding satisfactory methods, techniques and criteria for the conduct of such tests, and shall establish a statewide training and certification program for all operators of such devices and a periodic certification program for such breath testing devices; provided, however, that the secretary may terminate or revoke such certification at his discretion.

Said regulations shall include, but shall not be limited to the following: (a) that the chemical analysis of the breath of a person charged be performed by a certified operator using a certified infrared breath-testing device in the following sequence: (1) one adequate breath sample analysis; (2) one calibration standard analysis; (3) a second adequate breath sample analysis; (b) that no person shall perform such a test unless certified by the secretary of public safety; (c) that no breath testing device, mouthpiece or tube shall be cleaned with any substance containing alcohol.

The secretary of public safety shall prescribe a uniform form for reports of such chemical analysis to be used by law enforcement officers and others acting in accordance with the provisions of this chapter. Such forms shall be sequentially numbered. Each chief of police or other officer or official having charge or control of a law enforcement agency shall be responsible for the furnishing and proper disposition of such uniform forms. Each party so responsible shall prepare or cause to be prepared such records and reports relating to such uniform forms and their disposition in such manner and at such times as the secretary of public safety shall prescribe.

Section 24L. (1) Whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle while under the influence of intoxicating liquor, or marihuana, narcotic drugs, depressants, or stimulant substances, all as defined in section one of chapter ninety-four C, or the vapors of glue, and so operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered, and by any such operation so described causes serious bodily injury, shall be punished by imprisonment in the state prison for not less than two and one-half years nor more than ten years and by a fine of not more than five thousand dollars, or by imprisonment in a jail or house of correction for not less than six months nor more than two and one-half years and by a fine of not more than five thousand dollars.

The sentence imposed upon such person shall not be reduced to less than six months, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, or furlough or receive any deduction from his sentence until such person has served at least six months of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or of the admin-

istrator of a county correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; to obtain emergency medical or psychiatric services unavailable at said institution; or to engage in employment pursuant to a work release program. Prosecutions commenced under this subdivision shall neither be continued without a finding nor placed on file.

The provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person charged with a violation of this subdivision.

(2) Whoever, upon any way or in any place to which the public has a right of access or upon any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C, or vapors of glue, and by any such operation causes serious bodily injury, shall be punished by imprisonment in a jail or house of correction for not more than two and one-half years, or by a fine of not less than three thousand dollars, or both.

(3) For the purposes of this section "serious bodily injury" shall mean bodily injury which creates a substantial risk of death or which involves either total disability or the loss or substantial impairment of some bodily function for a substantial period of time.

(4) The registrar shall revoke the license or right to operate of a person convicted of a violation of subdivision (1) or (2) for a period of two years after the date of conviction. No appeal, motion for new trial or exception shall operate to stay the revocation of the license or the right to operate; provided, however, such license shall be restored or such right to operate shall be reinstated if the prosecution of such person ultimately terminates in favor of the defendant.

Section 24M. The officials and agencies designated in this section are hereby directed to perform the duties specified in this section and any other action within their authority in order to ensure effective enforcement of sections twenty-four to twenty-four O, inclusive.

(1) The criminal justice training council established in section one hundred and sixteen of chapter six shall provide training, including but not limited to alcohol education and education concerning the aforesaid sections, to all law enforcement personnel throughout the commonwealth.

(2) The chief administrative justice of the trial court department shall provide training, including but limited to alcohol education and education concerning the aforesaid sections, to all appropriate court personnel throughout the commonwealth, including, but not limited to, judges, district attorneys and probation officers.

(3) The courts of the commonwealth shall give priority to the speedy and effective disposition of all matters arising under the aforesaid sections.

(4) The executive office of public safety shall establish and implement an alcohol sensitive selective traffic enforcement program.

Section 24N. Upon the issuance of a complaint alleging a violation of paragraph (a) of subdivision (1) of section twenty-four or a violation of section twenty-four G or twenty-four L, the judge, in addition to any other terms of bail or recognizance, shall immediately suspend the

defendant's license or right to operate a motor vehicle if the prosecution makes a prima facie showing at the arraignment that said defendant was operating a motor vehicle while the percentage, by weight, of alcohol in his blood was ten one-hundredths or more, as shown by chemical test or analysis of his blood or breath, and presents written certification or oral testimony from the person administering to the defendant such chemical test or analysis of his blood or breath that the defendant was administered such a test or analysis, that the operator administering the test or analysis was trained and certified in the administration of such tests, that the test was performed in accordance with regulations and standards promulgated by the secretary of public safety, that the equipment used for such test was regularly serviced and maintained, and that the person administering the test had every reason to believe the equipment was functioning properly at the time the test was administered. Such certification shall be prima facie evidence of the facts so certified. Upon such a showing and presentation, the judge shall take immediate physical possession of such defendant's license to operate a motor vehicle, and shall direct the prosecuting officer to forthwith notify the criminal history systems board and the registrar of such suspension by the most expeditious means available. The defendant's license to operate a motor vehicle shall remain suspended until the disposition of the offense for which said defendant is being prosecuted, but in no event shall such suspension pursuant to this section exceed ninety days.

Any person whose license or right to operate has been suspended pursuant to this section on the basis of chemical analysis of his breath may within ten days of such suspension request a hearing and upon such request shall be entitled to a hearing before the court, which hearing shall be limited to the following issue: whether a blood test administered pursuant to paragraph (f) of subdivision (1) of section twenty-four, within a reasonable period of time after such chemical analysis of his breath, shows that the percentage, by weight, of alcohol in such person's blood was less than ten one-hundredths.

If the court finds that such a blood test shows that such percentage was less than ten one-hundredths, the court shall restore such person's license or right to operate and shall direct the prosecuting officer to forthwith notify the criminal history systems board and the registrar of such restoration.

Section 24 O. Upon conviction of any violation of the provisions of this chapter, the defendant shall be provided a statement in writing, in easy to understand language, of the statutory provisions that apply to any further violation of said chapter.

SECTION 18. The third paragraph of section 2 of chapter 90C of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:– The provisions of the first sentence of this paragraph shall not apply to any complaint or indictment charging a violation of section twenty-four, twenty-four G or twenty-four L of chapter ninety, providing such complaint or indictment relates to a violation of automobile law which resulted in one or more deaths.

SECTION 19. The fifth paragraph of said section 2 of said chapter

90C, as so appearing, is hereby amended by adding the following sentence:– A failure to comply with the provisions of the first sentence of this paragraph shall not constitute a defense to any complaint or indictment charging a violation of section twenty-four, twenty-four G or twenty-four L of chapter ninety; provided, however, that such complaint or indictment relates to a violation of automobile law which resulted in one or more deaths.

SECTION 20. Section 1 of chapter 258A of the General Laws, as amended by section 1 of chapter 605 of the acts of 1985, is hereby further amended by striking out the definition of "Crime" and inserting in place thereof the following definition:–

"Crime", an act committed by an adult or a juvenile in the commonwealth which, if committed by a mentally competent, criminally responsible adult, who had no legal exemption or defense, would constitute a crime; provided, however, that such act involves the application of force or violence or the threat of force or violence by the offender upon the victim. The word "crime" shall include any violation of any provision of section twenty-four to twenty-four O, inclusive, of chapter ninety which results in serious personal physical injury to the victim or the death of the victim.

SECTION 21. There is hereby established in three district courts of the commonwealth designated by the chief justice of the district court division of the trial court department a pilot program to increase the efficiency and effectiveness of the issuance of complaints, sentencing, and disposition of cases in which there is a conviction under sections twenty-four to twenty-four O, inclusive, of chapter ninety of the General Laws. Said program shall include establishment of a direct linkage between the said district courts and the registry of motor vehicles computerized record system to enable the justices of said district courts to access through terminals located in the district court all information maintained by said registry pertaining to a person charged with an alcohol related offense under said chapter ninety and to enable appropriate personnel of said district courts to transmit directly from one or more terminals located in said district courts information to the registry regarding any case disposition or other court action which under the provisions of any general or special law requires action by the registrar of motor vehicles or which includes findings or other determinations which are or should become part of the information and record system maintained by said registry. In addition, said program shall include implementation of a uniform presentence reporting system under which there is made available to the sentencing judge prior to the imposition of a sentence or other disposition of a case where a person has been convicted of or has entered a plea of guilty to an alcohol related offense under said chapter ninety a report which is uniform in content and in format and which contains, at a minimum, information pertaining to the offender which is in the records maintained by the central office of probation, by the registry of motor vehicles, and by the motor vehicle insurance merit rating board established pursuant to section one hundred and eighty-three of chapter six of the General Laws.

SECTION 22. The commissioner of probation and the registrar of

motor vehicles shall cooperate and jointly work with the chief administrative justice of the district court department in implementing the provisions of section twenty-one of this act. No later than thirtydays after the effective date of said section twenty-one, the chief justice of the district court department, the commissioner of probation and the registrar of motor vehicles jointly shall file with the clerk of the house of representatives an implementation plan which contains the duties and responsibilities of the respective departments and the time period within which the program established under section twenty-four of this act will be implemented who shall forward the same to the senate and house committees on post audit and oversight. On or before January first, nineteen hundred and eighty-eight the chief justice of the district court division of the trial court department shall submit to said committees on post audit and oversight a report on the operations of said program which report shall contain recommendations regarding the continuation, expansion or modification of the program. Said chief justice may from time to time submit such additional reports to said committees as he deems necessary or desirable.

SECTION 23. The provisions of this act shall apply to violations committed on or after the effective date of this act; provided, however, that the requirement in section twenty-four N of chapter ninety of the General Laws, inserted by section seventeen of this act, that the prosecution show at the arraignment that the chemical test or analysis of a defendant's breath or blood was performed in accordance with regulations and standards of public safety shall not become effective until July first, nineteen hundred and eighty-seven; and provided, further, that the provisions of section twenty-four K of said chapter ninety, inserted by said section seventeen, shall not affect the validity of any chemical analysis of the breath until after July first, nineteen hundred and eighty-seven.

Approved December 18, 1986.

Chapter 621. AN ACT MAKING THE OFFICES OF TREASURER AND COLLECTOR OF TAXES IN THE TOWN OF SHUTESBURY APPOINTIVE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section one of chapter forty-one of the General Laws, the offices of treasurer and collector of taxes in the town of Shutesbury shall be appointed by the board of selectmen of said town, at the conclusion of each present term, for terms not to exceed three years as determined by the board of selectmen. Any vacancies in said offices shall be appointed by said board for the unexpired portion of the term.

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

Approved December 23, 1986.

Chapter 622. AN ACT RELATIVE TO AUTOMOBILE INSURANCE RATES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately control automobile insurance rates, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 113B of chapter 175 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the first sentence the following three sentences:—

The commissioner upon the basis of information which shall be filed by the Massachusetts Automobile Rating and Accident Prevention Bureau or any successor organization thereto, shall determine whether insurance companies utilize adequate programs to control costs and expenses, in accordance with standards determined or approved by the commissioner. At a minimum, such programs shall be designed to have a material impact on premium charges by reducing costs and expenses incurred by insurance companies. In the event the Massachusetts Automobile Rating and Accident Prevention Bureau fails to make such filing, or if the commissioner determines that the filing is deficient or that the programs are inadequate, the commissioner shall limit in any manner he determines to be appropriate the amount of any adjustment in premium charges based upon changes in costs and expenses.

SECTION 2. The commissioner of insurance shall notify the general court by filing a report with the clerk of the house of representatives who shall forward such report to the senate and house committees on ways and means and the joint committee on insurance of the savings realized by the programs set forth in section one of this act; said report shall be filed as of January first, nineteen hundred and eighty-eight.

SECTION 3. The commissioner of insurance shall be required to employ a qualified actuary for the purpose of implementing the provisions of section one hundred and thirteen B of chapter one hundred and seventy-five of the General Laws.

Approved December 23, 1986.

Chapter 623. AN ACT AUTHORIZING THE STATE RETIREMENT BOARD TO CREDIT CERTAIN YEARS OF SERVICE BY THOMAS I. SULLIVAN FOR PENSION PURPOSES IN COMPUTING HIS RETIREMENT ALLOWANCE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of clause (m) of subdivision one of section five of chapter thirty-two of the General Laws, or of any other general or special law to the contrary, the state

employees' retirement board is hereby authorized and directed to grant a superannuation retirement allowance to Thomas I. Sullivan upon his application therefor, based on his actual years of creditable service rendered subsequent to January first, nineteen hundred and eighty-one and prior to the last day of the month in which said Thomas I. Sullivan attains the age of seventy, or any earlier date on which said Thomas I. Sullivan actually retires. Any such superannuation retirement allowance shall be in the alternative to any other benefit, allowance, pension, or other payment otherwise payable pursuant to the provisions of said chapter thirty-two.

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

Approved December 23, 1986.

Chapter 624. AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN STATE OWNED PROPERTY AT THE "ELM BANK" SO CALLED PROPERTY IN THE TOWN OF DOVER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is the immediate redevelopment or protection of underutilized state owned property for the public benefit, therefore it is declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to transfer, lease or convey all or partial interest in a certain parcel of land, hereinafter referred to as "Elm Bank", together with the buildings thereon, in the town of Dover and the town of Wellesley to individuals and entities for the purposes and subject to the terms and conditions described in this act, Elm Bank development guidelines, which are on file with the division of capital planning and operations, and in a "Master Plan" to be prepared for the property by said division of capital planning and operations. Said master plan shall include a property description and a site plan showing the boundary of parcels available for disposition, narrative and graphic presentation of the characteristics of the land and buildings, recommended reuses of each parcel of the Elm Bank property, and development guidelines and restrictions including, but not limited to, aquifer and environmental protection, bridge repair or reconstruction, infrastructure development, design review, landscape and historic preservation, that shall be incorporated into requests for proposals and property disposition agreements. An analysis of the value of the land, buildings and water resource shall be prepared as part of said master plan. Public information and public participation efforts shall be provided for in the master planning process.

The Elm Bank property in the town of Dover is bounded and described as follows: Southerly by land now or formerly of the Trustees of Dartmouth College about two thousand nine hundred and twenty-four

(2,924) feet by a line which throughout the greater part of its length runs substantially parallel to Dover Road and approximately one thousand (1,000) feet distant northerly therefrom through the middle of an existing driveway extended westerly to the Charles River and continuing to the middle line of said river; and at its easterly end said line continues by the middle of said driveway a stake near a twin white oak at a point near said river; from said last point line turns substantially at a right angle and runs southeasterly about thirty seven (37) feet to the bank of said river and further in the same direction in the middle line of said river; said tract is bounded on all other sides by the middle line of said Charles River and contains estimation about one hundred seventy (170) acres of land.

The land is also shown on a compiled plan dated June nineteenth, nineteen hundred and seventy-two entitled Plan of Land in Dover and Wellesley, Norfolk County, MA, Scale 1" = 200' prepared by Gale Engineering Co., Inc., shown thereon as Area + 182.1 acres +, said plan recorded in the registry of deeds in the county of Norfolk.

Also a certain parcel of land with the structures thereon situated in the town of Wellesley on the opposite side of said Charles River from the land in the town of Dover described above, extending from Washington street in the town of Wellesley to said Charles river, containing approximately twenty four thousand and fifty square feet of land, and being shown on a plan of land in Wellesley, Mass., by C.H. Gannet Co., dated June 26, 1940 recorded with Norfolk Deeds as No. 416 of 1940 Registry Book 2288, page 253. Said parcel being bounded and described as follows:

Beginning on said Washington Street at a drill hole in the wall (said drill hole being six and 22/100 (6.22) feet northeasterly from an old drill hole indicated on a "Plan of Land in Wellesley, Ma. owned by Isabella Dexter" dated June 1, 1933, recorded with Norfolk Deeds, Book 1994, Page 581);

Thence running south 26 degrees 23' east by land formerly of the estate of Alice C. Baltzell, four hundred eighteen and 32/100 (418.32) feet to a stake;

Thence turning and running south 64 degrees 54' east by said land formerly of said Alice C. Baltzell, twenty-four and 25/100 (24.25) feet to a stake, and continuing to the Charles River, a total distance of twenty-seven (27) feet more or less;

Thence turning and running in a general southwesterly direction by said Charles River eighty-three (83) feet more or less to a point opposite the end of a fence at land now or formerly of Schaller;

Thence turning and running north 25 degrees 56' west by said land formerly of said Schaller one hundred seventy four (174) feet to the northeasterly corner of said Schaller land;

Thence running north 26 degrees 23' west by land formerly of the estate of Alice C. Baltzell, three hundred fourteen and 31/100 (314.31) feet to a cut in the face of the wall;

Thence turning and running north 63 degrees 58' east by said Washington Street, fifty (50) feet to the point of beginning.

Said conveyances shall be made subject to, and together with those easements, rights-of-way, takings, and restrictions as recited in a deed from the Trustees of the Stigmative Fathers, Inc. to the commonwealth, acting by and through its board of trustees of state colleges dated

January thirtieth, nineteen hundred and seventy-six and recorded with the registry of deeds in the county of Norfolk, Book 5197 Page 372.

SECTION 2. The deputy commissioner of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to transfer the care, control and management of a certain parcel of land being a portion of land described in section one, hereinafter referred to as parcel "A", together with the buildings thereon, in the town of Dover, to the metropolitan district commission, for public park and water supply protection purposes. This transfer of control shall be in accordance with such terms and conditions as the division of capital planning and operations shall prescribe, and may include provision for management of the athletic fields for public use on the parcel through an annual use and occupancy agreement with a local municipal or nonprofit agency and a conservation easement along the Charles River.

Said Parcel "A" contains approximately one hundred and forty acres of land, and is shown more particularly on a plan entitled "Elm Bank Disposition Plan", dated May 1986, which is on file with the division of capital planning and operations. The precise configuration of Parcel "A" shall be described in a land survey accompanying the Master Plan to be prepared for the site under the provisions of section one.

SECTION 3. The deputy commissioner of capital planning and operations is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to lease for a term of up to fifty years or convey a permanent easement described in section one and rights for development of wells, access roads, and distribution lines for a public water supply, to a legally constituted entity established by the towns of Dover, Natick, Needham and Wellesley or to one of these four towns that has a contractual agreement with the other three towns for water supply development, management and protection. The specific well sites, access roads and distribution lines shall be selected following the completion of well development feasibility studies, and shall be included in the aforementioned Master Plan for Elm Bank. The Elm Bank site shall be deemed to be a local source as used in section eight D of chapter twenty-one of the General Laws and subsection (d) of section eight of chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four provided that the towns will not be required to develop the site if the department of quality engineering determines that the supply is not fit for drinking or cannot be economically developed. Said determination shall be made by July first, nineteen hundred and eighty-nine. If the department of environmental quality engineering determines that the Elm Bank site can be developed, then the communities shall acquire all required permits for development of the well under the provisions of sections eight B to eight D, inclusive, of chapter twenty-one and chapter twenty-one G of the General Laws within three years of such determination. Within three years of the receipt of the required permits, water from the site shall be utilized by at least one community in the consortium. If Department of Environmental Quality Engineering determines that the Elm Bank site cannot be economically developed by the communities, or if the pre-

scribed timetables are not met, then the water rights of the Elm Bank shall revert to the commonwealth. Contractual rights existing on the effective date of this act among the towns of Wellesley and Needham and the Massachusetts Water Resources Authority shall remain in effect until January first, nineteen hundred and ninety. The quantity of the water that the towns of Wellesley and Needham have the right to obtain from the Massachusetts Water Resources Authority thereafter shall be reduced by the amount of water that the towns of Wellesley and Needham obtain from the Elm Bank site. This lease or conveyance of easement shall be predicated on such terms and conditions as the deputy commissioner shall prescribe, including, but not limited to:

(a) The water shall be shared by the towns of Dover, Natick, Needham and Wellesley. To the extent that the safe yield of the Elm Bank site exceeds the needs of the four towns, any excess shall be made available to the Massachusetts Water Resources Authority on an at cost basis under the terms of an agreement to be negotiated between the Massachusetts Water Resources Authority and the four towns. The four towns shall not sell water to any other community or water supplier except as legislatively authorized on the effective date of this act, to each other, to water suppliers within the four towns, and the Massachusetts Water Resources Authority.

(b) An agreement shall be developed by said towns to define the various legal, financial and administrative responsibilities for water supply development and to designate a lead community or other constituted entity which can legally act as lessee or easement grantee, and which will develop and manage the project.

(c) The design, operation, construction and maintenance of the wells shall not be exempt from the applicable requirements of the department of environmental quality engineering and applicable federal and state laws, policies adopted by the water resources commission established by section eight A of chapter twenty-one A of the General Laws and regulations adopted under the provisions of section sixty-two H of chapter thirty of the General Laws.

(d) Pumping from the Elm Bank site shall be restricted by said water resources commission in consultation with the department of environmental quality engineering in order to maintain minimum stream flows in the Charles river, established under sections eight B to eight D, inclusive, of chapter twenty-one of the General Laws.

(e) No existing water supply source in any of the four towns will be abandoned unless the department of environmental quality engineering determines that the supply is not fit for drinking and cannot be economically restored.

(f) Demand management measures, such as leak detection and repair, a metering program which meets said water resources commission standards under the provisions of sections eight B to eight D, inclusive, of chapter twenty-one of the General Laws, a meter modernization and replacement program, a commitment to true cost pricing, and aquifer protection bylaws and programs to protect existing and future well sites are in effect in the said four towns.

(g) The towns shall make every reasonable effort to minimize any adverse impacts of the wells on other uses of the Elm Bank property, which are described in the following section.

(h) A local water resources management plan shall have been adopted

after approval by the said water resources commission.

(i) These and any other condition of use shall be enforced by the said water resources commission, the department of environmental quality engineering, and the division of capital planning and operations.

SECTION 3A. The Massachusetts Water Resources Authority shall reduce its total long-range water supply planning capacity estimates, as published on page 21 of the Summary of the Massachusetts Water Resources Authority Water Supply Study and Environmental Impact Report – 2020, dated March nineteen hundred and eighty-six, by the amount of water determined to be available from the Elm Bank site through the permitting process as identified in section three.

SECTION 4. The deputy commissioner of capital planning and operations in consultation with the executive office of communities and development is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to lease for a term of up to fifty years or convey by a deed approved as to form by the attorney general, a certain parcel of land being a portion of land described in section one, and the buildings thereon including the mansion, so-called, hereinafter referred to as parcel "B", commonly known as the "Mansion Area Parcel", in the town of Dover, to an individual or entity, for residential development purposes. This lease or conveyance shall be in accordance with such terms and conditions as said deputy commissioner and the secretary of the executive office of communities and development shall prescribe, including, but not limited to:

(a) Protection of the water quality in the aquifer beneath the property shall be a primary consideration in the housing development plan.

(b) No less than sixty units of housing for rental or purchase by families or individuals with incomes at the time of occupancy no greater than eighty per cent of the statewide median income of all families or individuals.

(c) Tenant selection procedures shall include affirmative action provisions.

(d) Renovation of the mansion for multiple housing units shall be done with consideration of preserving its historical and architectural features and formal gardens.

(e) Any new construction, whether for housing, school, or park purposes, shall be situated and designed to enhance the historic and natural attributes of the property. New construction shall be limited to an area within two hundred feet of existing structures foundations, except for structures associated with the metropolitan district commission park to be developed under the provision of section two.

Said parcel "B" contains approximately thirty-five acres of land, and is shown more particularly on a plan entitled "Elm Bank Disposition Plan" dated May nineteen hundred and eighty-six, which is on file with the division of capital planning and operations. The precise configuration of parcel "B" shall be described in a land survey accompanying the Master Plan to be prepared for the site under the provisions of section one.

SECTION 5. The deputy commissioner of capital planning and operations is hereby authorized to retain or grant rights of way on

easements across property described in sections one to five, inclusive, of this act for access, utilities installation and maintenance, and construction purposes. In the master plan and disposition agreements, the entrance from Washington street in the town of Wellesley shall be designated as the primary access to the property and use of Turtle Lane, a private way, and the use of a private driveway shall be restricted to emergency access, except that a temporary easement through Turtle lane shall be authorized for construction of the Framingham extension relief sewer.

SECTION 6. The division of capital planning and operations is hereby authorized to expend from amounts appropriated under line item 1102-7871 of section two C of chapter two hundred and six of the acts of nineteen hundred and eighty-six a sum not to exceed one hundred and fifty thousand dollars for the purposes of preparing the Master Plan under the provisions of section one, requests for proposals, and disposition documents, including, but not limited to, hiring planning, real estate, and legal consultants to prepare site plans, surveys, appraisals, site studies and environmental impact reports, if required, to determine the guidelines for the disposition and development of parcels described in section one. At least thirty days before adoption of said Master Plan, the deputy commissioner of capital planning and operations shall submit a copy of said Master Plan to the joint committee on state administration, the house and senate committees on ways and means, and the inspector general. Following adoption of said Master Plan and pursuant to the provisions of sections forty E to forty J, inclusive of chapter seven of the General Laws, the deputy commissioner shall solicit and select development proposals and negotiate and execute land disposition instruments based on the requirements of this act and the development guidelines adopted in said Master Plan.

Approved December 23, 1986.

Chapter 625. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE NINETEEN HUNDRED AND EIGHTY-SIX ANNUAL TOWN MEETING IN THE TOWN OF FALMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, all acts and proceedings of the town of Falmouth at its annual town meeting held in April, nineteen hundred and eighty-six, and all actions taken pursuant thereto are hereby ratified, validated and confirmed to the same extent as if the warrant for such meeting had been published and posted as required by law.

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

Approved December 23, 1986.

Chapter 626. AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF MICHAEL J. MURPHY AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of Michael J. Murphy as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The administrator of the division of personnel administration shall certify Michael J. Murphy for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

Approved December 23, 1986.

Chapter 627. AN ACT TO PROVIDE A COURT INTERPRETER SYSTEM IN THE TRIAL COURT AND A PILOT PROJECT FOR SAME IN ESSEX COUNTY FOR NON-ENGLISH SPEAKING PERSONS.

Be it enacted, etc., as follows:

SECTION 1. The purposes of this act are (1) to provide the broadest possible protection for the rights of non-English speaking persons to understand and to be understood when engaged as parties or witnesses in legal proceedings in the trial court departments and (2) to institute a pilot project for initially effectuating the foregoing in Essex county, so as to ascertain and resolve problems, calculate and project costs and otherwise make more likely an efficient operation when the system is instituted statewide. This act shall be liberally interpreted to effectuate these purposes. The provisions of this act shall not be construed to limit the inherent power of a judge to appoint an interpreter in any other proceeding.

SECTION 2. The General Laws are hereby amended by inserting after chapter 221B, inserted by section 21 of chapter 310 of the acts of 1986, the following chapter:-

**CHAPTER 221C.
COURT INTERPRETERS FOR THE TRIAL COURT.**

Section 1. For the purpose of this chapter, the following words shall have the following meanings:

"Certified interpreter", an interpreter who has been duly trained and

certified under the direction of the coordinator of interpreter services pursuant to subsection (e) of section seven.

"Interpreter", a person who is readily able to interpret written and spoken language simultaneously and consecutively from English to the language of the non-English speaker or from said language to English.

"Judge", a judge or justice, or a clerk-magistrate when acting in a magisterial capacity, of a trial court department.

"Non-English speaker", a person who cannot speak or understand, or has difficulty in speaking or understanding, the English language, because he uses only or primarily a spoken language other than English.

"Qualified interpreter", a certified interpreter who has also passed the examination and been qualified for interpreting in the federal courts by the United States district court for the district of Massachusetts.

Section 2. A non-English speaker, throughout a legal proceeding, shall have a right to the assistance of a qualified interpreter who shall be appointed by the judge, unless the judge finds that no qualified interpreter of the non-English speaker's language is reasonably available, in which event the non-English speaker shall have the right to a certified interpreter, who shall be appointed by the judge. The court shall report to the coordinator of interpreter services every instance in which a qualified interpreter was found not to be reasonably available.

Section 3. (a) A waiver of the right to an interpreter by a non-English speaker shall be effective only when approved by a judge after said non-English speaker has consulted with counsel and had explained to him, through an interpreter, in open court by the judge the nature and effect of such waiver. The judge may approve a waiver only upon finding that it is knowingly and voluntarily made. If such waiver is approved, the judge shall ensure that a recitation of the procedure followed pursuant to this subsection is made part of the record.

(b) The failure of a non-English speaker to request an interpreter shall not be deemed a waiver of such right, and a non-English speaker may retract any waiver of his right to an interpreter at any stage of the proceeding and indicate his desire to be assisted by an interpreter.

Section 4. (a) Before beginning to interpret in any proceeding an interpreter shall swear or affirm that he will make true and impartial interpretation using his best skill and judgment in accordance with the standards prescribed by law and the ethics of the interpreter profession.

(b) In any proceeding, the judge may order all of the testimony of a non-English speaker and its interpretation to be electronically recorded for use in audio or visual verification of the official transcript of the proceedings.

(c) Disclosures made out of court by communications of a non-English speaker through an interpreter to another person shall be a privileged communication and said interpreter shall not disclose such communication without permission of said non-English speaker; provided, however, that such non-English speaker had a reasonable expectation or intent that such communication would not be so disclosed.

Section 5. Any of the following actions shall be good cause for a judge to remove an interpreter:

(a) knowingly and willfully making false interpretation while serving in an official capacity;

(b) knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity;

(c) failing to follow the standards prescribed by law and the ethics of the interpreter profession; or

(d) being unable to interpret adequately, including where the interpreter self-reports such inability.

Section 6. Interpreters appointed pursuant to this chapter shall be reimbursed for actual expenses and compensated for their services. Adequate compensation for services shall be determined by a schedule of fees adopted by the committee pursuant to subsection (d) of section seven.

Section 7. (a) There shall be a committee for the administration of interpreters for the trial court, which committee shall consist of the chief administrative justice of the trial court, who shall be the chairman of said committee, the administrative justice of the district court department and one other justice and one clerk-magistrate of said department appointed by said administrative justice, a justice and a clerk or an assistant clerk of the superior court department appointed by the administrative justice of said department, a judge of the probate and family court department appointed by the administrative judge of said department and one other justice, judge or clerk-magistrate appointed by the chief administrative justice of the trial court.

(b) Following the standards and procedures established by the chief administrative justice of the trial court, the committee shall advertise, screen applications, interview, select and appoint the coordinator of court interpreter services, who shall serve at the pleasure of said committee.

(c) There shall be within the office of the chief administrative justice a coordinator of court interpreter services for the trial court and such other professional and clerical personnel as may be necessary in the judgment of said coordinator and the committee.

(d) The coordinator or the committee shall propose standards and procedures for the training, professional conduct, certification, qualification and adequate compensation of certified and qualified interpreters. Notice of hearing on any such proposed standards or procedures shall be published in the Massachusetts Register as if they were administrative regulations to be adopted pursuant to section two of chapter thirty A; and the proposed standards or procedures shall be reproduced and distributed to organizations representing the interests of foreign language users, with notice of the public hearing date, which shall occur no sooner than sixty days thereafter. After due consideration of public comment at the public hearing or otherwise, the committee shall adopt final standards and procedures and cause the same to be published in the Massachusetts Register.

(e) The coordinator of court interpreter services shall administer the interpreter program in the trial court to insure that the purposes of this chapter are carried out. Without limiting the generality of the foregoing the coordinator shall specifically:

(1) establish and conduct a training program for interpreters in which they shall be trained and examined on language proficiency, proper conduct in court, professional ethics and other matters deemed appropriate and after successfully completing the course shall be duly certified;

(2) compile and maintain lists of persons who have been certified and qualified and periodically communicate this information to the several

departments and divisions of the trial court;

(3) after due notice and hearing, remove anyone from such a list for inadequate performance or other good cause as provided in section five;

(4) facilitate the prompt payment of interpreters for services rendered; and

(5) gather statistics, conduct studies and make reports of the results thereof and of the administration of the program generally.

SECTION 3. Nothing in this act shall limit any rights, privileges, entitlements, powers or immunities of a speech or hearing impaired person pursuant to section ninety-two A of chapter two hundred and twenty-one of the General Laws.

SECTION 4. (a) Section three of this act and subsections (a), (b) and (c) of section seven of chapter two hundred and twenty-one A, inserted by section two of this act, shall take effect on March second, nineteen hundred and eighty-seven.

(b) With respect to the trial court departments in Essex county:

(1) subsections (d) and (e) of said section seven of said chapter two hundred and twenty-one A shall take effect on July first, nineteen hundred and eighty-seven, and

(2) the remainder of this act shall take effect on October first, nineteen hundred and eighty-seven.

(c) With respect to the trial court departments in counties other than Essex, subsection (d) and (e) of said section seven and the remainder of this act shall take effect when certified as appropriate by the chief administrative justice of the trial court in a report to the general court.

Approved December 23, 1986.

**Chapter 628. AN ACT RELATIVE TO THE HAZARDOUS WASTE
INSOLVENCY FUND.**

Be it enacted, etc., as follows:

SECTION 1. The definition of "covered claim" in section 15 of chapter 21C of the General Laws, as appearing in section 1 of chapter 10 of the acts of 1986, is hereby amended by striking out, in line 4, the words "eighty-seven" and inserting in place thereof the following words:— eighty-eight.

SECTION 2. Section 19 of said chapter 21C, as so appearing, is hereby amended by striking out, in line 8, the words "eighty-seven" and inserting in place thereof the following words:— eighty-eight.

SECTION 3. Section 4 of said chapter 10 of the acts of 1986 is hereby amended by striking out, in line 4, the words "eighty-seven" and inserting in place thereof the following words:— eighty-eight.

SECTION 4. The second paragraph of section 4A of said chapter 10 is hereby amended by striking out, in line 4, the words "July first, nineteen

hundred and eighty-six" and inserting in place thereof the following words:– October first, nineteen hundred and eighty-eight.

SECTION 5. Section 6 of said chapter 10 is hereby amended by striking out, in line 3, the words "eighty-seven" and inserting in place thereof the following words:– eighty-eight.

Approved December 23, 1986.

Chapter 629. AN ACT RELATIVE TO THE USE OF LIQUOR PURCHASE IDENTIFICATION CARDS.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the fourth paragraph the following paragraph:–

The photographs of licensees appearing on all operator's licenses shall be a straightforward looking view of the licensee with a distinctive license for persons under the age at which they can purchase alcoholic beverages as defined by section thirty-four of chapter one hundred and thirty-eight.

SECTION 2. Section 22 of said chapter 90, as so appearing, is hereby amended by adding the following paragraph:–

(e) If the registrar shall receive official notice that any person under twenty-one years of age has violated the provisions of section thirty-four B of chapter one hundred and thirty-eight, the registrar shall suspend without a hearing any certificate of registration or any license to operate a motor vehicle issued to such person under this chapter for a period of six months.

SECTION 3. Section 34B of chapter 138 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

Any licensee, or agent or employee thereof, under this chapter who reasonably relies on such a liquor purchase identification card or motor vehicle license issued pursuant to section eight of chapter ninety, for proof of a person's identity and age shall not suffer any modification, suspension, revocation or cancellation of such license, nor shall he suffer any criminal liability, for delivering or selling alcohol or alcoholic beverages to a person under twenty-one years of age. Any licensee, or agent or employee thereof, under this chapter, who reasonably relies on such a liquor purchase identification card or motor vehicle license issued pursuant to said section eight, for proof of a person's identity and age shall be presumed to have exercised due care in making such delivery or sale of alcohol or alcoholic beverages to a person under twenty-one years of age. Such presumption shall be rebuttable; provided, however, that nothing contained herein shall affect the applicability of section sixty-nine.

Approved December 23, 1986.

Chapter 630. AN ACT PROVIDING FOR AN ASSISTANT REGISTRAR OF VOTERS AT HIGH SCHOOLS AND VOCATIONAL SCHOOLS.

Be it enacted, etc., as follows:

Chapter 51 of the General Laws is hereby amended by inserting after section 42D the following section:–

Section 42E. The principal or headmaster of every public or private high school or vocational school shall submit to the board of registrars of voters of the city or town the names of at least three school employees who are registered voters in the city or town in which the school is located, to serve as assistant registrars of voters for the purpose of this section. The board of registrars shall appoint at least one of the designated employees as an assistant registrar, shall provide necessary training, forms, and other assistance, and shall establish procedures to be followed by the assistant registrar. The assistant registrar shall be available at the school for the purpose of permitting eligible students and employees of the school to register as voters in the city or town. The principal or headmaster shall publicize the opportunity to register within the school. At a regional high school or vocational school, at least one assistant registrar shall be appointed for each city or town where students who usually attend the school reside.

Approved December 23, 1986.

Chapter 631. AN ACT FURTHER REGULATING POLITICAL CAMPAIGN FINANCING.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 52 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:– The secretary of such committee shall file with the director of the office of campaign and political finance a list of the officers of the committee, together with the addresses of such officers, within ten days after organization of such committee, or within ten days, of any change in the list of officers of such committee.

SECTION 2. Section 3 of chapter 55 of the General Laws, as so appearing, is hereby amended by inserting after the seventh paragraph the following paragraph:–

The director shall inspect all statements and reports of candidates, or nonelected political committees supporting such candidates, filed with him, within thirty days of the reporting dates required by this chapter, and all other statements and reports within sixty days of the reporting dates required by this chapter. If upon examination of the records it appears that any candidate or political committee has failed to file a statement or report as required by law, or if it appears to the director that any such statement or report filed with him does not conform to law, or upon written complaint by five registered voters that a statement or report does not conform to law, or that any candidate or political committee has failed to file a statement or report required by

law, the director shall, in writing, notify the delinquent person. Such complaint shall state in detail the grounds of objection, shall be sworn to by one of the subscribers, and shall be filed with the director within ten days after the required date for filing a statement or report, or within ten days after the actual filing of a statement or report, or an amended statement or report. Upon failure to file a statement or report within ten days after receiving notice under this section or if any statement filed after receiving such notice discloses any violation of any provisions of this chapter, the director shall notify the attorney general thereof and shall furnish him with copies of all papers relating thereto, and the attorney general, within two months thereafter, shall examine every such case, and if satisfied that there is cause, he shall in the name of the commonwealth institute appropriate civil proceedings or refer the case to the proper district attorney for such action as may be appropriate in the criminal courts.

SECTION 3. Section four of said chapter fifty-five is hereby repealed.

SECTION 4. Section 5 of said chapter 55 of the General Laws, as appearing in the 1984 Official Edition, is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following two paragraphs:—

Each treasurer of a political committee shall keep and preserve detailed accounts, vouchers and receipts as prescribed for a candidate by the provisions of section two. Each treasurer of a political committee shall keep said records for a period of six years following the date of the relevant election. A candidate may not be the treasurer of the political committee which has been organized on his behalf.

The secretary of each ward, city and town committee shall file with the director a list of the officers of the committee, together with the addresses of such officers, within ten days after its organization under the provisions of chapter fifty-two, and within ten days of any change of said officers.

SECTION 5. Said chapter 55 is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following:—

Section 8. No corporation carrying on the business of a bank, trust, surety indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, or water company, no company having the right to take land by eminent domain or to exercise franchises in public ways, granted by the commonwealth or by any county, city or town, no trustee or trustees owning or holding the majority of the stock of such a corporation, no business corporation incorporated under the laws of or doing business in the commonwealth and no officer or agent acting in behalf of any corporation mentioned in this section, shall directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing for the purpose of aiding, promoting or preventing the nomination or election of any person to public office, or aiding or promoting or antagonizing the interest of any political party.

No person or persons, no political committee, and no person acting under the authority of a political committee, or in its behalf, other than a political committee organized on behalf of a ballot question campaign

shall solicit or receive from such corporation or such holders of stock any gift, payment, expenditure, contribution or promise to give, pay, expend or contribute for any such purpose.

Any corporation violating any provision of this section shall be punished by a fine of not more than fifty thousand dollars and any officer, director or agent of the corporation violating any provision thereof or authorizing such violation of any provision thereof, or any person who violates or in any way knowingly aids or abets the violation thereof, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both.

SECTION 6. Section 9 of said chapter 55, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:–

A political committee may maintain and use a credit card, obtained in accordance with applicable banking laws and in the ordinary course of business, in order to make expenditures for the purpose for which said committee was organized, pursuant to the provisions of section six, but provided that no contribution of money may be accepted by any individual, candidate or political committee, or person acting on behalf of said individual, candidate or political committee, other than in accordance with the first paragraph of this section. The director shall establish reasonable rules and regulations concerning the use of such credit cards, and shall print and publish forms to provide for disclosure of said expenditures by credit card, to effectuate the purposes of this chapter.

SECTION 7. Said chapter 55 is hereby further amended by inserting after section 16 the following section:–

Section 16A. No person doing business with the commonwealth shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be otherwise prejudiced for refusing to do so.

Violations of any provisions of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

SECTION 8. Clause (f) of section 18 of said chapter 55, as so appearing, is hereby amended by inserting after the word "election", in line 76, the words:– complete as of the preceding fifth day.

SECTION 9. Clause (g) of said section 18 of said chapter 55, as so appearing, is hereby amended by inserting after the word "election", in line 95, the words:– complete as of the preceding fifth day.

SECTION 10. Clause (h) of said section 18 of said chapter 55, as so appearing, is hereby amended by inserting after the word "transfer", in line 226, the following:–

; (5a) the name and address of the principal officers of any trust, foundation, and association from which was received a contribution, as provided in section ten.

SECTION 11. Said chapter 55 is hereby further amended by inserting after section 18 the following section:–

Section 18A. Every individual, group or association not defined as a

political committee, who makes an independent expenditure or expenditures in an aggregate amount exceeding one hundred dollars during any calendar year for the purpose of promoting the election or defeat of any candidate or candidates shall file with the director, or with the city or town clerk if such candidate or candidates seek public office at a city or town election, within seven business days after making such independent expenditure or expenditures, on a form prescribed by the director, a report stating the name and address of the individual, group or association making the expenditure or expenditures; the name of the candidate or candidates whose election or defeat the expenditure promoted; the name and address of the person or persons to whom the expenditure or expenditures were made; and the total amount or value; the purpose and the date of the expenditure or expenditures.

For the purposes of this section the term "independent expenditure" shall mean an expenditure by an individual, group, or association not defined as a political committee expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or a nonelected political committee organized on behalf of a candidate, or any agent of a candidate and which is not made in concert with, or at the request or suggestion of, any candidate, or any nonelected political committee organized on behalf of a candidate or agent of such candidate.

SECTION 12. Section 19 of said chapter 55, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:–

(a) Candidates for nomination or election to the offices of governor, lieutenant governor, secretary of state, attorney general, state treasurer and receiver general, auditor, governor's council, district attorney, clerk of court, register of probate and insolvency, register of deeds, county commissioner, county treasurer, and sheriff, and the treasurer of each state committee referred to in section one of chapter fifty-two, and the treasurer of the nonelected political committee authorized by any of the aforesaid candidates shall forthwith, upon the organization of said political committee, or upon becoming a candidate in accordance with the provisions of clauses (1) and (2) of the definition of candidate in section one, designate as a depository for campaign funds of such candidate or political committee a national bank authorized to transact business in the commonwealth or a trust company organized and existing under the laws of the commonwealth. Each such candidate, and the treasurer of each such political committee shall file with the director, no later than the third business day following the designation of such depository, a certificate of appointment containing the name of the bank or trust company so designated, and the name of the candidate or political committee, and shall authorize the bank or trust company so designated to submit the reports required by subsection (e).

SECTION 13. Subsection (b) of said section 19 of said chapter 55, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Every candidate and the treasurer of every committee required to designate a depository shall, by the end of the seventh day after receipt of any contribution deposit it in the form received in the designated depository.

SECTION 14. Said section 19 of said chapter 55, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:–

(d) No candidate or committee treasurer required to designate a depository for campaign funds shall authorize the incurring of any expenditure in behalf of the candidate or a committee unless there are monies on deposit in the depository designated in accordance with the provisions of this section to the credit of the campaign account of such candidate or committee sufficient to pay the amount of expenditures so authorized, together with all unpaid obligations outstanding, or unless such candidate or treasurer files with the director on the dates indicated in subsection (e) a complete statement of all unpaid obligations then outstanding, the terms of payment, purpose of the expenditure by which the obligation was created and name and address of the person holding the obligation.

SECTION 15. Said chapter 55 is hereby further amended by striking out section 22, as so appearing, and inserting in place thereof the following section:–

Section 22. The treasurer of any corporation, which has given, paid, expended or contributed, or promised to give, pay, expend or contribute, any money or any valuable thing in order to influence or affect the vote on any question submitted to the voters shall file reports with the director, and copies of said reports with the city or town if made to influence the vote on any question submitted to the voters at a city or town election, setting forth the amount or value of every gift, payment, expenditure or contribution or promise to give, pay, expend or contribute, together with the date, purpose, and full name and address of the person to whom it was made.

Such report shall be filed as follows: (1) the sixtieth day prior to the election complete as of the preceding fifth day; on or before (2) the fifth day and twentieth day of each month complete as of the preceding first and fifteenth day of the month, until the election, and thereafter; (3) the fifth day of each month until all declared liabilities have been discharged.

Any corporation violating any provision of this section shall be punished by a fine of not more than fifty thousand dollars and any officer, director or agent of the corporation violating any provision thereof or authorizing such violation, or any person who violates or in any way knowingly aids or abets the violation of any provision thereof, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both.

SECTION 16. Said chapter 55 is hereby further amended by striking out section 25, as so appearing, and inserting in place thereof the following section:–

Section 25. The director shall retain all statements and reports filed with his office under the provisions of this chapter by candidates and their committees until December thirty-first of the sixth year following the relevant election, provided that the ending balance on such candidates most recent statements, shows no residual funds and no remaining deficit. In the case of a candidate or authorized campaign committee which reports an ending balance of other than zero, the director shall retain all statements and reports and shall require addi-

tional annual reports to be filed henceforth on the tenth day of January until such time that the candidate or authorized campaign committee reports an ending balance of zero.

In the case of all other political committees, the director shall retain all required statements and reports until December thirty-first of the sixth year following the relevant election.

The director shall make all statements and reports required to be filed with him by this chapter available for convenient public inspection and reproduction by a copying machine at a commercially reasonable fee as soon as such statements and reports are filed with him.

SECTION 17. Said chapter 55 is hereby further amended by striking out section 28, as so appearing, and inserting in place thereof the following section:–

Section 28. The clerk of cities and towns shall inspect all statements and reports of candidates, or nonelected political committees supporting such candidates, filed with them, within thirty days of the reporting dates required by this chapter, and all other statements and reports within sixty days of the reporting dates required by this chapter. If upon examination of the records it appears that any candidate or political committee has failed to file a statement or report as required by law, or if it appears to the clerk that any such statement or report filed with him does not conform to law, or upon written complaint by five registered voters that a statement or report does not conform to law, or that any candidate or political committee has failed to file a statement or report required by law, the city or town clerk, as the case may be, shall, in writing, notify the delinquent person. Such complaint shall state in detail the grounds of objection, shall be sworn to by one of the subscribers, and shall be filed with the proper city or town clerk within ten days after the required date for filing a statement or report within ten days after the actual filing of a statement or report, or an amended statement or report.

SECTION 18. Said chapter 55 is hereby further amended by striking out section 29, as so appearing, and inserting in place thereof the following section:–

Section 29. Upon failure to file a statement or report within ten days after receiving notice under section twenty-eight, or if any statement filed after receiving such notice discloses any violation of any provision of this chapter, the city or town clerk, as the case may be, shall notify the attorney general thereof and shall furnish him with copies of all papers relating thereto, and the attorney general, within two months thereafter, shall examine every such case, and, if satisfied that there is a cause, he shall in the name of the commonwealth institute appropriate civil proceedings or refer the case to the proper district attorney for such action as may be appropriate in the criminal courts.

Approved December 23, 1986.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by adding after section 196, added by section 16 of chapter 223 of the acts of 1985, the following seven sections:—

Section 197. The following words as used in sections one hundred and ninety-seven to two hundred and three, inclusive, shall, unless the context clearly requires otherwise, have the following meanings:

"Conservation", any attempt by the existing insurer or its agent or broker to dissuade a policy owner from the replacement of existing life insurance or annuity. Conservation does not include routine administrative procedures such as late payment reminders, late payment offers or reinstatement offers.

"Direct-response sales", any sale of life insurance or annuity where the insurer does not utilize an agent in the sale or delivery of the policy.

"Existing insurer", the insurance company whose policy is or will be changed or terminated as provided in the definition of "replacement".

"Existing life insurance or annuity", any life insurance or annuity in force, including life insurance under a binding or conditional receipt or a life insurance policy or annuity that is within an unconditional refund period.

"Registered contract", variable annuities, investment annuities, variable life insurance under which the death benefits and cash values vary in accordance with unit values of investments held in a separate account, or any other contracts issued by life insurance companies which are registered with the federal Securities and Exchange Commission.

"Replacement", any transaction in which new life insurance or a new annuity is to be purchased, and it is known or should be known to the proposing agent or broker or to the proposing insurer if there is no agent, that by reason of such transaction, existing life insurance or annuity has been or is to be:

- (a) lapsed, forfeited, surrendered or otherwise terminated;
- (b) converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;
- (c) amended so as to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force or for which benefits would be paid;
- (d) reissued with any reduction in cash value; or
- (e) pledged as collateral or subjected to borrowing, whether in a single loan or under a schedule or borrowing over a period of time for amounts in the aggregate exceeding twenty-five per cent of the loan value set forth in the policy.

"Replacing insurer", the insurance company that issues or proposes to issue a new policy or contract which is a replacement of existing life insurance or annuity.

Section 198. Unless otherwise specifically included, sections one hundred and ninety-seven to two hundred and three, inclusive, shall not apply to transactions involving:

- (a) credit life insurance;
- (b) group life insurance or group annuities;
- (c) proposed life insurance that is to replace life insurance under a binding or conditional receipt issued by the same company;

(d) transactions where the replacing insurer and the existing insurer are the same, or are subsidiaries or affiliates under common ownership or control; provided, however, that agents or brokers proposing replacement shall comply with the requirements for agents who initiate the application;

(e) insurance paid for wholly or partly by the insured's employer or by an association of which the insured is a member, or insurance in a qualified pension, profit sharing or other benefit plan;

(f) life insurance policies issued in connection with a pension, profit-sharing or other benefit plan qualifying for tax deductibility of premiums.

Registered contracts shall be exempt from the provisions requiring policy summary or ledger statement information; provided however, that premium or contract contribution amounts and identification of the appropriate prospectus or offering circular shall be required in lieu thereof.

Section 199. Each agent or broker who initiates the application shall submit to the insurer to which an application for life insurance or annuity is presented, with or as part of each application:

(a) a statement signed by the applicant as to whether replacement of existing life insurance or annuity is involved in the transaction; and

(b) a signed statement as to whether the agent or broker knows replacement is or may be involved in the transaction.

Where a replacement is involved, the agent or broker shall

(a) present to the applicant, not later than at the time of taking the application, a "Notice Regarding Replacement" in the following form or other substantially similar form approved by the insurance commissioner. The notice shall be signed by both the applicant and the agent or broker and left with the applicant.

NOTICE REGARDING REPLACEMENT REPLACING YOUR LIFE INSURANCE POLICY OR ANNUITY?

Are you thinking about buying a new life insurance policy or annuity and discontinuing or changing an existing one? If you are, your decision could be a good one, or a mistake. You will not know for sure unless you make careful comparison of your existing benefits and the proposed benefits.

Make sure you understand the facts. You should ask the company or agent that sold you your existing policy to give you information about it.

Hear both sides before you decide. This way you can be sure you are making a decision that is in your best interest.

We are required by law to notify your existing company that you may be replacing their policy.

List below the identification of policies which are involved in the replacement transaction.

Applicant's Signature

Date

Agent's Signature

Contract Number

Contract Number

Contract Number

(b) obtain with or as part of each application a list of all existing life insurance and annuity to be replaced and identified by name of insurer, the insured and contract number. If a contract number has not been assigned by the existing insurer, alternative identification, such as an application or receipt number, shall be listed.

(c) leave with the applicant the original or a copy of written or printed communications used for presentation to the applicant.

(d) submit to the replacing insurer with the application a copy of the replacement notice; and

Each agent or broker who uses written or printed communications in a conservation shall leave with the applicant the original or a copy of such materials used.

Section 200. Each insurer shall:

(a) inform its representatives or other personnel responsible for compliance with this section of the requirements of this section; and

(b) require with or as a part of each completed application for life insurance or annuity a statement signed by the applicant as to whether such proposed insurance or annuity will replace existing life insurance or annuity.

Section 201. Each insurer that uses an agent or broker in a life insurance or annuity sale shall:

(a) require with or as part of each completed application for life insurance or annuity, a statement signed by the agent or broker as to whether he or she knows replacement is or may be involved in the transaction; and

(b) where a replacement is involved:

(i) require from the agent or broker with the application for life insurance or annuity (1) a list of all of the applicant's existing life insurance or annuity to be replaced; and (2) a copy of the replacement notice provided the applicant. Such existing life insurance or annuity shall be identified by name of insurer, insured and contract number. If a number has not been assigned by the existing insurer, alternative identification, such as an application or receipt number, shall be listed.

(ii) send to each existing insurer a written communication advising of the replacement or proposed replacement and the identification information obtained, pursuant to paragraph (i) of this subsection and a policy summary, contract summary or ledger statement containing policy data on the proposed life insurance or annuity as required. Cost indices and equivalent level annual dividends figures need not be included in the policy summary or ledger statement. This written communication shall be made within seven working days of the date the application is received in the replacing insurer's home or regional office, or the date the proposed policy or contract is issued, whichever is sooner.

(iii) require that each existing insurer, or such insurer's agent or broker that undertakes a conservation shall, within twenty days from the date the written communication and the materials required in paragraphs (i) and (ii) is received by the existing insurer, furnish the policy owner with a policy summary for the existing life insurance or a ledger statement containing policy data on the existing policy or annuity. Such policy summary or ledger statement shall be completed in accordance

with rules established by the commissioner of insurance, except that information relating to premiums, cash values, death benefits and dividends, if any, shall be computed from the current policy year of the existing life insurance. The policy summary or ledger statement shall include the amount of any outstanding indebtedness, the sum of any dividend accumulations or additions, and may include any other information that is not in violation of any regulation or statute. Cost indices and equivalent level annual dividend figures need not be included. The replacing insurer may request the existing insurer to furnish it with a copy of the summaries or ledger statement, which shall be furnished within five working days of the receipt of the request.

(c) in the case of a replacing insurer, maintain evidence of the notice regarding replacement, the policy summary, the contract summary and any ledger statements used. The existing insurer shall maintain evidence of policy summaries, contract summaries or ledger statements used in any conservation. Evidence that all requirements were met shall be maintained for at least three years or until the conclusion of the next succeeding regular examination by the Insurance Department of its state of domicile, whichever is earlier.

(d) in the case of a replacing insurer shall provide in its policy or in a separate written notice which is delivered with the policy that the applicant has a right to an unconditional refund of all premiums paid, which right may be exercised within a period of twenty days commencing from the date of delivery of the policy.

Section 202. If in the solicitation of a direct response sale, the insurer did not propose the replacement, and a replacement is involved, the insurer shall send to the applicant with the notice regarding replacement or other substantially similar form approved by the commissioner. In such instances the insurer may delete the last sentence and the references to signatures from such notice without having to obtain approval of the form from the commissioner.

If the insurer proposed the replacement it shall:

(i) provide to applicants or prospective applicants with or as a part of the application a notice regarding replacement exhibit A or other substantially similar form approved by the commissioner;

(ii) request from the applicant with or as part of the application, a list of all existing life insurance or annuity to be replaced and properly identified by name of insurer and insured; and

(iii) send to each existing insurer a written communication advising of the replacement or proposed replacement and the identification information obtained, pursuant to paragraph (i) of subsection (b) of section two hundred and one of an insurer's responsibility where a replacement is involved, and a policy summary, contract summary or ledger statement containing policy data on the proposed life insurance or annuity as required by the commissioner.

Cost indices and equivalent level annual dividend figures need not be included in the policy summary or ledger statement. This written communication shall be made within seven working days of the date the application is received in the replacing insurer's home or regional office, or the date the proposed policy or contract is issued, whichever is sooner, if the applicant furnishes the names of the existing insurers; and the replacing insurer shall maintain evidence of the notice regarding replacement, the policy summary, the contract summary and any ledger

statements used. The existing insurer shall maintain evidence of policy summaries, contract summaries or ledger statements used in any conservation. Evidence that all requirements were met shall be maintained for at least three years or until the conclusion of the next succeeding regular examination by the insurance department of its state of domicile, whichever is earlier.

Section 203. A violation of sections one hundred and ninety-seven to two hundred and three, inclusive, shall occur if an agent, broker or insurer recommends the replacement or conservation of an existing policy by use of a substantially inaccurate presentation or comparison of an existing contract's premiums and benefits or dividends and values, if any.

Patterns of action by policy owners who purchase replacing policies from the same agent or broker, after indicating on applications that replacement is not involved, shall be deemed prima facie evidence of the agent's or broker's knowledge that replacement was intended in connection with sale of those policies, and such patterns of action shall be deemed prima facie evidence of the agent's or broker's intent to violate the provisions of sections one hundred and ninety-seven to two hundred and three, inclusive.

A replacement of life insurance or annuity which is not transacted pursuant to the requirements of sections one hundred and ninety-seven to two hundred and three, inclusive, is hereby defined as an unfair method of competition and unfair or deceptive acts or practices in the business of insurance.

SECTION 2. Chapter 175 of the General Laws, as amended by section 16 of chapter 223 of the acts of 1985, is hereby further amended by adding the following section:-

Section 197. The commissioner shall, after notice and hearing pursuant to chapter thirty A, promulgate regulations governing the replacement of life insurance policies and annuities. Such regulations shall be based upon the model regulation governing replacement of life insurance and annuities developed by the National Association of Insurance Commissioners. Such regulations shall, in addition to other provisions, require the delivery of a notice regarding replacement of a life insurance policy or annuity contract.

SECTION 3. Section two shall take effect on January first, nineteen hundred and eighty-seven.

SECTION 4. Section one shall take effect on July first, nineteen hundred and eighty-seven. The commissioner of insurance shall promulgate regulations pursuant to section two and file copies thereof with the clerk of the house and with the clerk of the senate on or before June first, nineteen hundred and eighty-seven. When said rules are so filed, section one shall not take effect. If the commissioner of insurance does not promulgate said regulations pursuant to section two of this act and does not so file on or before June first, nineteen hundred and eighty-seven, section two is hereby repealed as of June second, nineteen hundred and eighty-seven.

Approved December 23, 1986.

Chapter 633. AN ACT REQUIRING THE INSTALLATION OF AUTOMATIC SPRINKLERS IN BUILDINGS OVER SEVENTY FEET IN HEIGHT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by adding after section 199, added by section 2 of chapter 716 of the acts of 1985, the following two sections:-

Section 200. There shall be established a fire safety commission, hereinafter called the commission, to consist of the state fire marshal or his designee, the chairman of the board of building regulations and standards or his designee, the fire commissioner of the city of Boston or his designee and six members to be appointed by the governor, one of whom shall be a member of the Fire Chiefs Association of Massachusetts, one of whom shall be a member of the Massachusetts Association of Realtors, one of whom shall be a member of the hotel and motel association, one of whom shall be a registered professional engineer who is a structural engineer, one of whom shall be an inspector of wires with ten years of experience and is the holder of an electrician's license and one of whom shall be a member of the sprinkler fitters union.

Each member shall be appointed for a term of three years, except that in making his initial appointments the governor shall appoint two members for one year, two members to serve for two years and two members to serve for three years, as he may designate. Any person appointed to fill a vacancy shall serve only for the unexpired term. Any member shall be eligible for reappointment. Any member of the commission may be removed by the governor for cause, after being given a written statement of the charges and an opportunity to be heard thereon. No member shall act as a member of the commission or vote in connection with any matter as to which his private right, distinct from public interest, is concerned.

A majority of the members of the commission shall constitute a quorum for the purpose of conducting business, but a lesser number may adjourn from time to time.

The commission shall annually elect a chairman and a vice chairman from its members; provided, however, that no member shall serve as chairman or vice chairman for more than two consecutive years.

Each member of the commission who is not otherwise an employee of the commonwealth shall receive from the commonwealth fifty dollars for each day or portion thereof spent in the performance of his official duties; provided, however, that the total sum paid to any member in any fiscal year shall not exceed three thousand dollars. Each member shall be paid necessary traveling and other expenses incurred in the performance of his duties.

The commission shall make and from time to time alter, rescind, amend and repeal in accordance with chapter thirty A, rules and regulations providing for the implementation of a statewide plan to require the installation of automatic sprinklers in all buildings or structures subject to the provisions of section twenty-six A 1/2 of chapter one hundred and forty-eight. Any regulation, as defined in section one of chapter thirty A, or any amendment or repeal of any such regulation adopted by the commission pursuant to this paragraph, shall,

after compliance with all applicable provisions of said chapter thirty A, except section five, be submitted to the general court. Said commission shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives, together with a statement that the pertinent provisions of said chapter thirty A, except section five, have been complied with. Such regulations shall be accompanied by a summary of the regulations in layman's terms. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the appropriate joint standing committee. Within thirty days after such referral, such committee may hold a public hearing on the regulations and shall issue a report to the commission. Said commission shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairman of such reporting committee its final regulations, not earlier than thirty days after the filing of such report with said chairmen. Said commission shall file the final regulations with the state secretary as provided in section five of said chapter thirty and said regulations shall thereupon take effect.

Section 201. There shall be an automatic sprinkler appeals board, hereinafter called the appeals board, to consist of the fire safety commission established under the provisions of section two hundred.

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of section twenty-six A 1/2 of chapter one hundred and forty-eight, may within forty-five days after the service of notice thereof appeal from such interpretation, order, requirement, direction, or failure to act to the appeals board. Appeals hereunder shall be on forms provided by the appeals board and shall be accompanied by such a fee as said appeals board may determine.

The state, city or town officer in charge of the records and all other papers and documents relative to an appeal shall forthwith, upon receipt of a request of the appeals board, transmit such papers and documents constituting such record to the appeals board.

An appeal shall stay all proceedings in furtherance of the action or failure to act appealed from unless the head of the fire department presents evidence that a stay would involve imminent peril of life or property.

The chairman of the fire safety commission may designate any five members of the appeals board to hold any public hearing under this section, and to hear testimony and take evidence.

The appeals board in hearings conducted under this section shall not be bound by strict rules of evidence prevailing in courts of law or equity.

Decisions on appeal shall be made by the five members of the appeals board conducting the public hearing. Every decision shall require the concurrence of at least four of the five members holding the public hearing and the appeals board shall state in writing its findings of fact, its conclusions, reasons for its decision and indicate the vote of each member of the appeals board upon the decision.

The chairman shall fix a convenient time and place for a public hearing before said five members. Said hearing shall be held not later than thirty days after the filing of such appeal unless such time is extended by agreement with the appellant. The chairman shall give at least ten days notice of the time and place of said hearing to all

interested parties. Any such party may appear in person or by agent or attorney at such hearing. The appeals board shall issue a decision or order reversing, affirming or modifying in whole or in part such interpretation, order or requirement, or postponing the application thereof, within thirty days after such hearing, unless such time is extended by agreement with the appellant.

A record of all appeals board decisions and of votes thereunder, properly indexed, shall be maintained in the office of the appeals board and shall be open to public inspection at all times during regular business hours.

The appeals board may grant a variance from any provision of section twenty-six A 1/2 of chapter one hundred and forty-eight or from any provision of the rules and regulations promulgated by the fire safety commission under section two hundred and may determine the suitability of alternate materials and methods of sprinkler installation and may provide reasonable interpretations of said section twenty-six A 1/2 and said fire safety commission rules and regulations; provided, however, that appeals board decisions shall not conflict with the general objectives of said section twenty-six A 1/2.

In exercising its powers under this section, the appeals board may grant an extension of time for compliance with the provisions of said section twenty-six A 1/2 in any particular case that said board deems an extension to be necessary. The appeals board shall, in addition to any other considerations the board deems appropriate, examine the following factors when granting an extension; the location, overall height, and primary use of the building; structural complications; asbestos removal; insufficient water pressure, financial hardship and nonexistence of a standpipe.

The appeals board may grant a waiver from compliance with the provisions of said section twenty-six A 1/2 in any particular case that said board deems a waiver to be appropriate. The appeals board shall, in addition to any other considerations the board deems appropriate, examine the architectural or historical significance of the building or structure when granting said waiver.

SECTION 2. Chapter 148 of the General Laws is hereby amended by inserting after section 26A, as appearing in the 1984 Official Edition, the following section:–

Section 26A 1/2. Every building or structure of more than seventy feet in height above the mean grade and constructed prior to January first, nineteen hundred and seventy-five, shall be protected with an adequate system of automatic sprinklers in accordance with the provisions of the state building code; provided, however that sprinklers shall not be required to be installed in patient rooms in hospitals or in public or private libraries; provided, further, that sprinklers shall not be required to be installed in buildings where construction has commenced prior to January first, nineteen hundred and seventy-five and which have been submitted to the provisions of chapter one hundred and eighty-three A; and, provided further, that automatic sprinklers shall not be required in rooms or areas of a telephone central office equipment building when such rooms or areas are protected with an automatic fire alarm system.

The head of the fire department shall enforce the provisions of this section.

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act, to the board of appeals of the fire safety commission as provided in section two hundred and one of chapter six.

Any building or structure subject to the provisions of this section shall comply with the following schedule for the installation automatic sprinklers:— one-third of the gross square footage of the building or structure shall be equipped with automatic sprinklers by January first, nineteen hundred and ninety, two-thirds of the gross square footage of the building or structure shall be equipped with automatic sprinklers by January first, nineteen hundred and ninety-three, and the entire gross square footage of the building or structure shall be equipped with automatic sprinklers by January first, nineteen hundred and ninety-seven; provided, however, the owner of said building or structure may apply to the board of appeals of the fire safety commission for an extension or a waiver of the provisions of this section as provided for in section two hundred and one of chapter six.

Any building or structure subject to the provisions of this section shall have the option of complying with the following schedule: the entire gross square footage of the building or structure shall be equipped with automatic sprinklers by January first, nineteen hundred and ninety-three; provided, however, that under said option the owner of said building or structure shall be deemed to have waived his right to any such extension of time.

For purposes of this section, the gross square footage of a building or structure shall include the sum total of the floor areas for all floor levels, basements and sub-basements, measured from outside walls irrespective of the existence of interior fire resistive walls, floors and ceilings.

Approved December 23, 1986.

Chapter 634. AN ACT FURTHER REGULATING PRICING PRACTICES OF CERTAIN CONSUMER PRODUCTS.

Be it enacted, etc., as follows:

SECTION 1. Section 115A of chapter 6 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out in lines 7, 11 and 22, the word "council", each time it appears, and inserting in place thereof, in each instance, the following words:— director of standards.

SECTION 2. Section 181 of chapter 94 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 39, the word "eighty-four" and inserting in place thereof the following words:— eighty-four E.

SECTION 3. Said chapter 94 is hereby amended by inserting after section 184A, as so appearing, the following four sections:—

Section 184B. For purposes of this section and sections 184C to 184E, inclusive, the following words shall have the following meanings:

"Automotive check out system", a cash register, computer, terminal, or other device capable of interpreting the universal product code, or any other code which is on an item offered for sale used to determine the price of the item being purchased, regardless of whether the code entry is accomplished manually, or automatically by a machine;

"Coded", any symbol, letter, number or combination thereof other than the price itself which is stored in and interpretable by the seller's automatic checkout system;

"Correct price", the advertised price in any circular, newspaper, magazine, television or radio commercial, or in any other medium, or any published correction thereof. If an item is not advertised, the correct price shall be the lowest price indicated on any store sign for the item, but not if such item is rung up at a lower price. If no sign is displayed, the correct price shall be the price of the item on its displayed unit price label, but not if such item is rung up at a lower price. If no unit price label is displayed, the correct price shall be the price rung up by the food store's or food department's automatic checkout system. If the above hierarchy of establishing the correct price is not determinative in a particular situation, the correct price shall be the price on the seller's current price list;

"Display", two or more units of an item located together. A display shall be deemed to be checked after the correct price is ascertained and one or more units are removed from the display and examined for accurate price markings;

"End-aisle display", a display of a specific item consisting of at least 50 units, not including those in closed cartons or otherwise inaccessible to the consumer which is located in a freestanding display or at the end of, or adjacent to, a shelved tier of groceries or other items;

"Food", anything edible;

"Food department", any seller other than a food store with any grocery item section, area, or display and which sells ten or more different food items for consumption off the seller's premises at least in part to individuals for their own personal, family, or household use; provided, however, any food section which is within a larger business and is the functional equivalent of a supermarket with its own separate checkout, may be deemed a food store by the director of standards;

"Food store", shall include any store, shop, supermarket, grocer, convenience store, warehouse-type seller, club, outlet, or other seller, whose primary business is selling either food for consumption off the seller's premises alone or in combination with grocery items or other nondurable items typically found in a supermarket, and such items are sold at least in part to individuals for their own personal, family, or household use;

"Grocery items", any food, pet food or supply, soap, household cleaner of any type, laundry product, light bulbs, or disposable paper or plastic products;

"Gross error", a price which is less than half the price stated by the seller as the actual selling price, and which was never intended as the selling price at anytime during the previous thirty day period;

"Item", a specific and distinct product, good or commodity. One item is differentiated from another by having a different universal product

code for items so coded; and for items not so coded, the item has no distinguishing characteristics compared to another item;

"Represented price", any price represented to a consumer as the actual selling price including the price on any sign, price tag, unit price label, advertisement, item, or cash register display;

"Rung up", the price on a cash register or terminal sales slip or display which indicates the price the consumer will be charged for each item provided that such price is not the result of a keypunching error by the cashier or inspector; and

"Unit", a single piece of an item, such as one can, package, bag, or multipack.

Section 184C. Except as hereinafter provided below, every item in a food store and every grocery item in a food department offered for sale, whether edible or not, shall have each unit individually marked with the correct selling price. All prices represented to the consumer for the same item shall be consistent with each other and to the price rung up and charged for the item. The seller shall be responsible for the completeness and accuracy of all price marking.

The following classes of items are exempt from the price marking requirement to this subsection; provided, however, that the cashier can readily discern the price of the exempted item, that no exempted item is marked with an incorrect price, that the exempted item is on a current price list maintained by the seller as provided below and that a clear and conspicuous separate sign, or a single sign in the case of similar items all price the same, larger than the seller's regular unit price label with the price no smaller than one inch high, is placed at the point of display of each exempted item containing the name of the item, the correct price, and, if appropriate, the size or other distinguishing information:

(1) unpacked: produce, meat, fish, poultry, delicatessen, bakery items, and any other unpackaged items offered from a bulk display, except that any such item weighed or wrapped to order by the food store or food department but paid for at a place other than at the point of such weighing or wrapping shall have the correct price marked on the item;

(2) gallons and half gallons of milk;

(3) eggs;

(4) cigarettes, cigars, tobacco and tobacco products;

(5) individual units within a multi-unit package if the package is correctly pricemarked;

(6) snack foods such as cakes, gum, candy, chips, and nuts if offered for sale individually, weigh less than three ounces, cost 75 cents or less, and are located at the checkout area, provided that the director of standards may increase said price limitation by regulation on account of inflation;

(7) individual greeting cards provided that such cards are marked with a price code readily understandable by the consumer;

(8) individual glass jars of baby food of the same brand and price where vegetable or fruit is the predominant ingredient other than water, but not including juices, provided that if offered for sale by a seller with an automatic checkout system they are coded, or if offered by a seller without such system, they are on an easily referenced price list at each cash register;

(9) not more than sixty items that are located in end-aisle displays provided that, if offered for sale by a seller with an automatic checkout

system they are coded, or if offered by a seller without such system they are on an easily referenced price list at each cash register, and that such items are fully and accurately price marked at their regular shelf location, and the seller maintains a list of such items as required by section 184D. Said sixty item limit shall be reduced by seventy-five per cent in the case of a food department. For the exclusive purpose of determining whether a seller has exceeded said sixty item limit, units of an item which differ only by flavor or scent shall be considered the same item if they are otherwise identical in all respects including price, size, and brand, unless in a particular case the director of standards determines that such units are different items.

Section 184D. In addition to the exemptions in section one hundred and eight-four C, food stores or food department which, for a majority of the items offered for sale, utilize an automatic checkout system which is at least ninety-five per cent accurate as determined by the director of standards may also exempt up to a maximum of four hundred additional items may be exempted by each food store or food department; provided, however, that they are coded and subject to the limitations and qualifications set forth below.

(1) The exact number of additional exempt items allowed by this section shall be based on the number of operable cash registers or terminals located at the seller's main checkout location, but not to exceed four hundred. Cash registers at the seller's courtesy desk, or otherwise away from the main checkout location, if the seller maintains such main checkout location, shall not be included in the calculation, unless approved by the director of standards.

Sellers with one operable cash register shall be allowed to exempt twenty additional items of their own choosing. Sellers with two, three to four, or five to six operable cash registers shall be allowed to exempt fifty, one hundred, or two hundred additional items respectively. Sellers with seven or more cash registers may exempt up to four hundred additional items. In the case of a food department, the number obtained in the above calculation shall be reduced by seventy-five per cent. In no case shall the number of exemptions permitted by this exception exceed four and one-half per cent of the number of packaged grocery items carried by the seller.

(2) Any food store or food department permitted to exempt additional items under this section shall establish at each store location a dated written list of the items it has chosen to exempt. The list shall include a readily understandable description of each item and the code number understood by the seller's automatic checkout system. The list shall be maintained such that any item may be referenced easily. Deletions may be made from the list at any time, but no additions, substitutions, or changes may be made to the list except twice a year in January and July starting with July nineteen hundred and eighty-seven. The exemption permitted by this section shall not apply to any item not on that list and shall not apply unless such list has been established and is available upon request at the store to any consumer or any representative authorized by the director of standards. The director of standards may require the periodic filing of such list with his office. No seller may choose to exempt items required to be priced marked by other laws or regulations governing specific types of items, or may exempt more than two hundred items in any one department except in the dry grocery department.

(3) All food stores and food departments shall maintain a current and accurate price list of all items exempted under this section. Such list may be maintained in any reasonable manner, including by an automatic checkout system or merged with nonexempt items, provided that information contained therein can be referenced easily by the person requesting it. All food stores and food departments shall also maintain a separate, current, written or printed list of the items it chooses to exempt under the provisions applying to end-aisle display. Such lists shall be made available upon request to any representative authorized by the director of standards, and the price for any item contained therein shall be provided to any person upon request.

(4) Violations under this section for which fines shall be levied include having no price marked on any unit that is required to be priced and is not exempted, having an incorrect price on any unit, having an incorrect or missing sign, or overcharging on any unit. A unit shall be deemed to be overcharged once it is rung up at a price higher than any represented price.

There shall be a tolerance for error on all fineable violations discovered during an in-store inspection except overcharging. In the case of a display checked for unmarked or incorrectly marked units, the tolerance shall be such that the one display of an item most in violation out of each twenty displays checked shall be excluded in computing that fine. Said tolerance shall not be less than one display per inspection. In the case of a violation for incorrect or missing signs required by this section, the tolerance for error shall be calculated such that the number of sign violations actually found among those checked shall be reduced by ten per cent, but by not less than one violation, and such violations omitted shall be excluded in computing any fine. Each unit or sign in violation shall constitute a separate violation, provided that no item may be subject to violations for both overcharging and incorrect price markings. Multiple units from the same display of an item which are found in violation of the same infraction shall be considered one fineable violation. A minimum of twenty different displays of items shall be checked during any inspection in which fines are levied, unless the maximum fine per inspection specified above is reached before all said twenty displays are checked. An inspector may inspect any or all units in any display of any item. The seller shall allow the inspector access to the seller's automatic checkout system.

Section 184E. Any representative authorized by the director of standards may conduct inspections of any item and shall issue notices of violation to any food store or food department for any violation of this section, provided that no food store or food department shall be inspected more than once a week. The fine shall be one hundred dollars for each violation, up to a maximum fine of twenty-five hundred dollars per inspection. The seller shall immediately correct all violations including those where a tolerance was granted.

In the case of any verified consumer complaint, fines for overcharging shall be limited to one violation per item. A fine shall be issued without allowance for tolerance upon verification of any consumer complaint alleging overcharging or improper price marking except for those units where the seller gave the consumer the units tendered for purchase free under a qualified price accuracy guarantee.

The director of standards may require sellers to disclose a consumer's rights under this section.

Any food store or food department which maintains and complies with the terms of a qualified price accuracy guarantee in the form prescribed below, and posts an explanation of such price accuracy guarantee at each cash register or terminal, shall have all per violation fines reduced by fifty per cent. If the director of standards determines that a food store or food department is either intentionally or through gross negligence violating any provision of this section, all the store's exemptions provided under this section shall be rescinded for a period of twelve months, and the matter shall be referred to the attorney general for action against such food store or food department. Uncontested fines levied under this section shall be paid within thirty days of issuance of the notice of violation. Any aggrieved seller may appeal any unjustified fines to the director of standards if such appeal is filed within thirty days of issuance of the notice of violation. If the grounds for appeal are determined to be without reasonable basis, the fine shall be doubled.

A qualified price accuracy guarantee at a minimum is one which immediately gives any consumer one unit free of every different item which was either (a) rung up at a price higher than the price advertised for the item. Sellers may elect option (a) or (b) or both, but option (b) may only be elected alone if the seller advertises at least 50 packaged grocery sale items each week not including meat and produce. To take advantage of the guarantee, the consumer need only point out the over-ring to the cashier.

All food stores and food departments shall provide an itemized sales slip to all consumers indicating at a minimum the price charged for each item or unit. No food store or food department shall refuse to sell any unit tendered for purchase at the lowest price represented to the consumer by the seller or supplier, provided, however, the seller shall have no obligation to sell such unit at the lowest represented price if it is the result of a gross error, or if the price tag, label, or sign shows evidence of obvious physical tampering, or if it is given away free under a price accuracy guarantee.

This section shall only apply to food stores and to grocery items in food departments. This section shall not diminish any obligations under other laws or regulations regarding item pricing for sellers other than food stores or for items other than grocery items in food departments. The director of standards shall not issue a fine pursuant to both this section and section fifty-six D of chapters ninety-eight for the same violation. Where a seller is also subject to the pricing regulations or guidelines of another agency, in cases where a specified number of items is allowed to be exempted under two similar exceptions to the requirement of item pricing, such similar provisions shall not be additive. Compliance with another agency's regulations or guidelines which differ from this section or any regulations issued hereunder by the director of standards shall not be a defense to a violation of this section or any regulations promulgated hereunder.

The director of standards may promulgate regulations or issue guidelines for the implementation or interpretation of this section.

Failure to comply with any of the provisions of this section and section one hundred and eighty-four C shall constitute a violation and an unfair or deceptive act or practice under the provisions of chapter ninety-three A.

SECTION 4. Section 56D of chapter 98 of the General Laws, as so appearing, is hereby amended by striking out, in lines 16 to 19, inclusive the words, "point of sale system incorporating prepackaged commodities bearing a machine readable or scannable system scanner or detector, a terminal computer and customer display, and a transaction of customer receipt" and inserting in place thereof the following words:– cash register, computer, terminal, or other device capable of interpreting the universal product code, or any other code which is on an item offered for sale to consumers used to determine the price of the item being purchased, regardless of whether the code entry is accomplished manually, or automatically by a machine.

Approved December 23, 1986.

Chapter 635. AN ACT AUTHORIZING THE TOWN OF STURBRIDGE TO ESTABLISH A CERTAIN FUND.

Be it enacted, etc., as follows:

SECTION 1. The town of Sturbridge is hereby authorized to impose a local excise tax upon the transfer of occupancy of any room or rooms in a hotel, lodging house, or motel in accordance with the provisions of section three A of chapter sixty-four G of the General Laws in the amount of one and three-tenths per cent of the total amount of rent for each such occupancy. Such amount shall be in addition to any other such local excise tax imposed by the town pursuant to the provisions of said section three A of said chapter sixty-four G; provided, however, that in no event shall the total of such local excise tax exceed the amount established in said section three A of said chapter sixty-four G.

SECTION 2. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, said town of Sturbridge may establish in the town treasury a revolving fund which the town treasurer of said town shall keep separate and apart from all other monies and in which fund shall be deposited said one and three-tenths per cent collected under the authority of section one of this act.

SECTION 3. There is hereby established in the town of Sturbridge a Sturbridge betterment committee to consist of five members to be appointed by the board of selectmen as follows: one member of the board of selectmen, one representative from the hotel or motel trade, the financial manager, executive secretary, town manager or other administrative official of said town, one member of the planning board and one person who is a member of the town safety committee, recreation committee, Route 20 study committee or similar public sector organization. The board of selectmen shall fill any vacancies in said committee in a like manner.

SECTION 4. Said Sturbridge betterment committee, shall recommend to the annual town meeting, commencing with the nineteen hundred and eighty-seven annual town meeting programs or projects that tend to enhance the beautification, recreational resources or public safety of the

town and which are of clear mutual interest to the residents of and visitors to the town. The cost of such programs or projects shall not exceed one-half of the available funds in the revolving fund established in section two.

SECTION 5. The tourist association or committee established in the town of Sturbridge for the purpose of encouraging tourism and known as the Sturbridge Tourist Association, shall recommend to the annual town meeting, commencing with the nineteen hundred and eighty-seven annual town meeting, programs or projects that tend to promote or strengthen the town as an attractive center for tourism and conventions. The cost of such programs or projects shall not exceed one-half of the available funds in the revolving fund established in section two.

SECTION 6. The provisions of this act shall take effect as of January first, nineteen hundred and eighty-seven.

Approved December 23, 1986.

Chapter 636. AN ACT DIRECTING THE STATE-BOSTON RETIREMENT BOARD TO GRANT A CERTAIN PENSION TO PAUL R. O'NEIL.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary and in order to promote the public good, the State-Boston retirement board is hereby authorized and directed to retire Paul R. O'Neil, a police officer of the city of Boston, who as a result of injuries sustained by him while in the performance of his duties as a police officer is totally and permanently incapacitated for further service as a police officer. The annual amount of pension payable said Paul R. O'Neil under this act shall be fixed in an amount equal to the regular rate of compensation which he would have been paid had he continued in service as a police officer of said city at the grade held by him at the time of his retirement. Such retirement shall become effective as of the date following the last day on which he received regular compensation. Upon such retirement, the State-Boston retirement board shall forthwith pay to him the amount credited to him as accumulated total deductions in the annuity savings.

SECTION 2. The provisions of section one hundred of chapter forty-one of the General Laws shall continue to apply to said Paul R. O'Neil relative to his receiving such indemnification by said city for all hospital, medical and related expenses that have been or may be, incurred after the date of his retirement as a result of the aforementioned incapacity.

SECTION 3. Upon the death of said Paul R. O'Neil, leaving Rose C. O'Neil, his wife surviving him, the State-Boston retirement board shall pay to her so long as she remains unmarried, a pension in the amount of three-fourths the amount of the pension payable to him, per month at the time of his death. If said Rose C. O'Neil, remarries, said city shall

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pay, in lieu of the aforesaid pension to her, a pension of five hundred and twenty dollars per month to her.

Approved December 23, 1986.

Chapter 637. AN ACT EXEMPTING FROM TAXATION REAL ESTATE OF CERTAIN ECONOMIC DEVELOPMENT CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, real estate owned by an economic development corporation whose purpose is to retain and expand job opportunities and which is exempt under the provisions of section five hundred and one (c) (3) of the Federal Internal Revenue Code shall be eligible for exemption under clause Forty-sixth of section five of chapter fifty-nine of the General Laws; provided, however, that such corporation was so organized prior to nineteen hundred and sixty-six; and, provided further, that such real estate otherwise qualifies under the provisions of said clause Forty-sixth.

SECTION 2. This act shall take effect in a city or town which accepts its provisions in accordance with the provisions of section four of chapter four of the General Laws.

Approved December 23, 1986.

Chapter 638. AN ACT RELATIVE TO THE SIZE OF ELEVATORS CONSTRUCTED IN MULTI-STORY DWELLING UNITS.

Be it enacted, etc., as follows:

SECTION 1. Section 68 of chapter 143 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:—

All elevators in multi-story buildings containing dwelling units shall be of sufficient size to allow the transport of a person on a stretcher in a fully supine position, without having to raise, lower or bend such stretcher in any way and said board shall promulgate regulations necessary to carry out the provisions of this paragraph.

SECTION 2. The board of elevator regulations shall promulgate regulations pursuant to the provisions of section one of this act on or before July first, nineteen hundred and eighty-seven.

SECTION 3. The provisions of section one of this act shall apply only to elevators constructed in buildings for which permits to build are granted on or after July first, nineteen hundred and eighty-eight.

Approved December 23, 1986.

Chapter 639. AN ACT AUTHORIZING AND DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE CERTAIN PARCELS OF LAND IN THE CITY OF SPRINGFIELD TO THE SPRINGFIELD PARKING AUTHORITY AND TO GRANT AN EASEMENT TO SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. If any provision of this act is contrary to any federal laws or regulations which are applicable to the land described in this act, the federal laws and regulations shall control. Notwithstanding other provisions of this act or of any other law to the contrary, the Springfield Parking Authority, a body politic and corporate and political subdivision of the commonwealth hereinafter referred to as the authority created by virtue of chapter six hundred and seventy-four of the acts of nineteen hundred and eighty-one, as amended by chapter one hundred and seventy-eight of the acts of nineteen hundred and eighty-five hereinafter referred to as the statute, shall make, without expense to the division of capital planning and operations, hereinafter referred to as the division, the department of public works of the commonwealth hereinafter referred to as the department or the commonwealth, a traffic study relative to the traffic impact of the proposed garage projects and Vernon Street extension on Interstate Route #I-91 and its connecting ways. Such study shall be given to the division and department for their use.

SECTION 2. The division, after consulting with the department, is hereby authorized, subject to the provisions of this act and of sections forty E to forty J, inclusive, of chapter seven of the General Laws which are not inconsistent with the provisions of this act, to execute and deliver in the name and on the behalf of the commonwealth a lease to the authority for the purposes only which are authorized by this act, of certain parcels of state-owned land in the city of Springfield, hereinafter referred to as the city, which are described in this section as the same may be changed pursuant to section eleven of this act, for a period of thirty years, upon such terms as may be mutually agreed upon by the division and the authority and in a form approved by the attorney general. If the authority so requests at the end of said original term, the term of said lease may be extended for an additional term of ten years to commence immediately on the expiration of the original term. If the authority requests said lease may be renewed after said extended term for such time or times and on such terms and conditions as may be agreed to by the authority and the division after consulting with the department, but which shall be subject in each case to the approval of the general court. If the original term as it may have been extended or a renewal term, as the case may be, would otherwise have expired during such time as the authority and division are negotiating the renewal thereof or as the general court is considering such approval, the term so expiring shall be deemed to be automatically extended for a period not to exceed one year in duration from the date of expiration of the original lease term or any extension or renewal thereof and for the same lease conditions as are in effect during the last year of said lease prior to said

automatic extension, and shall remain in effect while awaiting general court action during said year and, if such general court action is favorable, until the renewal lease document requiring such favorable action is executed by the division; provided, however, that said automatic extension shall expire at the end of said year if the general court has not acted or acts unfavorably on said renewal whichever sooner occurs. The parcels of land are as follows:–

PARCEL I:– The land in said Springfield hereinafter referred to as the "North Garage Parcel", which is bounded and described as follows:–

Beginning at a point of the southwesterly location line of October 20, 1965 State Highway Layout (L.O. 5520) bearing S 42°11'47" W and 159.60 feet distant from Station 91+81.64 of the main baseline of said layout and extending thence, following said location line N 42°11'47" E a distance of 98.34 feet to a point; thence by a bearing N 48°49'58" W a distance of 40.14 feet to a point; thence by a bearing of S 42°11'47" W a distance of 96.71 feet to a point; thence northwesterly by a curve to the right of 978.00 feet radius 115.95 feet to a point; thence by a bearing of N 38°32'05" W a distance of 143.56 feet to a point; thence leaving said location line and following July 6, 1966 State Highway Layout (L.O. 5585) by a bearing of N 66°58'48" W a distance of 92.38 feet to a point; thence leaving said location line and following a bearing of N 16°21'44" E a distance of 22.38 feet to a point; thence by a bearing of N 28°00'00" E, a distance of 28.01 feet to a point returning to the location line of the October 20, 1965 State Highway Layout (L.O. 5520); thence by a bearing of N 38°32'05" W, a distance of 68.68 feet to a point; thence leaving said location line (L.O. 5520) at a bearing of N 28°00'00" E, a distance of 88.40 feet to a point; thence by a bearing of S 65°57'11" E, a distance of 177.98 feet to a point; thence southeasterly by a curve to the left of 1001.00 feet radius, a distance of 62.00 feet to a point; thence southeasterly by a curve to the right of 799.00 feet radius, a distance of 72.00 feet to a point; thence southeasterly by a curve to the right of 300.00 feet radius, a distance of 5.23 feet to a point; thence southeasterly by a curve to the right of 2615.00 feet radius, a distance of 390.91 feet to a point again on the said location line (L.O. 5520); thence by a bearing of S 26°00'00" W, a distance of 19.90 feet to a point; thence by a bearing of S 11°12'00" E, a distance of 49.00 feet to a point; thence southeasterly by a curve to the right of 137.76 feet radius, a distance of 81.48 feet to a point; thence leaving said location line (L.O. 5520) southeasterly by a curve to the right of 2615.00 feet radius, a distance of 80.63 feet to a point; thence southerly by a curve to the right of 142.00 feet radius, a distance of 106.93 feet to a point; thence southwesterly by a curve to the right of 70.00 feet radius, a distance of 56.63 feet to a point; thence by a bearing of S 44°59'14" W a distance of 155.80 feet to a point on said location line (L.O. 5520); thence by a bearing of N 49°03'37" W a distance of 189.67 feet to a point; thence by a bearing of N 67°42'48" W a distance of 62.53 feet to a point; thence by a bearing of N 49°03'37" W a distance of 223.56 feet to a point; thence northwesterly by a curve to the right of 978.00 feet radius a distance of 23.56 feet to the point of beginning.

PARCEL II:– The land in said Springfield hereinafter referred to as the "South Garage Parcel", which is bounded and described as follows:–

Beginning at a point on the southwesterly location line of the October 20, 1965 State Highway Layout (L.O. 5520) bearing S 51°00'00" W and 66.57 feet distant from Station 77+52.27 of the main base line of said layout, and extending thence following said location line by a bearing of N 36°07'46" W a distance of 203.80 feet to a point; thence northwesterly by a curve to the left of 1,044.00 feet radius 235.61 feet to a point; thence by a bearing of N 49°03'37" W a distance of 197.65 feet to a point; thence by a bearing N 26°31'56" W a distance of 67.86 feet to a point; thence by a bearing of N 49°03'37" W a distance of 100.69 feet to a point; thence leaving said location northeasterly by a curve to the right 130.00 feet radius, a distance of 30.60 feet to a point; thence northeasterly by a curve to the left of 448.00 feet radius, a distance of 79.00 feet to a point; thence northeasterly by a curve to the left of radius 248.00 feet, a distance of 113.37 feet to a point; thence by a bearing of N 22°59'20" E, a distance of 36.00 feet to a point; thence northeasterly by a curve to the right of radius 8.00 feet, a distance of 10.22 feet to a point on the northeasterly location line of aforesaid State Highway Layout (L.O. 5520); thence by a bearing of S 48°02'36" E a distance of 41.30 feet to a point; thence southeasterly by a curve to the right of 135.05 feet radius a distance of 158.96 feet to a point; thence by a bearing of S 39°00'00" E a distance of 64.67 feet to a point; thence by a bearing of S 41°44'57" E a distance of 108.04 feet to a point; thence by a bearing of S 41°18'52" W a distance of 9.03 feet to a point; thence by a bearing of S 44°28'58" E a distance of 50.97 feet to a point; thence by a bearing of S 40°59'04" W a distance of 5.00 feet to a point; thence by a bearing of S 47°16'39" E a distance of about 16 feet to a point; thence leaving said location line and following existing edge of pavement, southwesterly about 7 feet to the face of the northeasterly wall of Ramp "Q"; thence following the face of the northeasterly wall of Ramp "Q" northwesterly about 35 feet; thence southwesterly about 29 feet to the southwesterly wall of Ramp "Q"; thence, following the face of the southwesterly wall of Ramp "Q" southeasterly about 346 feet to an existing chain link fence; thence, following the line of said fence southeasterly about 54 feet to a point again on the northeasterly location line of the aforesaid State Highway layout; thence, following said location line southeasterly to southerly by a curve of 190.00 feet radius 73.84 feet; thence, in part following said location line and in part following the line of an existing chain link fence S 14°11'53" E a total of about 107 feet; thence, following said fence line southwesterly about 90 feet and westerly and northwesterly a total of about 120 feet to the point of beginning.

SECTION 3. The lease between the division and the authority, in addition to such other provisions as they may approve, shall provide the following:—

(a) (1) The authority shall pay to the commonwealth in one or more installments fixed in the lease a rental for each year at the following rates:

(i) for each of the first five years of the term, rental at the annual rate of twenty-five thousand dollars, hereinafter referred to as the annual rate;

(ii) for each of the years of the term beginning with the sixth year and continuing to the expiration of the calendar year in which all original

debts and interest thereon incurred by the authority for the purpose of constructing garage projects which have been approved by the division pursuant to paragraph (b) on the leased premises, but not for improvements or alterations of such garage projects, have been paid in full, hereinafter referred to as the debt payment year, a rental at the Annual Rate plus a percentage thereof in each of such years equal to the percentage of increase in the Annual All City National Average of the Consumer Price Index for All Urban Consumers (the "Index") published by the United States Department of Labor Bureau of Labor Statistics for the next prior calendar year over the Index for the fourth calendar year of the term but the Annual Rate shall not be reduced as a result of a reduction in said Index in any year; provided, however, that if the Index is discontinued, another nationally recognized index reflecting changes in the purchasing power of money shall be designated by the division; and

(iii) for each of the years of the term beginning next following the debt payment year and continuing through the end of the term of the lease as it may be extended, a rental equal to either (A) ten per cent of the gross receipts of the authority which it receives from the operation of garage projects on the leased premises or (B) a rental computed pursuant to clause (ii) of this subparagraph whichever is greater.

(2) Notwithstanding the provisions of subparagraph (1) of paragraph (a), the annual rental shall be no less than the minimum required by applicable federal laws or federal regulations.

(3) The authority and the commonwealth shall pay no real estate taxes, personal property taxes, or special or betterment assessments with respect to the leased premises, the leasehold estate, or any improvements thereon, or any taxes with respect to the use or occupation thereof or the income received therefrom.

(b) The authority shall be authorized to design and construct or cause to be designed and constructed by itself or by other persons on the leased premises garage projects as defined in the statute; provided however, that the plans and specifications for the same are first approved by the division in consultation with the department, by the department of public works of the city, and by the Federal Highway Administration; and copies of such approved plans and specifications shall be filed with the clerk of the house of representatives who shall forward the same to the joint committee on state administration to be kept on file.

(c) The leased premises shall be used for the public parking of motor vehicles and such other activities as are incidental thereto but shall not include any separate independent commercial or industrial activities nor the dispensing or storage of any hazardous materials so classified by state or federal law or regulations except for the fuel in the fuel tanks of motor vehicles parked on the premises. Such garage projects shall be available for the parking of motor vehicles by all members of the general public on a nondiscriminatory basis each day when the garage projects are open for business on a space available basis except that spaces may be allocated and parking may be limited on the basis of transient and monthly parking and on the size of vehicles based upon a plan developed by the authority and approved by the division, a copy of which shall be filed with the clerk of the house of representatives who shall forward the same to the joint committee on state administration to be kept on file.

(d) The authority shall not assign the lease to any person; provided, however, at the election of the authority and the city, the rights and

obligations of the authority under the lease may be assigned by it to the city and notice thereof shall be given by the city to the division; but upon any dissolution of the authority, the rights, obligations and interest of the authority under the lease shall automatically vest in the city; provided, however, that in either event, the city shall not assign the lease to any person. No management contract shall be entered into by the authority with any independent management company for the purpose of managing the operation of the garage projects on the leased premises until the management company shall have been selected from an open and competitive bid process and whose operation and fee paid to such management company shall have been approved in writing by the division; provided, however, that the authority shall not be required to select the lowest bidder but if it does not, the authority shall file with the division at the time the authority requests such approval a written statement of the reasons for its selection and for not accepting the lower bidder or bidders. In the aforesaid manner, all subsequent management companies shall be chosen for any part of the original lease and all extensions or renewals thereof. Notwithstanding the foregoing, the authority may honor its existing management agreement which pertains in part to the premises described in section two of this act until it expires on December thirty-first, nineteen hundred and eighty-nine but shall not renew or extend said agreement except in compliance with the provisions of this paragraph.

(e) Upon the termination of the lease at the end of its term as the same may have been extended or renewed, or upon the earlier termination of the lease at the election of the authority which it shall have a right to do, or on default by the authority as provided in paragraph (f) of this section, title to all structures erected on the leased premises shall vest in the commonwealth; provided, however, that whenever the lease terminates by expiration of time or is terminated by the division because of failure of the authority to comply with the provisions of this act or of the lease, the division may by written notice, given within sixty days of the date of termination, require the authority to clear the leased premises by demolishing at the authority's expense any or all improvements erected by it on said premises.

(f) The lease shall not be terminated by the division or the commonwealth earlier than its termination date as the same may have been extended or renewed except: (1) upon the authority using or permitting others to use all or any part of the leasehold estate for purposes not authorized by this act; (2) upon the leasehold estate being used in a manner inconsistent with the terms of the lease; (3) upon determination by the division in consultation with the department that the area of the leasehold is needed, in whole or in part, for the abandonment, alteration horizontally or vertically or relocation of any part of or of the access ramps to the part of Interstate Route I-91 located within the leased premises, hereinafter referred to as highway purposes; or (4) upon the authority having failed to construct a garage project on the leased premises and to open the same for public parking within sixty months after the effective date of this act unless such failure is due to causes beyond the reasonable control of the authority and such failure is verified by the division. In the instances of clauses (1), (2) and (4), the division may terminate the lease upon the authority failing to cure such default within three calendar months after it re-

ceives written notice from the division specifying the default and warning that the division may terminate the lease if the same is not cured, hereinafter referred to as the warning notice, or with respect to defaults under clause (1) or (2), the division may terminate the lease forthwith by notice to the authority if there is a repetitive default by the authority of the same nature as that specified in any warning notice given to the authority within the next prior eighteen months, and in case of such termination pursuant to clause (1), (2) or (4) the commonwealth shall not be liable for damages for such termination. In the instance of clause (3), the division may terminate the lease upon eighteen months written notice to the authority that the division has determined that the leased area shall be needed, in whole or in part, for said highway purposes. Notwithstanding any other law to the contrary, the commonwealth shall be liable in damages for such termination under clause (3) only to the extent that it shall pay for a share of the original cost of construction of, and of any addition or renovation to, the garage projects and improvements on the leased premises, with the said share being the remainder after depreciating all such costs, after deducting any state grant funds which were used to pay any part of such costs, by a rate determined by a fraction the numerator of which shall be the number of months remaining in the unexpired term of the lease and the denominator of which shall be the total number of months of the term of the lease between the month in which such improvement was made and the end of the unexpired term of the lease.

(g) The title to the real estate or the leasehold estate shall not be encumbered. Encumbrances of revenue received by the authority from the operation of the garage projects on the leased premises, which are voluntarily granted by the authority, excluding that amount of such revenues owed to the commonwealth by said authority as rent for said premises shall be permitted in accordance with the provisions of this act. Upon the termination of the lease all such encumbrances except those owed to the commonwealth as provided for by this act shall automatically terminate without further action or execution of documents.

(h) With respect to the leased premises, the authority shall have all rights conferred on it by the statute which are not inconsistent with the provisions of this act.

(i) Officials, employees and representatives of the commonwealth and of the Federal Highway Administration shall have a right to enter the leased premises at reasonable times for the purposes of inspecting, repairing, maintaining, replacing and altering said Interstate Route I-91, its ramps and its supporting structures, and no improvements shall be placed on the leased premises in a position or manner which shall unreasonably impede such access or work; provided however, that any improvements made in accordance with plans and specifications approved pursuant to paragraph (b) shall be deemed conclusively to comply with the requirements of this paragraph.

(j) The authority shall not sublet all or any part of the land referred to in section two of this act unless the sublease in each case is approved by the division and by the general court.

(k) All revenues of the authority received from the operation of the garage projects on the leased premises as authorized by section two of this act shall be accounted for by the authority separately from the

revenues received by the authority from all other garages owned or operated by said authority. The authority shall submit written reports quarterly to the division with respect to the revenues and expenses pertaining to the garage projects on the leased premises. All such revenues received from the operation of any garage located on the "North Garage Parcel" and the "South Garage Parcel", as described in section two of this act, shall be used by the authority only for the construction, alteration, repair, maintenance, demolition and improvement of the aforementioned leased premises and structures therein; for the operation, insuring and use of the said garage projects; for the payment of principal, interest and other charges and expenses incurred in loans to or bonds issued by the authority to pay for the foregoing activities with respect to the leased premises; and for such reasonable share of the general overhead and administrative expenses of the authority as is allocated to said garage projects and certified as such, in accordance with generally accepted accounting principles by an independent certified public accountant, who is retained by the authority and approved in writing by the deputy commissioner of the division; to create reasonable reserves for the foregoing purposes; and to invest or deposit any surplus revenue at interest. Such revenue shall not be used by the authority to pay for any of its debts or activities which are not related to said leased premises without the prior approval of such use in each instance by the division.

(l) The authority shall be required at all times during the term of the lease to carry, in such reasonable amount as is from time to time approved in writing by the division, comprehensive general liability insurance or in lieu thereof such other security as the division after consulting with the department may approve, protecting the authority, the city, division, department, commonwealth, the Federal Highway Administration and the federal government and their successors in interest against claims for injuries and death to persons and damage to property occurring on or about the leased premises or within any structure or building thereon, and such fire and extended risk insurance or in lieu thereof such other security as the division after consulting with the department may from time to time reasonably deem appropriate. Each policy of insurance shall provide a waiver of rights of subrogation by the insurer in favor of the commonwealth, division, department, city, authority and federal government; provided, however, that the provisions of this paragraph shall not be deemed to be a consent by the authority, city, division, department, commonwealth, Federal Highway Administration or federal government to be sued on any such claim.

(m) The lease shall contain:

(1) appropriate restrictions prohibiting discrimination by the authority and by any contractors, employees or other persons dealing with the authority with respect to the leased premises on the basis of race, creed, color, sex, age, national origin, religion or handicap, and shall contain appropriate affirmative action provisions; and

(2) appropriate provisions requiring any contractor and subcontractor providing services to the authority with respect to the construction, alteration or demolition of any improvements on the leased premises to conform to any applicable labor laws of the commonwealth and requiring the contractor and each subcontractor to keep on file the wage rates, pension contributions and qualifications of all labor so employed for inspection by the authority and the division or their designees.

SECTION 4. The provisions of chapter eighty-one of the General Laws shall not apply to the lease or any assignment of the lease referred to in this act. The division after consulting with the department shall be authorized to exercise the rights granted to a person by chapter one hundred and forty-four of the acts of nineteen hundred and sixty-seven with respect to any air walks to be constructed over public ways which abut the leased premises.

SECTION 5. (a) The division shall file with the clerk of the house of representatives who shall forward to the joint committee on state administration and with the inspector general of the commonwealth a copy of the lease authorized by this act at least twenty business days prior to the execution thereof by the division. The inspector general shall review and file comments and any recommendations to the joint committee on state administration within fifteen business days of the receipt of such lease by the inspector general, and shall deliver a copy thereof to the division and to the authority.

(b) Any amendments of any such lease shall be processed and executed in the same manner and with the same effect as is hereinbefore provided for such lease.

SECTION 6. The division from time to time is hereby authorized to execute and deliver to the authority, in the name and on behalf of the commonwealth, any lease pertaining to the land referred to in section two of this act and any notices of such lease for recording or for filing with any public office, and any and all other agreements and instruments related to the lease or the leased premises authorized by this act which the division may determine appropriate from time to time. Any such lease, notice of lease, amendments or instruments, when executed by the deputy commissioner of the division shall be deemed conclusively authorized by this act; provided however, that all provisions therein are consistent with this act. Whenever the authority of the division over the leasing of land of the commonwealth is transferred to any other official, department, division, board or agency of the commonwealth, the transferee shall be vested automatically with the duties and authority conferred by this act on the division and the duties and authority conferred by this section on the deputy commissioner shall be vested automatically in the official exercising like authority in the transferee unless and to the extent the act transferring such authority otherwise provides. Neither this act nor the terms of the lease from the division to the authority shall be construed so as to prevent the division, or other appropriate agency of the commonwealth, from discontinuing, abandoning, altering or reconstructing Interstate Route I-91 or of disposing of the commonwealth's interest in the land at anytime; but no lease granted to the authority pursuant to this act shall be terminated except in the manner provided in paragraph (f) of section three.

SECTION 7. The division shall have a right to enter on the land described in section two of this act at reasonable times to inspect the state of construction, maintenance and repair of any structures thereon and the management of any activities conducted thereon. Annually on or before September first, the division shall file with the clerk of the house of representatives who shall forward the same to the joint committee on

state administration and with the authority and the mayor of the city a report of its findings and recommendations with respect to such structures and management.

SECTION 8. Notwithstanding the provisions of any general or special law to the contrary, to provide for the costs of constructing any garage project or improvement by the authority on the land described in section two of this act or of altering or demolishing the same, but subject to the provisions of sections seven, eight and ten of chapter forty-four of the General Laws, the city is authorized by vote of its city council and approval of its mayor to obtain and to appropriate from time to time to the authority such sums of money as the city council and mayor deem necessary. Such money may be paid to the authority as either a grant or as a loan on such terms and conditions and for such time as the city council, mayor and authority may approve.

To the extent the authority, either directly or through the city, receives any grant funds from the commonwealth for use with respect to the land described in section two of this act or any improvements thereon, the authority shall comply with all statutes and regulations applicable to the receipt and use of such funds including, without limitation, the provisions of sections 26.01 through 26.08 of chapter 801 of the Code of Massachusetts Regulations.

SECTION 9. When requested by the city, the division shall grant to the city, without the payment of consideration by said city, easements in perpetuity in, under, through and over the following parcels of real estate in said city which are hereinafter referred to as the "Vernon Street Connector Parcel" and the "East Columbus Avenue Parcel" respectively to be used by the city for all purposes for which public ways may be used and for the purposes respectively of relocating, extending and connecting Vernon Street to the Memorial Bridge and of widening East Columbus Avenue and extending Hampden Street:–

(a) The "Vernon Street Connector Parcel" is bounded and described as beginning at the southerly corner of the North Garage Parcel along West Columbus Avenue; thence by a bearing of N 44°59'14" E, a distance of 155.80 feet to a point; thence northeasterly by a curve to the left of 70.00 feet radius, a distance of 56.63 feet to a point; thence northwesterly by a curve to the left of 142.00 feet radius, a distance of 106.93 feet to a point; thence northwesterly by a curve to the left of 2615.00 feet radius, a distance of 80.63 feet to a point on the location line of October 20, 1965 State Highway Layout (L.O. 5520); thence continuing on said location line southeasterly by a curve to the right of 137.76 feet radius, a distance of 46.33 feet; thence by a bearing of S 48°02'36" E, a distance of 263.65 feet to a point; thence leaving said location line southwesterly by a curve to the left of 8.00 feet radius, a distance of 10.22 feet to a point; thence by a bearing of S 22°59'20" W, a distance of 36.00 feet to a point; thence southwesterly by a curve to the right of 248.00 feet radius, a distance of 113.37 feet to a point; thence southwesterly by a curve to the right of 448.00 feet radius, a distance of 79.00 feet to a point; thence southwesterly by a curve to the left of 130.00 feet radius, a distance of 30.60 feet to a point on the location line of October 20, 1965 State High Layout (L.O. 5520); thence continuing on said location line by a bearing of N 49°03'37" W, a distance of 117.12 feet to the point of beginning.

(b) The "East Columbus Avenue Parcel" is bounded and described as beginning at the northwesterly corner of the North Garage Parcel along Hampden Street; thence by a bearing of N 38°31'55" W, a distance of 323.11 feet to a point; thence northwesterly by a curve to the left of 378.00 feet radius, a distance of 80.35 feet to a point; thence by a bearing of N 50°43'28" W, a distance of 35.47 feet to a point on the July 6, 1966 State Highway Layout (L.O. 5585); thence following said layout by a bearing of S 69°02'35" E, a distance of 127.07 feet to a point; thence southeasterly by a curve to the left of 1027.00 feet radius, a distance of 133.65 feet to a point; thence by a bearing of S 67°57'07" E, a distance of 76.76 feet to a point, leaving said layout (L.O. 5585) and continuing on said bearing, a distance of 208.62 feet on the October 20, 1965 State Highway Layout (L.O. 5520) to a point; thence southeasterly by a curve to the right of 970.00 feet radius, a distance of 128.73 feet to a point; thence by a bearing of S 29°39'06" W, a distance of 15.00 feet to a point; thence by a bearing of S 59°46'32" E, a distance of 19.10 feet to a point; thence by a bearing of N 30°47'15" E, a distance of 15.00 feet to a point; thence southeasterly by a curve to the right of 970.00 feet radius, a distance of 188.92 feet to a point; thence by a bearing of S 48°02'36" E, a distance of 168.47 feet to a point; thence by a bearing of S 26°00'00" W, a distance of 17.31 feet to a point; thence leaving said location line (L.O. 5520) northwesterly by a curve to the left of 2615 feet radius, a distance of 390.91 feet to a point; thence northwesterly by a curve to the left of 300.00 feet radius, a distance of 5.23 feet to a point; thence northwesterly by a curve to the left of 799.00 feet radius, a distance of 72.00 feet to a point; thence northwesterly by a curve to the right of 1001.00 feet radius, a distance of 62.00 feet to a point; thence by a bearing of N 65°57'11" W, a distance of 177.98 feet to a point; thence by a bearing of S 28°00'00" W, a distance of 88.40 feet to a point; thence by a bearing of S 38°32'05" E, a distance of 68.68 feet to a point; thence by a bearing of S 28°00'00" W, a distance of 28.01 feet to a point; thence by a bearing of S 16°21'44" W, a distance of 22.38 feet to the point of beginning.

SECTION 10. In constructing and maintaining public ways, ramps and other improvements under, on or over the Vernon Street Connector Parcel and the East Columbus Avenue Parcel, the city shall comply with all laws of the commonwealth and of the federal government and all rules and regulations applicable to the construction of improvements under, on or over federally-funded highway rights-of-way and airspace and of the laws of this commonwealth applicable to the construction of public ways; provided, however, that notwithstanding the provisions of any general or special laws to the contrary, no approval of the extension or relocation of said Vernon street or East Columbus avenue in order to effect the connection with the Memorial Bridge shall be required of any governmental body or official other than the division, the department, the Federal Highway Administration, and the department of public works of the city, board of public works, city council and mayor of the city.

SECTION 11. If the city does not elect to request the division to grant either or both of the easements provided in section nine of this act, and the city requests the division to lease the area of such easement or

ACTS, 1986. – Chap. 640.

easements to the authority, the division shall include said parcel as a part of the leased premises in the lease to the authority which is authorized by section two of this act, or if said lease has then been executed, in an amendment thereof.

SECTION 12. The state auditor or his designee shall have a right to audit any of the authority's financial records relating to the use of the land described in section two of this act at any time at the principal office of the authority; and the authority shall provide the division copies of the annual audit of its affairs made by an independent certified public accountant or accounting firm pursuant to section fifteen of chapter six hundred and seventy-four of the acts of nineteen hundred and eighty-one. Upon receipt of the same, the division shall annually file a copy of such audit with the state auditor, the clerk of the house of representatives who shall forward the same to the joint committee on state administration.

SECTION 13. All agencies, departments, boards, commissions, bureaus, officials and employees of the commonwealth, city and authority are authorized and directed to take such actions as may be required of them by any general or special law of the commonwealth as the same may have been modified by the provisions of this act, or by any laws of the United States or regulations promulgated thereunder so as to implement the provisions of this act in an expeditious manner; and the execution by any official or employee of the commonwealth, city or authority of any document pertaining to the lease or disposition of the land described in this act or of the approval of any improvements thereon shall be conclusive on all persons of the compliance by such official or employee with all conditions precedent to the due exercise of such authority. For purposes of Federal regulations applicable to the land referred to in this act, the department is designated as the state highway department.

SECTION 14. Any litigation involving the validity or meaning of this act or of any lease or instrument executed pursuant to this act or concerning any action of the authority shall be commenced only in the superior court in the county of Hampden.

SECTION 15. This act shall take effect upon its acceptance by the city council and mayor of the city of Springfield; and upon the same occurring, the city clerk of the city shall file with the authority, the division, the clerk of the house of representatives who shall forward the same to the joint committee on state administration and the state secretary a certified copy of such acceptance.

Approved December 23, 1986.

Chapter 640. AN ACT RELATIVE TO THE APPOINTMENT OF AN ASSESSOR IN THE TOWN OF BOXBOROUGH.

Be it enacted, etc., as follows:

ACTS, 1986. – Chaps. 641, 642.

SECTION 1. Notwithstanding the provisions of sections twenty-four and twenty-five of chapter forty-one of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Boxborough may appoint as the single assessor of said town a suitable person who shall not be required to be a citizen of said town.

SECTION 2. Notwithstanding the provisions of sections twenty-four and twenty-five of chapter forty-one of the General Laws or any other general or special law to the contrary, the appointment of the present incumbent of the office of assessor of the town of Boxborough and all actions taken by said incumbent by virtue of said appointment are hereby ratified, validated and confirmed.

Approved December 23, 1986.

Chapter 641. AN ACT PROVIDING FOR THE APPOINTMENT OF THE TOWN TREASURER IN THE TOWN OF SOUTHBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The charter of the town of Southbridge which is on file in the office of the archivist of the commonwealth, as provided in section twelve of chapter forty-three B of the General Laws, is hereby amended by repealing section four of chapter seven.

SECTION 2. Said charter of the town of Southbridge is hereby further amended by striking out section one of chapter eight and inserting in place thereof the following section:–

"CHAPTER 8, SECTION 1: The town manager shall have the power to appoint, subject to confirmation by the town council, the following town officers; town treasurer, tax collector, veterans agent, animal inspector, plumbing inspector, wire inspector, sealer of weights and measures, gas, milk and food inspector, police department, fire department, keeper-of-the-lock-up, town accountant and one fulltime assessor who shall assume the duties of the clerk of the board of assessors."

SECTION 3. This act shall take effect as of March sixth, nineteen hundred and eighty-seven.

Approved December 23, 1986.

Chapter 642. AN ACT RELATIVE TO THE ARCHITECTURAL ACCESS BOARD.

Be it enacted, etc., as follows:

SECTION 1. Section 18 of chapter 6A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

The following state agencies are hereby declared to be within the

executive office of public safety: the department of public safety and all other state agencies within said department, including the boards established by sections eleven A and fourteen of chapter twenty-two; the boards established by sections seventy-one A and seventy-one H of chapter one hundred and forty-three, and the board of schoolhouse structural standards established by section one of chapter six hundred and seventy-five of the acts of nineteen hundred and fifty-five; the registry of motor vehicles; the governor's highway safety committee; the Massachusetts criminal justice training council; the criminal history systems board; the security and privacy council; the state board of building regulations and standards; the department of the capitol police; and the architectural access board.

SECTION 2. Chapter 22 of the General Laws is hereby amended by striking out section 13A, as amended by chapter 267 of the acts of 1986, and inserting in place thereof the following section:–

Section 13A. There shall be in the executive office of public safety a board to be known as the architectural access board, which shall consist of the director of the office of handicapped affairs or his designee, the secretary of the executive office of elder affairs or his designee, the secretary of the executive office of public safety or his designee, and six members to be appointed by the governor, in consultation with the secretary of the executive office of public safety from lists submitted by the director of the office of handicapped affairs. Three of the appointive members shall be selected after consultation with advocacy groups in behalf of the physically handicapped. At least two appointive members shall be experienced in the field of universal design. Two of the appointive members shall be experienced in building codes and construction standards. The chairman of the board shall be elected annually by the members.

Each appointive member shall be appointed for a term of three years, with the members initially appointed serving staggered terms. Persons appointed to fill vacancies shall serve for the unexpired term. Any member shall be eligible for reappointment. Each appointive member shall be paid for each day while in the actual performance of official functions at such rate as shall be approved by the commissioner of administration and shall also receive from the commonwealth all expenses necessarily incurred in connection with such official duties. Any board member appointed by said governor absent from three consecutive board meetings, which absence is not for reasons of health, may be removed from membership by said governor upon request of a majority of the members of the board.

The board shall employ an executive director, who shall appoint, with the board's approval, such other personnel as may be required in the performance of the board's duties. The executive director shall be responsible for the administrative operation of the board, including development of an annual appropriation request for the operation of the board, and shall perform such other tasks as the board shall determine. Employees of the board shall not be subject to the provisions of chapter thirty-one.

The board shall make and from time to time alter, amend, and repeal, in accordance with the provisions of chapter thirty A, rules and regulations designed to make public buildings accessible to, functional

for, and safe for use by physically handicapped persons. The board shall also make rules and regulations requiring that any person who has lawful control of improved or enclosed private property used as off-street parking areas for businesses, auditoriums, sporting or recreational facilities, or cultural centers where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for vehicles of handicapped persons or for vehicles used to transport such handicapped persons if the number of parking spaces in any such area is fifteen or more. The parking spaces reserved for vehicles of such handicapped persons shall be clearly marked as such.

The provisions of this section and all rules and regulations made hereunder shall be enforced by the inspector of buildings, building commissioner, local inspector and inspector, as defined in chapter one hundred and forty-three, as to buildings under their respective jurisdictions. Said rules and regulations shall be deemed to be a specialized code as referred to in section ninety-six of chapter one hundred and forty-three, the violation of which shall constitute gross negligence for the purposes of clause (d) of section sixty G of chapter one hundred and twelve.

The board shall have the power of local and state inspectors in the enforcement of its rules and regulations, including but not limited to, the right to enter all public buildings as defined by this section. The board shall use all reasonable methods to cause the dissemination of the provisions of this section and all rules and regulations made hereunder to architects, engineers, contractors, state and local building inspectors, local building commissioners, state and local public works officials, the chief executive of each city and town, handicapped persons, and any other person requesting such information. The board shall take such other actions as may be necessary and appropriate to encourage and assist all state and local building inspectors to enforce the provisions of this section, all rules and regulations made hereunder and decisions of the board, including but not limited to, providing training and technical assistance to said inspectors. The board shall also provide technical assistance and training to professional groups, public officials and state agencies. All public newspaper solicitation for bids on projects regulated by this section shall state the requirement of conformity to rules and regulations of the board.

There shall be no construction, reconstruction, alteration or remodeling of a public building except in conformity with said rules and regulations, nor shall the use of any building be changed to a use in which the building is open to and used by the public as defined in this section until such building so conforms, and a copy of the plans and specifications have been approved as provided in this section and in section three W of chapter one hundred and forty-three, showing compliance with said rules and regulations; provided, however, that if the board determines that compliance with said rules and regulations is not feasible technologically, or would result in excessive and unreasonable costs without any substantial benefit to physically handicapped persons in a particular case, it may provide for modification of, or substitution for, such rule or regulation. In all petitions for variance, the burden of proof shall be on the party requesting a variance to justify its allowance.

Five per cent of the units in lodging or residential facilities for hire,

rent or lease, containing twenty or more units, shall be accessible, functional and safe units for physically handicapped persons.

The board shall receive complaints of noncompliance with this section or any rule or regulation promulgated hereunder from any person or may receive complaints initiated by its own staff. If the board finds, after notice and opportunity for a hearing, that any person is not in compliance with this section or with any rule or regulation promulgated hereunder, it may issue an order to compel such compliance. Such order may specify the date and the manner by which such person shall cure the noncompliance found by the board, and may require that pending the cure of such noncompliance a performance bond be furnished, payable to the commonwealth, in such penal sum as the board finds reasonable.

In the event that a person fails to cure such noncompliance by the date specified in the board's order, the board shall be empowered, after further hearing, to impose a fine payable to the commonwealth not to exceed one thousand dollars per day for each violation for each day of noncompliance as to which the board finds that such noncompliance was without justification. The board shall also have the power, if it determines that such failure to cure noncompliance is willful and deliberate, to bring a complaint before any appropriate licensing or permit granting authority against the license or permit of such person. The board shall maintain a record of all state and local building inspectors who issued a building permit for a building later found by the board to be in violation of this section or any rule or regulation promulgated thereunder.

The board may, when necessary, seek to enforce its order by filing an action in superior court. In any such proceedings, the board or any member thereof may appear pro se or be represented by the attorney general or by counsel employed or designated by it for such purpose. The board shall not be required to pay any entry fee in connection with the institution of any such proceedings.

Any decision the board makes pursuant to this section shall be subject to review in superior court upon petition of any aggrieved person within thirty days after the decision for which review is sought. The court shall enter an order enforcing, modifying, or setting aside the order of the board, or it may remand the proceeding to the board for such further action as the court may direct.

Prior to the board's resolution of any complaint, request for a variance or other matter involving the accessibility of a building or site, the board shall conduct an on-site inspection unless said inspection is waived by the board. The board shall conduct said inspection either itself or through an agent of the board. Said inspection shall, however, be conducted by an architect at any time deemed necessary by a majority of the board.

The following words, as used in this section, shall have the following meanings:–

"Accessible", the state of a site, building, facility or portion thereof that complies with this section and any rules or regulations promulgated hereunder and that can be approached, entered and used by physically handicapped persons.

"Alteration", external or internal rehabilitation or renovation for which a building permit is needed or for which the cost of such rehabilitation or renovation equals or exceeds five per cent of the full

and fair cash value of the building, or any work determined to be alteration by a state or local building inspector.

"Board", the architectural access board established by this section.

"Construction", work for which a building permit is required, work determined to be construction by a state or local building inspector, or work for which a certificate of occupancy is necessary upon completion.

"Physically handicapped person", any person who has a disability that substantially limits one or more major life activities, including, but not limited to, such functions as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Physically handicapped persons shall include, but not be limited to, persons who have the inability to walk, difficulty walking, hearing disabilities, lack of coordination, reaching and manipulation disabilities, lack of stamina, difficulty interpreting and reacting to sensory information and extremes in physical size.

"Public building", buildings constructed by the commonwealth or any political subdivision thereof with public funds and open to public use, including, but not limited to, those constructed by public housing authorities, the Massachusetts Port Authority, the Massachusetts Parking Authority, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, or building authorities of any public educational institution, or their successors; and privately financed buildings that are open to and used by the public.

Buildings that are open to and used by the public shall include, but not be limited to, the following buildings: transportation terminals, institutional buildings, commercial buildings, buildings having places of assembly with a capacity of more than one hundred and fifty persons, hotels, motels, dormitories, public parking garages or lots with a capacity of fifteen or more automobiles, public sidewalks and ways, public areas of apartment buildings and condominiums containing twelve or more units and of funeral homes, and rest rooms and public areas of shopping centers and restaurants.

"Reconstruction", the tearing down, removal, demolition or replacement of a public building or part of a public building.

"Remodeling", modification beyond an interior decoration or involving any structural change, or the refurbishing, updating or redecorating of a public building for which the cost of such refurbishing, updating or redecorating equals or exceeds five per cent of the full and fair cash value of the building.

SECTION 3. The first paragraph of section 60C of chapter 112 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:– The board shall thereupon examine the applicant in writing, on such technical and professional subjects as are prescribed by it including, but not limited to, the requirements of section thirteen A of chapter twenty-two and the rules and regulations promulgated pursuant thereto pertaining to accessible design standards.

SECTION 4. The second paragraph of section 3 of chapter 143 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 37, the words "and safe exits" and inserting in place thereof the words:– , safe exits and the requirements

ACTS, 1986. – Chap. 643.

of section thirteen A of chapter twenty-two and the rules and regulations promulgated pursuant thereto pertaining to accessible design standards.

SECTION 5. The terms of all members of the board, as it is constituted immediately prior to the effective date of this act, shall continue uninterrupted until July first, nineteen hundred and eighty-seven. Within thirty days after the effective date of this act the director of the office of handicapped affairs shall submit a list of nominees to the governor for appointment.

SECTION 6. The provisions of section thirteen A of chapter twenty-two of the General Laws, as amended by section two of this act, shall not apply to buildings constructed or remodeled before July first, nineteen hundred and eighty-seven.

SECTION 7. Notwithstanding the provisions of any general or special law to the contrary, the members initially appointed by the governor shall serve as follows: three year terms for two members appointed, two year terms for two members appointed and a one year term for the remaining two members appointed.

Approved December 23, 1986.

Chapter 643. AN ACT ESTABLISHING A COORDINATING COUNCIL ON ADOLESCENT HEALTH CARE.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established a coordinating council on adolescent health care consisting of the commissioner of the department of public health, the commissioner of the department of education, the commissioner of the department of public welfare, the commissioner of the department of social services, the commissioner of the department of education, the commissioner of the department of mental health, the commissioner of the department of youth services, the director of the office for children, the secretary of the executive office of economic affairs, the secretary of the executive office of human services, or their designees and seven members to be appointed by the governor, four of whom shall be representatives of nonprofit organizations that provide advocacy or services to adolescents.

Said council is authorized to review all relevant data; compile and disseminate information on existing programs, determine met and unmet adolescent needs, provide planning and technical assistance to local and regional areas, develop model programs and service networks that would address and meet adolescent needs, encourage and support the development of community-based task forces whose objectives would be to assess and meet adolescent health needs, and promote coordination between existing services. The department of public health shall provide administrative support to the council.

Said council shall request each state agency providing services to adolescents to determine the nature, scope and impact of pre-adolescent

and adolescent social, economic, educational, emotional and health care needs; assess existing resources and programs, nationally and in the commonwealth; encourage the development of new programs and resources in order to create uniform quality in service delivery; facilitate servicing at the time of need; provide consistency in maintenance and follow-up; determine program effectiveness for service delivery and meeting needs; determine social, economic, educational, physical and psychological impact and consequence of adolescent pregnancy and parenting, including influences on welfare dependency and the cycle of poverty often generated; assess special needs, vocational education, job training, and skills development needs; evaluate and determine potential sources of private and public funding; determine the need for networks and collaboratives that would streamline and facilitate the servicing process, and access adolescents to services; provide substantial recommendations for prevention and intervention services, and the implementation of such services.

SECTION 2. The objectives of the council shall include, but not be limited to promotion of an integrated approach and positive behaviors in all areas of adolescent physical and emotional health and development; identification of high risk pre-adolescents and adolescents; promotion of positive behaviors in self-esteem, personal and social interaction and communication, and a sense of self-worth; decrease in and prevention of early pregnancy and childbearing; promotion of personal, social and economic self-sufficiency and reducing economic and welfare dependency of pregnant and parenting teenage women, and parenting teenage fathers; promotion of health care for pregnant and parenting teenagers and their children, and reduce the incidence of infant mortality, infant morbidity, and low birthweight infant births; address the health issues and needs of all adolescents; promotion of behaviors and incentives that prevent adolescents from becoming dropouts and promotion of services and support systems enabling adolescents to complete high school, or equivalency.

SECTION 3. The council shall develop model programs with a major emphasis on prevention and intervention; model programs are to be multiservice, comprehensive, and interdisciplinary and must be available to students and the school-age population who are not attending school; model programs will incorporate some or all of the following: comprehensive health education, school-based health services, school programming and curriculum development, community-based health care, development of community resources and participation by community members and leaders, family services, and life options programs.

Model programs would be proposed for statewide adoption. Flexibility for adaptation to area and community needs and resources would be a major component of the programming process.

Collaboratives with individual communities shall be encouraged to assess community needs and resources, and to formulate an integrated, comprehensive plan to meet adolescent health needs.

Approved December 23, 1986.

Chapter 644. AN ACT LIMITING THE LIABILITY OF DIRECTORS OF CERTAIN CORPORATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for limitation of the liability of directors of certain business corporations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (b) of section 13 of chapter 156B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after clause (1) the following clause:–

(1 1/2) a provision eliminating or limiting the personal liability of a director to the corporation or its stockholders for monetary damages for breach of fiduciary duty as a director notwithstanding any provision of law imposing such liability; provided, however, that such provision shall not eliminate or limit the liability of a director (i) for any breach of the director's duty of loyalty to the corporation or its stockholders, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) under section sixty-one or sixty-two, or (iv) for any transaction from which the director derived an improper personal benefit; and.

SECTION 2. Said paragraph (b) of said section 13 of said chapter 156B, as so appearing, is hereby further amended by adding the following paragraph:–

No provision adopted pursuant to clause (1 1/2) shall eliminate or limit the liability of a director for any act or omission occurring prior to the date upon which such provision becomes effective.

SECTION 3. Paragraph (b) of section 6 of chapter 164 of the General Laws, as so appearing, is hereby amended by inserting after clause (1) the following clause:–

(1 1/2) a provision eliminating or limiting the personal liability of a director to the corporation or its stockholders for monetary damages for breach of fiduciary duty as a director notwithstanding any provision of law imposing such liability; provided, however, that such provision shall not eliminate or limit the liability of a director (i) for any breach of the director's duty of loyalty to the corporation or its stockholders, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) under section sixty-one or sixty-two of chapter one hundred and fifty-six B, or (iv) for any transaction from which the director derived an improper personal benefit; and.

SECTION 4. Said paragraph (b) of said section 6 of said chapter 164, as so appearing, is hereby further amended by adding the following paragraph:–

No provision adopted pursuant to clause (1 1/2) shall eliminate or limit the liability of a director for any act or omission occurring prior to the date upon which such provision becomes effective.

SECTION 5. Section 3 of chapter 180 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:–

The articles of organization, in addition, may state a provision eliminating or limiting the personal liability of officers and directors to the corporation or its members for monetary damages for breach of fiduciary duty as an officer or director notwithstanding any provision of law imposing such liability; provided, however, that such provision shall not eliminate or limit the liability of an officer or director (i) for any breach of the officer's or director's duty of loyalty to the corporation or its members, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, or (iii) for any transaction from which the officer or director derived an improper personal benefit. No provision adopted pursuant to the provisions of this paragraph shall eliminate or limit the liability of an officer or director for any act or omission occurring prior to the date upon which such provision becomes effective.

SECTION 6. No director, officer or employee of an operating agency established under chapter one hundred and twenty-one B who performs services for such operating agency shall be liable for civil damages for any injury arising out of said services; provided, however, that such injury is not the result of gross negligence, recklessness or intentional misconduct of said director, officer or employee.

Approved December 24, 1986.

Chapter 645. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO LEASE A CERTAIN PARCEL OF LAND IN THE CITY OF BOSTON FOR THE PURPOSE OF CONDUCTING A ROWING PROGRAM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the deputy commissioner of capital planning and operations to lease a certain parcel of land in the city of Boston, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations in consultation with the metropolitan district commission, is hereby authorized, subject to the provisions of section forty F 1/2 and sections forty H to forty J, inclusive, of chapter seven of the General Laws, to execute and deliver in the name and on behalf of the commonwealth, subject to the terms and conditions as determined by the said division in consultation with the metropolitan district commission, one or more instruments to lease a certain portion of state owned land, located in the city of Boston used for recreational purposes as described herein, to Northeastern University for the purpose of constructing a boathouse thereon, conducting an intercollegiate rowing program and operating a community rowing program on said premises during the months of July and August.

The original lease or leases of such state owned land to Northeastern University shall be for a period not to exceed twenty-five years and shall be for not less than fair market value for comparable rentals. Said division, in consultation with the metropolitan district commission, may renew such lease or leases, subject to the approval of the general court, for an additional period of ten years; provided, however, that any additional renewals or leases for any further term of years shall also require approval of the general court.

In the event that Northeastern university is not utilizing said land for the aforementioned purpose within two years from the effective date of this act, any such lease or leases of such land shall thereupon be null and void.

In the event that Northeastern university does not commence construction of a boathouse upon said land within two years of the effective date of this act, nor complete said construction of said boathouse within three years of the effective date of this act, any such lease or leases of such land shall be null and void.

The land to be leased herein by Northeastern University is a parcel shown on a plan of land by Whitman and Howard, Inc., dated March 1, 1985, containing 13,200 square feet, more or less, and described as follows:–

Beginning at a point on the southerly side of the Charles River at the southwesterly corner of the easement area:–

thence, S66° –43'–50"E, 120.00 feet;

thence, S23° –16'–10"W, 110± feet;

thence, N66° –43'–50"W, 120.00 feet;

thence, N23° –16'–10"E, 110± feet;

to the point of beginning.

The leased area is also a portion shown on a plan of Taking Metropolitan Park Commission Charles River Reservation, Longfellow Meadows to Western Avenue, Boston, by William T. Pierce, dated April 4, 1895, filed in Suffolk Registry of Deeds Book 2285, Page 193.

A pertinent to the above-described parcel is an access easement from Soldiers Field Road as follows:–

Beginning at a point on the northerly side of Soldiers Field Road as shown on Sheet #15 of 18 Sheets titled Bike Path M.D.C., Plan File No. 8125.

thence, S78° –40'–10"W, 75.00 feet;

thence, N11° –19'–50"W, 127.28 feet;

thence, N23° –16'–10"E, 89.15 feet;

thence, S66° –43'–50"E, 120.00 feet;

thence, S23° –16'–10"W, 131.02 feet;

thence, S11° –19'–50"E, 24.67 feet;

to the point of beginning containing 18,908 square feet of land as shown on a Plan of Land by Whitman & Howard, Inc., dated March 1, 1985. The easement area is also a portion shown on a plan of Taking Metropolitan Park Commission Charles River Reservation, Longfellow Meadows to Western Avenue, Boston, by William T. Pierce, dated April 4, 1895, filed in Suffolk Registry of Deeds Book 2285, Page 193.

A pertinent to the above-described leased parcel is a river easement, described as follows:–

Beginning at a point on the southerly side of the Charles River and the northwesterly corner of area to be leased:–

thence, N23°-16'-10"E, 45.00 feet;
thence, S66°-43'-50"E, 120.00 feet;
thence, S23°-16'-10"W, 45.00 feet;
thence, N66°-43'-50"W, 120.00 feet;

to the point of beginning containing 5,400 square feet of land as shown on a Plan of Land by Whitman & Howard, Inc., dated March 1, 1985.

The easement area is also a portion shown on a plan of Taking Metropolitan Park Commission Charles River Reservation, Longfellow Meadows to Western Avenue, Boston by William T. Pierce, dated April 4, 1895, filed in Suffolk Registry of Deeds Book 2285, Page 193.

Said division shall provide the clerk of the house of representatives who shall forward copies to the joint committee on state administration of the general court and the inspector general of the commonwealth, a copy of said lease or leases at least twenty business days prior to the execution thereof by said division. The inspector general shall review and comment within fifteen business days of the receipt of such lease or leases by the said inspector

general. A copy of said review and comment, and any recommendations thereon by the inspector general, shall thereupon be forwarded to said clerk. Said lease or leases, when executed by the deputy commissioner, shall be deemed conclusively authorized hereby; provided, however, that all provisions therein are consistent with the provisions of this act. The deputy commissioner from time to time is hereby authorized to execute and deliver, in the name and on behalf of the commonwealth, a notice of such lease or leases for recording and any and all other agreements and instruments related to the lease or leases authorized hereby which the division may determine appropriate from time to time. Any such notice of lease, lease instrument, or instruments, when executed by the deputy commissioner shall be deemed conclusively authorized hereby; provided, however, that all provisions therein are consistent with this act.

No sub-lease of such land or any portion thereof shall be executed without the prior approval of the general court.

No privately owned, occupied, or financed building of any kind may be erected upon said land without the written approval of the division and the metropolitan district commission, and a written notification to the clerk of the house of representatives who shall forward copies to the joint committee on state administration. Plans for any such building shall be submitted to said division for approval prior to any construction thereon. In like manner any alteration, addition, destruction or demolition thereof shall also require the prior written approval of said division, and a written notification to said clerk. Copies of any and all such plans, together with all such written approvals by said division, shall be sent by said division to said clerk to be kept on file.

The rental payment to the commonwealth for the lease or leases authorized by this act shall not be subordinated to any leasehold mortgage of the lessee.

The lease or leases shall provide that the commonwealth may repossess the leased premises if payment of the rent or any other sum is not timely paid, or if the lessee otherwise defaults and that notwithstanding such default, the lessee will continue to owe rent and any other sums due the commonwealth under the provisions of said lease or leases. The lessee shall carry, in an amount approved in writing by the deputy commissioner of the division, comprehensive general liability

insurance protecting the lessee and the commonwealth against personal injuries and property damage occurring on said leased premises or within any structure or building erected thereupon, and such fire and extended risk insurance, as said deputy commissioner deems appropriate.

No lease or leases, other than that provided for by the first and second paragraphs, nor any sale, transfer, conveyance, or any other disposition of such land, and buildings, if any, may be made without the prior approval of the general court.

SECTION 2. No lease or leases for the property described in section one of this act shall be valid unless such lease or leases shall provide that said property shall be utilized during the months of July and August, annually, for a summer boating program, open to residents of the commonwealth, and operated by and under the supervision of Northeastern university, in consultation with the division of capital planning and operations and the metropolitan district commission. Northeastern university shall promulgate rules and regulations, subject to the written approval of the deputy commissioner of the division of capital planning and operations, in consultation with the commissioner of the metropolitan district commission, for the operation, the hours, and number of participants in said program, and any other restrictions which said university, said deputy commissioner, and said commissioner may deem necessary and proper. A copy of said rules and regulations shall be sent to the joint committee on state administration to be kept on file.

Said summer boating program shall commence on the first Monday after the fourth of July and shall terminate on the last Friday in August, annually. Said program shall not operate on any Saturday or Sunday, thereof.

No such lease or leases shall be valid until Northeastern university shall have established an annual scholarship for a resident of the Allston/Brighton section of the city of Boston. The recipient of said scholarship shall be a citizen of the United States of America.

Nothing in this section shall prevent Northeastern University from awarding said scholarship to the same recipient more than once or in succeeding years; provided, however, that such recipient remain a resident of said community and hold United States citizenship.

No lease or leases shall allow for the sale or consumption of alcoholic beverages of any kind in any building or on any land leased under the provisions of this act.

On or before December thirty-first, annually, Northeastern university shall make and issue a report detailing the results of said summer boating program and said scholarship, a copy of which shall be sent to the deputy commissioner of the division of capital planning and operations, the commissioner of the metropolitan district commission and the clerk of the house of representatives who shall forward copies to the chairmen of the joint committee on state administration.

Approved December 24, 1986.

ACTS, 1986. – Chaps. 647, 648.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Sudbury is hereby authorized to purchase from the Atkinson Pool Foundation, Inc., a charitable corporation, a new swimming pool facility to be constructed by the said Atkinson Pool Foundation, Inc., on town land acquired and available for recreational or educational uses, for the sum of five hundred thousand dollars.

SECTION 2. The town is hereby exempted from the requirements of any bidding statutes of the commonwealth for the purchase of the swimming facility.

SECTION 3. This act shall take effect upon its passage.

Approved December 24, 1986.

**Chapter 647. AN ACT VALIDATING CERTAIN ACTION TAKEN BY
THE BOARD OF ASSESSORS OF THE TOWN OF
YARMOUTH.**

Be it enacted, etc., as follows:

SECTION 1. The actions of the board of assessors of the town of Yarmouth in making omitted assessments and revising valuations for fiscal year nineteen hundred and eighty-six and committing such assessments and revisions to the collector of taxes under warrants dated August twenty-ninth, nineteen hundred and eighty-six are hereby ratified, validated and confirmed and made effective, notwithstanding the failure of said assessors to obtain the approval of the commissioner of revenue for such action as required by sections seventy-five and seventy-six of chapter fifty-nine of the General Laws.

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

Approved December 24, 1986.

**Chapter 648. AN ACT FOR THE PROVISION OF MEDICAL CARE
FOR PERSONS IN MENTAL HEALTH FACILITIES.**

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 4 of chapter 123 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 24 and 25, the words "physical examination by a physician licensed under the provisions of chapter one hundred and twelve at least" and inserting in place thereof the words:—comprehensive physical examination by a physician licensed under the provisions of chapter one hundred and twelve at least upon admission and.

SECTION 2. Said section 4 of said chapter 123, as so appearing, is hereby further amended by inserting after the first paragraph the following two paragraphs:–

During an admission examination, a periodic physical examination, or on a continuing basis, the examining physician shall identify all persons who require intermediate nursing services, skilled nursing services, chronic disease hospital services or rehabilitation hospital services, as defined in the regulations promulgated by the department of public welfare, regardless of any person's need to have such services provided in an institutional setting. Upon such identification, a report of the same shall be made by such physician to the commissioner, who shall maintain statistical records regarding such persons.

The department of mental health shall provide an individual service plan for every person so identified within thirty days of such identification, which plan shall be written pursuant to the standards and procedures established in the rules and regulations of said department, relative to the standards by which an individual may request and receive mental health services and which shall note each of the persons physical health care needs. Each service plan shall provide for services in the most age appropriate and disability appropriate setting consistent with the mental health needs of each person.

Approved December 24, 1986.

Chapter 649. AN ACT RELATIVE TO SALES REPRESENTATIVES.

Be it enacted, etc., as follows:

Chapter 104 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following three sections:–

Section 7. The following terms as used in sections eight and nine, unless the context otherwise requires, shall have the following meanings:

"Commission", compensation accruing to a sales representative for payment by a principal, earned through the last day on which services were performed by the sales representative, the rate of which is expressed as a percentage of the dollar amount of orders or sales.

"Principal", a person who manufactures, produces, imports or distributes a product for wholesale; contracts to solicit orders for such product, and compensates individuals who solicit wholesale orders in whole or in part, by commission.

"Sales representative", an individual other than an employee, who contracts with a principal to solicit wholesale orders and who is compensated, in whole or in part, by commission but shall not include one who places orders or purchases exclusively for his own account for resale.

"Day", any calendar day, including Saturdays, Sundays and legal holidays.

"Termination", the end of services performed by the sales representative for the principal by either discharge or resignation.

Section 8. At the written request of either party, a sales representative and a principal shall enter into a written contract for services to be performed by a sales representative. No such written

contract shall be entered into prior to the termination of any existing agreement.

Any written contract entered into pursuant to this section shall contain provisions which establish: (a) the form of payment and the method by which such payment is to be computed and made, including instances where the written contract is terminated by either party under the provisions of the written contract; (b) the length of notice which either party must provide to the other for termination of the contract; and (c) any other terms and conditions which the parties agree to include in such contract.

The principal shall provide the sales representative a signed copy of a written contract entered into pursuant to this section.

Section 9. When an agreement between a principal and a sales representative is terminated by either party or has expired and the agreement is not in writing, the principal shall pay all unpaid commissions due the sales representative for orders delivered, accepted and paid for prior to such termination or expiration within seven days after the date of such termination or expiration of the agreement; provided, however, any commissions due a sales representative on an order made prior to such termination or expiration, but delivered, accepted and paid for after such termination or expiration shall become due and payable to the sales representative within fourteen days after the principal receives payment for the order; and, provided further, that either party shall provide the other with at least seven days notice before such agreement may be terminated.

Approved December 24, 1986.

Chapter 650. AN ACT FURTHER REGULATING MARINE INSURANCE.

Be it enacted, etc., as follows:

SECTION 1. Section 94A of chapter 175 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the definition of "Domestic exchange" the following definition:—

"Fishing vessel", any vessel, boat, ship or other craft which is used for, equipped to be used for, or a type which is normally used for fishing, or aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation or processing.

SECTION 2. Section 94B of said chapter 175, as so appearing, is hereby amended by striking out, in line 2, the word "designated" and inserting in place thereof the words:— , including any association of same holding legal title of ownership to a fishing vessel or vessels, designated.

SECTION 3. Section 94D of said chapter 175, as so appearing, is hereby amended by inserting before the first paragraph the following three paragraphs:—

Organizers of a domestic exchange, having obtained a preliminary certificate to solicit subscribers, under section ninety-four C, may obtain a provisional certificate of authority to transact business, upon compliance with the requirements hereinafter provided. Said certificate shall be valid for a period of one hundred and eighty days from the date of issuance. Upon the expiration of said period, the exchange shall petition the commissioner for a permanent certificate of authority to transact business as hereinafter described.

A domestic exchange, in order to obtain a provisional certificate of authority to transact business, shall file with the commissioner an application therefore, accompanied by a declaration signed and sworn to by its attorney in fact setting forth the information required by paragraphs (a) to (k), inclusive. For the purposes of said provisional certifying period, the minimum number of contracts or bona fide applications for insurance shall be at least twenty-five separate risks, aggregating not less than one million two hundred and fifty thousand dollars.

For the purpose of said provisional certifying period, the surplus fund described in paragraph (g), shall be at least one hundred thousand dollars. Any increase in the minimum number of insurance contracts described in subsection (h), during the provisional certifying period, shall be accompanied by a pro rata increase of said surplus fund.

SECTION 4. Section 94D of said chapter 175, as so appearing, is hereby amended by striking out, in line 40, the words "one hundred" and inserting in place thereof the following word:— fifty.

SECTION 5. Said section 94D of said chapter 175, as so appearing, is hereby further amended by adding the following paragraph:—

(k) Any reinsurance contracts entered into by such exchanges must be obtained in accordance with the laws of the commonwealth and in amounts adequate to satisfy the commissioner.

SECTION 6. Section 94F of said chapter 175, as so appearing, is hereby amended by inserting after the word "five", in line 8, the words:— ; provided, however, that no license for a reciprocal insurance exchange consisting of subscribers who are commercial fishing boat owners shall be issued until the applicant has submitted to the commissioner the standards of risk management to be used in evaluating admissions and policy renewals, and until such standards have been certified by the commissioner as being reasonably calculated to provide a risk low enough to permit the reciprocal insurance exchange to remain solvent.

SECTION 7. Section 94H of said chapter 175, as so appearing, is hereby amended by inserting after the word "business", in line 6, the words:— , except that during the provisional certifying period specified in section ninety-four D, said premium reserve shall be prorated to an amount commensurate with the number of contracts held and claims outstanding.

SECTION 8. Said chapter 175 is hereby further amended by striking out section 94I, as so appearing, and inserting in place thereof the following section:—

Section 94I. A reciprocal insurance exchange shall not be required to make any annual report, except as provided in this section.

Every reciprocal insurance exchange shall file annually, on or before March first, or sixty days from such date authorized by the commissioner, with the commissioner a report of its financial condition, verified by oath of its attorney in fact, or in the instance that said attorney in fact is a corporation then by a duly authorized executive officer. Such annual statement shall be made on a blank furnished by the commissioner under section fifteen or on an alternate form acceptable to him. Such alternate form may be an applicable form of annual statement approved by generally accepted accounting principles appropriate for a reciprocal insurance exchange.

At least once in three years, and at other times when the commissioner determines it to be prudent, said commissioner or his designee shall visit each reciprocal insurance exchange, and examine its affairs to ascertain its financial condition, its ability to fulfill its obligations and whether it has complied with the provisions of this chapter. The commissioner, upon application and in his discretion, may enlarge the aforesaid three year period to five years; provided, however, that said reciprocal insurance exchange is subject to a comprehensive annual audit during such period of a scope satisfactory to the commissioner conducted by independent auditors approved by him. The expenses and charges of the examination shall be paid to the commonwealth by the company or companies examined, and the commissioner or his designee shall issue a certificate demanding payment for the proper charges incurred in all examinations.

SECTION 9. Section 94K of said chapter 175, as so appearing, is hereby amended by adding the following sentence:– Notwithstanding the provisions of any general or special law to the contrary, no member of the advisory committee shall not be subject to an action for libel or slander arising out of the conduct of such member in the reasonable performance of his duties.

Approved December 24, 1986.

Chapter 651. AN ACT MAKING CORRECTIVE CHANGES IN CERTAIN FINANCIAL PROVISIONS APPLICABLE TO CITIES, TOWNS AND DISTRICTS.

Be it enacted, etc., as follows:

SECTION 1. Section 5C of chapter 40 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– To provide for extraordinary or unforeseen expenditures, a district may at an annual or special district meeting appropriate or transfer a sum or sums not exceeding, in the aggregate, five per cent of the receipts from taxes, rates and services of the fiscal year preceding the fiscal year for which the fund, to be known as the reserve fund, is established.

SECTION 2. Section 6 of said chapter 40, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– To provide for extraordinary or unforeseen expenditures, a town may at an annual or special town meeting appropriate or transfer a sum or sums not exceeding in the aggregate five per cent of the levy of the fiscal year preceding the fiscal year for which the fund, to be known as the reserve fund, is established.

SECTION 3. Section 53A of chapter 44 of the General Laws, as amended by chapter 203 of the acts of 1986, is hereby further amended by striking out the second sentence and inserting in place thereof the following two sentences:– Notwithstanding the provisions of section fifty-three, any amounts so received by an officer or department of a city, town or district shall be deposited with the treasurer of such city, town or district and held as a separate account and may be expended as aforesaid by such officer or department receiving the grant or gift without further appropriation. If the express written terms or conditions of the grant agreement so stipulate, interest on the grant funds may remain with and become a part of the grant account and may be expended as part of the grant by such officer or department receiving the grant or gift without further appropriation.

Approved December 24, 1986.

Chapter 652. AN ACT FURTHER REGULATING THE ADMISSIBILITY OF CERTAIN EVIDENCE IN CIVIL ACTIONS.

Be it enacted, etc., as follows:

Chapter 233 of the General Laws is hereby amended by inserting after section 23C, inserted by chapter 325 of the acts of 1985, the following section:–

Section 23D. As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Accident", an occurrence resulting in injury or death to one or more persons which is not the result of willful action by a party.

"Benevolent gestures", actions which convey a sense of compassion or commiseration emanating from humane impulses.

"Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, adopted children of parent, or spouse's parents of an injured party.

Statements, writings or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering or death of a person involved in an accident and made to such person or to the family of such person shall be inadmissible as evidence of an admission of liability in a civil action.

Approved December 24, 1986.

Chapter 653. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO SELL, LEASE OR

**GRANT AN EASEMENT IN A CERTAIN PARCEL OF
LAND IN THE TOWN OF MILTON.**

Be it enacted, etc., as follows:

SECTION 1. The deputy commissioner of capital planning and operations is hereby authorized, subject to the provisions of section forty F 1/2 and sections forty H to forty J, inclusive, of chapter seven of the General Laws to sell, lease or to grant an easement in a certain parcel of land located in the town of Milton, presently under the care and control of the metropolitan district commission to Thomas W. Hamilton, by deed or instrument approved as to form by the attorney general, for zoning and building purposes for adjacent property.

Said parcel is shown on a Plan on Road in the town of Milton dated July seventeenth, nineteen hundred and sixty-eight and recorded in the registry of deeds for Norfolk county at Book 4529, Page 10. The costs of any surveys or appraisals conducted in order to effect the purposes of this act shall be paid by said Thomas W. Hamilton.

SECTION 2. Said transfer, lease or easement shall be subject to the restriction that said land be used only for: (1) frontage for legal subdivision of adjacent property and (2) an easement for use as access to said adjacent property and said land shall not be built upon or improved except for any conditions needed to maintain a fifty foot road and that said land shall revert to the commonwealth if used for any other purposes.

Approved December 24, 1986.

**Chapter 654. AN ACT ABOLISHING THE MANAGEMENT BUREAU
WITHIN THE FISCAL AFFAIRS DIVISION OF THE OF-
FICE OF THE COMMISSIONER OF ADMINISTRATION.**

Be it enacted, etc., as follows:

Chapter 7 of the General Laws is hereby amended by striking out section 4B, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:—

Section 4B. There shall be within the fiscal affairs division a budget bureau, headed by a budget director, and such other administrative units as may be established in or assigned to the said division from time to time by the commissioner. The said budget director shall be appointed by the commissioner, with the approval of the governor, and may be removed, for cause, in like manner he shall be a person of ability and experience, and shall devote his entire time to the duties of his office; and said office shall not be classified under chapter thirty-one.

Approved December 24, 1986.

**Chapter 655. AN ACT ESTABLISHING THE DISABLED PERSONS
PROTECTION COMMISSION.**

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 19A the following chapter:–

CHAPTER 19B.
DISABLED PERSONS PROTECTION COMMISSION.

Section 1. As used in this chapter, the following words shall, unless the context requires otherwise, have the following meanings:–

"Abuse", an act or omission which results in serious physical or emotional injury to a disabled person; provided, however, that no person shall be considered to be abused for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.

"Caretaker", a disabled person's parent, guardian or other person or agency responsible for a disabled person's health or welfare, whether in the same home as the disabled person, a relative's home, a foster home or any other day or residential setting.

"Commission", the disabled persons protection commission established pursuant to section two.

"Disabled person", a person between the ages of eighteen to fifty-nine, inclusive, who is mentally retarded, as defined by section one of chapter one hundred and twenty-three, or who is otherwise mentally or physically disabled and as a result of such mental or physical disability is wholly or partially dependent on others to meet his daily living needs.

"General counsel" or "counsel", the general counsel of the executive office of human services.

"Mandated reporter", any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, dentist, psychologist, nurse, chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker, probation officer, social worker, foster parent, police officer or person employed by a state agency within the executive office of human services as defined by section sixteen of chapter six A, or employed by a private agency providing services to disabled persons who, in his professional capacity shall have reasonable cause to believe that a disabled person is suffering from a reportable condition.

"Reportable condition", a serious physical or emotional injury resulting from abuse, including unconsented to sexual activity.

"State agency", any agency of the commonwealth that provides services or treatment to disabled persons, including private agencies providing such services or treatment pursuant to a contract or agreement with an agency of the commonwealth.

Section 2. There is hereby established within, but not subject to the control of, the executive office of human services, a commission for the protection of disabled persons, to be known as the disabled persons protection commission. The purpose of the commission shall be to provide for the investigation and remediation of instances of abuse of disabled persons in the commonwealth. The commission shall consist of three members to be appointed by the governor, one of whom he shall

designate as chairman. Members of the commission shall serve for terms of three years. Any member whose term has expired shall continue to serve until such member's successor has been duly appointed and qualified. Any member shall be eligible for reappointment. Members may be removed by the governor for willful misconduct or neglect of duty or for inability to perform the powers and duties of the office. Members of the commission shall be compensated for work performed for the commission at such rate as the commissioner of administration shall determine and shall be reimbursed for their expenses.

Section 3. The commission shall have the following powers and duties:–

(a) to employ, subject to appropriation, such staff as shall be necessary to carry out its duties pursuant to this chapter. Such staff shall serve at the pleasure of the commission and shall not be subject to the provisions of chapter thirty-one;

(b) to promulgate, pursuant to the provisions of chapter thirty A, rules and regulations to carry out the purposes of this chapter, including rules governing the conduct of hearings conducted pursuant to section eight;

(c) to provide for the investigation of alleged abuse of disabled persons initiated pursuant to section four;

(d) to designate other state agencies within the executive office of human services for the furnishing of protective services in accordance with the provisions of section six;

(e) to issue reports, including findings of facts and recommendations, upon concluding an investigation, and to refer matters upon which investigations have been completed pursuant to section nine;

(f) to take appropriate measures to notify state agencies, disabled persons and other interested parties of the provisions of this chapter;

(g) to maintain files, records of investigations and reports which shall be retained and made available in accordance with the provisions of chapters sixty-six and sixty-six A;

(h) to develop standards for deferral of investigations to the executive office of human services and to agencies within the executive office of human services under section twelve and in consultation with the secretary of the executive office of human services.

The commission shall promulgate rules and regulations establishing procedures to exclude personally identifiable information regarding the subjects of investigations and to carry out the responsibilities of this chapter in such a way as to disclose as little personally identifiable information as possible.

Section 4. Upon receipt of a report of abuse of a disabled person, the commission shall:–

(a) refer immediately any such reports which allege the occurrence of abuse that is subject to the provisions of sections fourteen to twenty-six, inclusive, of chapter nineteen A, sections seventy-two F to seventy-two L, inclusive, of chapter one hundred and eleven, or sections fifty-one A to fifty-one F, inclusive, of chapter one hundred and nineteen to the appropriate agency for the implementation of measures provided in said sections.

(b) refer immediately any such reports, which allege the occurrence of abuse to a disabled person whose caretaker is a state agency, to an investigator of the commission and the general counsel of the office of the secretary of human services, or his designee, within such office and to the department within the executive office of human services which

provides or which has contracted for the provision of services to the disabled person. Said department shall investigate such abuse as provided in section five, subject to the oversight of said office and the commission and subject to the power of the commission to conduct its own investigation.

(c) refer immediately any such reports which allege the occurrence of abuse to a disabled person whose caretaker is other than a state agency to the general counsel or to the department of mental health, in those cases where the disabled person is mentally retarded or otherwise mentally disabled, or to the Massachusetts rehabilitation commission, in those cases where the disabled person is physically disabled and said counsel or the department of mental health or the department of public health shall immediately, upon such referral, designate an investigator who shall investigate such abuse as provided in section five.

Section 5. Upon receipt of a report of abuse of a disabled person, an investigator designated by the commission, the general counsel, or a department within the executive office of human services shall:-

(1) Investigate and evaluate the information reported in said reports. Said investigation and evaluation shall be made within twenty-four hours if the commission, counsel or department of mental health or department of public health determines that there is reasonable cause to believe the disabled person's health or safety is in immediate danger from further abuse and within ten calendar days for all other such reports. The investigation shall include a visit to the disabled person's residence and day program, if any, an interview with the disabled person allegedly abused, a determination of the nature, extent and cause or causes of the injuries, the identity of the person or persons responsible therefor and all other pertinent facts. Such determinations and evaluations shall be in writing and shall be immediately forwarded to the commission, to the general counsel and to the department of mental health and the department of public health.

(2) Evaluate the environment of the facility named in the report, if any, and make a written determination of the risk of physical or emotional injury to any other residents or clients in the same facility.

(3) Forward to the commission, the general counsel, the department of mental health and the department of public health within a reasonable time after a case is initially reported pursuant to section four, a summary of the findings and recommendations on each case.

(4) If there is reasonable cause to believe that a disabled person has died as a result of abuse, immediately report said death to the commission, the general counsel, the attorney general, the district attorney for the county in which such death occurred, and to the medical examiner as required by section six of chapter thirty-eight.

Section 6. The commission, acting through state agencies within the executive office of human services designated by the commission, for the purpose of furnishing protective services, the general counsel acting through state agencies within the executive office of human services designated by the secretary of human services for the purpose of furnishing protective services, the department of mental health and the department of public health shall, as necessary to prevent further abuse in cases investigated by said commission, counsel or department:-

(1) furnish protective services to a disabled person either with his consent or with the consent of his current guardian;

(2) petition the court for appointment of a conservator or guardian or for issuance of an emergency order for protective services as provided in section seven; or

(3) furnish protective services to a disabled person on an emergency basis as provided in section seven.

Section 7. (a) If the commission, the general counsel, the department of mental health or the department of public health, has reasonable cause after initiation of an investigation to believe that a disabled person is suffering from abuse and lacks the capacity to consent to the provision of protective services, such commission, counsel or department may petition the court for a finding that the disabled person is incapable of consenting to the provision of protective services. Said petition shall set forth the specific facts upon which said commission, counsel or department relied in making such determination. The court shall hold a hearing on the matter within fourteen days of the filing of the petition. The court shall give notice to the disabled person who is the subject of the petition at least five days prior to the date set for the hearing. The disabled person who is the subject of the petition shall have the right to be present, be represented by counsel, present evidence, and examine and cross-examine witnesses. If the disabled person who is the subject of the petition is indigent, the court shall appoint counsel to represent such disabled person. If the court determines that the disabled person lacks the capacity to waive the right to counsel, the court shall appoint a guardian ad litem to represent the interests of such disabled person. If, after hearing, the court determines, based upon a preponderance of the evidence, that such disabled person has been abused, is in need of protective services and lacks the capacity to consent and no other person who is authorized to consent is available or willing to consent, the court may appoint a conservator, guardian, or other person authorized to consent to the provision of protective services; provided, however, that the court shall establish the least restrictive form of fiduciary representation that will satisfy the needs of such disabled person. In addition to or in the alternative, the court may issue an order requiring the provision of services. The order shall contain a specific description of the services to be provided and insure that the least restrictive alternatives are utilized.

(b) If an emergency exists and said commission, counsel or department, a member of the immediate family or a caretaker has reasonable cause to believe that a disabled person is suffering from abuse and lacks the capacity to consent to the provision of protective services, said commission, counsel or department, member of the immediate family or caretaker may petition the court for an emergency order of protective services. The court shall give notice to the disabled person who is the subject of the petition at least twenty-four hours prior to the hearing. The court may dispense with notice upon finding that immediate and reasonable foreseeable physical harm to the individual or others will result from the twenty-four hour delay and that reasonable attempts have been made to give such notice. If after the hearing, the court determines, based upon a preponderance of the evidence, that the disabled person has been or is being abused, that an emergency exists, and that the disabled person lacks the capacity to consent to the provision of services, the court may order the provision of protective services on an emergency basis. The court shall order only those services necessary to remove the conditions creating the emergency and

shall specifically designate the authorized services in its order. The order for emergency protective services shall remain in effect for a period not to exceed seventy-two hours. Said order may be extended for an additional seventy-two hour period if the court finds that such extension is necessary to remove the emergency.

(c) The court shall not order an institutional placement or change of residence unless it finds that no less restrictive alternative will meet the needs of the disabled person. No disabled person may be committed to a mental health facility pursuant to this section. The disabled person or his court appointed representative, said commission, counsel or department may petition to have any order issued pursuant to subsection (a) or (b) set aside or modified at any time.

Section 8. If, upon completion of investigation of a report of abuse of a disabled person whose caretaker is a state agency there is reasonable cause to conclude that such abuse did occur, or whenever, upon its own motion, the commission determines that a formal hearing is necessary to ascertain the scope and remedy of such abuse of disabled persons whose caretaker is a state agency, the commission may, upon a majority vote, initiate a formal investigation, including a hearing, to determine the nature and the extent of such abuse and what recommendations, if any, should be made with respect to such occurrence. Testimony in commission proceedings may, in the discretion of the commission, be recorded and taken under oath. The commission may, in its discretion, permit any party to testify, to call and examine witnesses, to introduce evidence or to cross-examine witnesses. Before testifying, all witnesses shall be given a copy of the regulations governing the commission proceedings. Each witness shall be entitled to be represented by counsel and may refuse to submit evidence or give testimony if such evidence or testimony could tend to incriminate him. All proceedings of the commission shall be public unless the commission votes to go into executive session. Any person whose name is mentioned during a proceeding under this section and who may be adversely affected by any action of the commission under section nine shall have the right to appear personally, to be represented by counsel in connection with the proceedings, to call and examine witnesses, to introduce evidence or to cross-examine witnesses.

Section 9. Upon the completion of any formal investigation, the commission shall:–

(a) issue a written report and refer the same to the appropriate state agency. Such report shall contain findings of fact concerning the alleged occurrence of abuse that was the subject of the investigation, together with a finding as to whether or not such abuse did occur and, if so, what actions are necessary to remedy the causes of such abuse or to prevent its reoccurrence;

(b) refer any matters for which there is reason to believe that a crime has been committed to the attorney general, the United States attorney or a district attorney for the county wherein such crime was committed;

(c) refer any matters for which there is reason to believe that employee misconduct has occurred to the state agency employing such person for imposition of disciplinary measures in accordance with the requirements of any applicable law, regulation or collective bargaining agreement; or

(d) refer any matters for which there is reason to believe that

misconduct has occurred by a contractor with a state agency or by such contractor's agent, to the state agency contracting with such party for termination of such contract or for such other action as may be deemed appropriate by such state agency.

Section 10. Except when prevented by the constraints of professional privilege as hereinafter provided, mandated reporters shall notify the commission orally of any reportable condition immediately upon becoming aware of such condition and shall report in writing within forty-eight hours after such oral report.

Mandated reporters who have reasonable cause to believe that a disabled person has died as a result of a reportable condition shall immediately report such death, in writing, to the commission, to the district attorney for the county in which such death occurred and to the medical examiner as required by section six of chapter thirty-eight.

Any person may file report if such person has reasonable cause to believe that a disabled person is suffering from abuse or has died as a result thereof.

No mandated reporter shall be liable in any civil or criminal action by reason of submitting a report. No other person making a report shall be liable in any civil or criminal action by reason of submitting a report if such report was made in good faith; provided, however, that no person who abuses a disabled person shall be exempt from civil or criminal liability by reason of their reporting such abuse.

No privilege established, by section one hundred and thirty-five of chapter one hundred and twelve, by section twenty or twenty B of chapter two hundred and thirty-three, by court decision or by professional code relating to the exclusion of confidential communications and the competency of witnesses may be invoked to prevent a report by a mandated reporter or in any civil action arising out of a report made pursuant to this chapter; provided, however, that a mandated reporter need not report an otherwise reportable condition if the disabled person invokes a privilege, established by law or professional code, to maintain the confidentiality of communications with such mandated reporter.

Any person required by this section to make oral and written reports, who fails to do so, shall be punished by a fine of not more than one thousand dollars.

Section 11. No person shall discharge or cause to be discharged or otherwise discipline or in any manner discriminate against or threaten any employee, client or other person for filing a report with the commission or testifying in any commission proceeding, or providing information to the commission, the general counsel or the secretary of human services, the department of mental health or the department of public health or any department within the executive office of human services in the course of an investigation of alleged abuse of a disabled person. Any person who willfully violates the provisions of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. The commission shall enforce the provisions of this section.

Section 12. Nothing in this chapter shall be construed to be a limitation of the powers and responsibilities assigned by law to other departments or agencies, nor shall this chapter be construed to relieve any such department or agency of its obligations to investigate and respond appropriately to alleged incidents of abuse. If the commission

determines that a formal investigation under section eight, or an investigation under sections four and five, would duplicate or interfere with an ongoing investigation by law enforcement officials concerning possible criminal conduct arising out of the same conduct, it may, in consultation with the secretary of human services, delay or defer such formal investigation. The commission may, in consultation with the secretary of human services, delay or defer a formal investigation during the pendency of an investigation of the alleged abuse by the state agency at whose facility or program such abuse was alleged to have occurred. Such investigations may be delayed or deferred by the commission only after it has determined: that the health and the safety of clients of state agencies will not be adversely affected thereby; that the commission's ability to conduct a later investigation will not be unreasonably impaired and that the investigation of the incident by another official or agency will be conducted in good faith by an impartial, qualified investigator. The commission shall monitor the progress of such other investigations in order to determine when or whether the commission's investigation of the alleged incident of abuse should be initiated or resumed.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the initial appointment of members of the disabled persons protection commission, pursuant to section two of chapter nineteen B of the General Laws, inserted by section one of this act, shall be one for a term ending January first, nineteen hundred and eighty-eight, one for a term ending January first, nineteen hundred and eighty-nine and the term of the chairman of said commission ending January first, nineteen hundred and ninety.

Approved December 24, 1986.

Chapter 656. AN ACT AUTHORIZING THE TOWN OF BELLINGHAM TO ACQUIRE CERTAIN EASEMENTS IN CONSERVATION LAND IN SAID TOWN.

Be it enacted, etc., as follows:

The town of Bellingham, acting by and through its sewer commission, is hereby authorized to take by eminent domain, under the provisions of chapter seventy-nine of the General Laws, or acquire by purchase or otherwise certain permanent and temporary easements in conservation land in said town in connection with the North Bellingham interceptor sewer project.

Said easements are shown on a plan of land, entitled "Plan of Sewer Easements in Bellingham, Mass." dated April 18, 1986, prepared by Guerriere & Halnon, Inc., Franklin, Massachusetts, and contained in a published appraisal of real estate entitled "North Bellingham Interceptor Sewer Project, Bellingham and Franklin, Massachusetts," Books I and II, which shall be kept on file with the said commission of the town of Bellingham.

Approved December 24, 1986.

Chapter 657. AN ACT AUTHORIZING THE TOWN OF BELLINGHAM TO ACQUIRE CERTAIN EASEMENTS IN THE TOWN OF FRANKLIN.

Be it enacted, etc., as follows:

For the purposes of the construction, operation and maintenance of an interceptor sewer and flow metering station, the town of Bellingham, acting by and through its sewer commission, is hereby authorized to acquire by eminent domain, under the provisions of chapter seventy-nine of the General Laws or by purchase, lease or otherwise, certain permanent and temporary easements in land in the town of Franklin pursuant to an agreement entered into between the town of Bellingham and the town of Franklin.

Said easements are shown on a plan of land, entitled "Plan of Sewer Easement in Franklin, Mass." dated April 18, 1986 prepared by Guerriere & Halnon, Inc., Franklin, Massachusetts, which plan shall be kept on file with the said sewer commission of said town of Bellingham.

Approved December 24, 1986.

Chapter 658. AN ACT IMPROVING JAILS, HOUSES OF CORRECTION, AND CORRECTIONAL INSTITUTIONS IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the immediate takeover by the commonwealth from the counties of the maintenance and operation of jails and houses of correction in the several counties of the commonwealth, and to provide for immediate relief to the counties and cities and towns by relieving them of the said costs, and to integrate and coordinate said facilities into a statewide modern correctional system, and to relieve the serious overcrowding problems in the correctional institutions of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations is hereby authorized to expend fifty-eight million dollars for studies, the preparation of plans, the acquisition of land by purchase, gift, land exchange, eminent domain, lease or otherwise, and the construction, including furnishings and equipment, of a new facility in Suffolk county to replace the Suffolk county house of correction presently at Deer Island; provided, however, that such new facility shall have a capacity not to exceed five hundred seventy beds; provided, further, that no funds appropriated herein shall be expended for the purposes of replacing said Deer Island house of correction until such time as the city of Boston shall convey for consideration of one dollar to the division of capital planning and operations on behalf of the commonwealth, in deed approved as to form by the attorney general, the title to the land and

buildings at the site of the Deer Island house of correction; provided, further, that the city of Boston is hereby authorized to convey such title to such land as provided herein; provided, further, that except for any portion of said land which may be needed for the construction of new wastewater treatment facilities at Deer Island, said land at said site shall be preserved as open space to mitigate the impact of the construction of said wastewater facilities; provided further, that said division is hereby authorized to acquire such land only at the site described in section two; provided, further, that the city of Boston shall convey to the commonwealth for consideration of one dollar title to property owned by said city within said site in accordance with said section two; provided further, that control and possession of said Deer Island house of correction shall remain with the city of Boston until such time as said replacement facility is constructed and until all occupants of the present facility have been removed; provided further, that the employment status of the current employees of the Deer Island house of correction shall be in no way impaired or altered by the provisions of this act; provided, further, that said replacement facility shall include housing for female prisoners sufficient to meet the needs of the region; and provided, further, that said facility shall include housing units at all security levels.

SECTION 2. The replacement facility for the Suffolk county house of correction presently at Deer Island shall be constructed within the boundaries of the following site, the site being the parcel of land circumscribed as follows: beginning at the westerly boundary of the city of Boston property on Southampton Street and proceeding clockwise along Southampton Street to the intersection of Southampton Street and Bradston Street, then proceeding along Bradston Street to the intersection of Bradston Street and South Bay Avenue, then proceeding along South Bay Avenue to the intersection of South Bay Avenue and Atkinson Street, then proceeding along Atkinson Street to the most northerly boundary of the most northerly city of Boston traffic and parking building, then westerly and southerly along the city of Boston property line to the point of beginning.

The city of Boston is hereby authorized to transfer to the commonwealth of Massachusetts, through its division of capital planning and operations, title to the property owned by said city located within said parcel at the corner of South Bay Avenue and Atkinson Street, comprised of approximately forty-eight thousand three hundred and fifteen square feet, more or less, the precise configuration of which shall be determined by a survey prior to transfer, to be used by the commonwealth for the purposes described in this act. The deputy commissioner of the division of capital planning and operations shall determine the location of the replacement facility within said parcel and shall only acquire the land he determines necessary and appropriate for the construction and operation of the facility.

SECTION 3. The division of capital planning and operations is hereby authorized to expend an additional fourteen million, seven hundred fifty thousand dollars for studies, preparation of plans, the acquisition of land, the construction, including furnishings and equipment, of a new facility in Suffolk county to replace the Charles street jail, such amount to be in

addition to and subject to the same conditions as the amount authorized pursuant to section five of chapter seven hundred ninety-nine of the acts of nineteen hundred and eighty-five.

Said division, in addition to the provisions of section two of chapter three hundred ninety-six of the acts of nineteen hundred and eighty-six, is hereby authorized to acquire by eminent domain any easements or interests of record currently owned by the Boston and Maine railroad in the Nashua street area of the city of Boston, and other land, right-of-ways or easements necessary to relocate or replace the utility lines displaced by construction of the replacement facility for the Charles street jail.

SECTION 4. The secretary of the executive office of human services is hereby authorized to expend a maximum of no more than fifty-one million dollars for the purpose of a grant program to assist Hampden county in undertaking feasibility studies, acquiring land, providing technical assistance or expertise, making preliminary plans, and designing, or constructing a house of correction not to exceed five hundred beds; provided, however, that the design and planning for said house of correction shall include provisions to house female inmates sufficient to meet the needs of the region; and provided, further, that said facility shall include housing units at all security levels.

SECTION 5. The division of capital planning and operations is hereby authorized to expend seventy-two million dollars for studies, the preparation of plans, the acquisition of land by purchase, gift, land exchange, eminent domain, lease or otherwise, and for the construction, including furnishings and equipment, of two medium security correctional facilities each of a capacity not to exceed five hundred beds; provided, however, that no funds shall be expended for the acquisition of such land until the deputy commissioner of said division completes a study, as defined in section thirty-nine A of chapter seven of the General Laws, evaluating the feasibility of locating a medium security correctional facility on such land.

SECTION 6. In addition to the amount authorized by section six of chapter seven hundred ninety-nine of the acts of nineteen hundred eighty-five, the division of capital planning and operations is hereby authorized to expend ten million, five hundred fifty thousand dollars for studies, the preparation of plans, and the renovation, upgrading and expansion of existing state correctional facilities, including the costs of furnishings and equipment; provided, however, that no more than four million dollars of this additional amount shall be expended on maximum security facilities.

SECTION 7. Said commissioner of the department of corrections is hereby authorized to expend for a study and the preparation of plans, if necessary, and for the demolition and alterations of certain buildings and the construction of certain buildings at Massachusetts Correctional Institution, Framingham, including renovations to the water distribution system and the cost of furnishings and equipment, an amount not to exceed one million, three hundred thousand dollars in addition to the amounts appropriated in item 4315-8841 of chapter seven hundred and

twenty-three of the acts of nineteen hundred and eighty-three.

Said commissioner is hereby further authorized to expend for the design and construction, including furnishings and equipment, for a program building for a new turbine generator and for a feasibility study to expand the wastewater treatment plant at Massachusetts Correctional Institution, Concord, an amount not to exceed five million four hundred thousand dollars.

SECTION 8. The amounts appropriated by this act shall be in addition to previous appropriations made for the development of correctional facilities, including amounts made available pursuant to chapter three hundred and forty-seven of the acts of nineteen hundred and eighty-two, chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three and chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five.

SECTION 9. The deputy commissioner of capital planning and operations shall establish a special unit to be assigned to expedite the planning, design, and construction of the projects authorized by sections one and three through seven, inclusive. A similar special unit shall also be established by the commissioner of correction. Said deputy commissioner or the commissioner of correction may, in accordance with a schedule annually approved by the commissioner of administration, temporarily hire additional employees or consultants and assign any employee of the division of capital planning and operations or the department of corrections, respectively to said special unit; provided, however, that the salaries and administrative expenses for both of the special units shall be paid from funds authorized by this act as a part of the cost of the development and construction of said projects; and provided, further, that thirty days prior to the hiring or transfer of said additional employees, said deputy commissioner or the commissioner of corrections shall notify the house and senate committees on ways and means.

In addition, within ninety days of the effective date of this section, said deputy commissioner shall develop and publish a detailed schedule designed to meet an October, nineteen hundred and eighty-nine deadline for the decommissioning of the Suffolk county house of correction at Deer Island.

SECTION 10. For the purpose of alleviating overcrowded conditions in jails, houses of correction and correctional facilities in as little time as possible while maintaining economy of construction, the deputy commissioner of capital planning and operations, with respect to the projects authorized by sections one and three to seven, inclusive, may after consultation with the director of the office of project management, the commissioner of correction, the secretary, and such other persons as said deputy commissioner deems appropriate, recommend to the general court, in accordance with the provisions of this section, alternative methods for procurement of design and construction services, including, but not limited to, construction management, fast-tracked or phased construction, turnkey procurement, design and build procurement, lease-purchase of facilities, the utilization of modular buildings, and the utilization of inmate work crews.

In making a recommendation to the general court, said deputy commissioner shall, as to each project for which an alternative method is recommended, set forth in full the procedures by which design and construction services for that project would be procured; provided, however, that a study shall be completed pursuant to section seven K of chapter twenty-nine of the General Laws prior to contracting for any services for the design or construction of such project; and provided, further, that such recommended procedures shall provide for an open competition for design and construction publicly advertised pursuant to paragraph one of section forty-four J of chapter one hundred and forty-nine of the General Laws. Said deputy commissioner shall file with his recommendation a report to the general court specifying his reasons for determining that such recommended alternative method is necessary and feasible and setting forth a comparison of costs, time schedules, and quality of construction between the recommended alternative and the procurement procedures that will apply if the alternative method is not approved.

Said deputy commissioner shall file his recommendation and report with the inspector general at least fifteen days before said deputy commissioner files said recommendation and report with the general court. The inspector general shall review the recommendation and report with respect to the prevention of fraud, waste and abuse and shall make such comments as said inspector general deems warranted. At the request of said inspector general, said deputy commissioner shall annex the comments of said inspector general to the report of said deputy commissioner to the general court.

Said deputy commissioner shall file his recommendation and report, together with the comments, if any, of the inspector general with the clerks of the senate and the house of representatives, the senate and house committees on ways and means, the joint committee on human services and elderly affairs, and the joint committee on state administration.

SECTION 11. To meet the expenditures necessary to carrying out the provisions of sections five to seven, inclusive, the state treasurer, upon request of the governor, shall issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, not exceeding in the aggregate, the sum of eighty-nine million two hundred fifty thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Correction Loan Act of 1986, and shall be issued for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and sixteen. Notwithstanding any other provision of this act, bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 12. To meet the expenditures necessary to carrying out the provisions of sections one, three, and four the state treasurer, upon request of the governor, shall issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, not

exceeding in the aggregate, the sum of one hundred twenty-three million, seven hundred fifty thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, County Correction Loan Act of 1986, and shall be issued for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and sixteen. Notwithstanding any other provision of this act, bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 13. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments as authorized by this act, and may issue and renew from time to time notes of the commonwealth thereof, bearing interest payable at such time and at such rate as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such term, not exceeding one year, as the governor may recommend to the General Court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-six. Notwithstanding any other provisions of this act, notes and the interest thereon issued under the authority of this act, shall be general obligations of the commonwealth.

SECTION 14. This act shall take effect upon its passage.

Approved December 29, 1986.

Chapter 659. AN ACT AUTHORIZING THE CITY OF BOSTON TO BORROW MONEY FOR THE RENOVATION AND REPLACEMENT OF MAJOR PORTIONS OF BOSTON CITY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. For purposes of this act the following terms shall, unless the context clearly requires otherwise, have the following meanings:-

(a) "Bonds", any bonds, loans, notes, temporary loans, certificates of indebtedness of the city issued or incurred under section two.

(b) "City", the city of Boston.

(c) "City of Boston Bond and Minibond Procedure Act of 1983", chapter six hundred and forty-three of the acts of nineteen hundred and eighty-three.

(d) "Department", the department of health and hospitals of the city, established by chapter six hundred and fifty-six of the acts of nineteen hundred and sixty-five, the operations of which include the general care and control of the Hospital, Long Island Chronic Disease Hospital, Mattapan Chronic Disease Hospital, affiliated neighborhood health care centers and all other public health facilities of the city.

(e) "Hospital", the public acute care community facility known as Boston City Hospital.

(f) "Pledged Revenue Account", any account established under the authority of subsection (c) of section four.

(g) "Project", the demolition of all or a portion of the current facilities of the hospital, the construction and original equipping and furnishing of a structure as a replacement for all or a portion of the current facilities, and the renovations and additions to all or a portion of the current facilities including equipment and furnishings, the costs of all of which are as described in section six.

(h) "Revenue", revenue, receipts and other moneys of the city received from or on account of the exercise of its powers and all rights to receive the same, including without limitation, (1) revenue as defined in section one of chapter forty-four of the General Laws, (2) proceeds of bonds, (3) investment earnings, (4) receipts from any tax, excise or fee theretofore or hereafter imposed by any general or special law all or a part of the receipts from which are payable or distributable to or for the account of the city and (5) receipts, distributions and reimbursements received from the commonwealth under the provisions of chapter fifty-eight of the General Laws and under any other local reimbursement or assistance program described in section twenty-five A of said chapter fifty-eight except such distributions and reimbursements as are required by law to be specifically used for statutorily defined purposes.

(i) "Two-thirds vote", the vote taken by yeas and nays of two-thirds of all members of the city council of the city in every case subject to the approval of the mayor.

SECTION 2. The city is hereby authorized to borrow from time to time such sums as may be necessary and to issue bonds of the city and borrow money in anticipation of such bonds for the purpose of directly and indirectly financing the costs of the project. The bonds shall be issued in such amounts as may be authorized by the city council, with the approval of the mayor, in accordance with the provisions of section two of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, chapter two hundred and six of the acts of eighteen hundred and ninety-one and the City of Boston Bond and Minibond Procedure Act of 1983, except as such provisions may be modified by the provisions of this act. Any bonds issued under authority of this act shall not at any time be included in the debt of the city for the purpose of ascertaining its legal borrowing capacity. Notwithstanding the limitation contained in subsection (a) of section four of the City of Boston Bond and Minibond Procedure Act of 1983, the bonds issued under authority of this act shall be payable within such periods as may be established by the collector-treasurer with the approval of the city auditor and the mayor and the first installment of principal shall be payable at such date as may be established by the collector-treasurer with the approval of the city auditor and the mayor.

SECTION 3. (a) The collector-treasurer, with the approval of the mayor, may elect to have the city issue bonds under authority of this act in any one or more of the following forms; provided that bonds in more than one of the following forms may be simultaneously outstanding:–

(i) pursuant to section eight of the City of Boston Bond and Minibond

Procedure Act of 1983, in the discretion of the collector-treasurer, when authorized by one two-thirds vote, as special obligation bonds of the city for which the city's full faith and credit are not pledged;

(ii) notwithstanding the provisions of subsection (b) of section nine of the City of Boston Bond and Minibond Procedure Act of 1983, in the discretion of the collector-treasurer, when authorized by one two-thirds vote, as special obligation bonds pursuant to section eight of the City of Boston Bond and Minibond Procedure Act of 1983, with an additional assignment or pledge of other revenues of the city;

(iii) notwithstanding certain limitations contained in section eight of the City of Boston Bond and Minibond Procedure Act of 1983, in the discretion of the collector-treasurer, when authorized by one two-thirds vote, as special obligation bonds pursuant to said section eight payable solely from certain revenues of the city which are not pledged for their payment;

(iv) in the discretion of the collector-treasurer, when authorized by one two-thirds vote, as special obligation bonds pursuant to section eight of the City of Boston Bond and Minibond Procedure Act of 1983 or clause (ii) hereinabove, and further secured by a mortgage of certain real and personal property as provided in subsection (a) of section four;

(v) in the discretion of the collector-treasurer, when authorized by one two-thirds vote, as special obligation non-recourse bonds which shall not constitute a debt or pledge of the city's full faith and credit but shall be payable solely from the income or revenues received under certain financing documents; and

(vi) such other forms as may be authorized by law, including, without limitation, general obligation bonds of the city for which the city's full faith and credit are pledged.

(b) Bonds may be issued under authority of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof, and without any other proceedings or the happening of any condition or event other than those proceedings, conditions or events which are specifically required therefor by this act or the City of Boston Bond and Minibond Procedure Act of 1983, and the validity of and security for any bonds issued by the city pursuant to this act shall not be affected by the existence or nonexistence of any such consent or other proceedings, conditions or events.

SECTION 4. (a) The city may grant a mortgage on, or assign its interest in, all or a portion of the land, building, fixtures, furnishings, equipment and all other real and personal property used, in whole or in part, by or in connection with the operations of the department to secure any bonds issued under authority of this act. The real property on all or a portion of which the city may grant a mortgage under authority of this section shall include, but not be limited to, those certain parcels of land, including any buildings and improvements located thereon, bounded on its northeasterly side by East Concord street, on its northwesterly side by Harrison avenue, on its southwesterly side by Massachusetts avenue and on its southeasterly side by Albany street, and those certain parcels of land, including any buildings and improvements located thereon, bounded on its northeasterly side by Massachusetts avenue, on its northwesterly side by Harrison avenue, on its southwesterly side by Northampton street

and on its southeasterly side by Albany street, and those certain parcels of land, including any buildings and improvements located thereon, bounded on its northeasterly side by certain property owned or controlled by the city or any agency or authority thereof, on its northwesterly side by Albany street, on its southwesterly side by Massachusetts avenue and on its southeasterly side by a state highway, and those certain additional parcels of land, including any buildings and improvements located thereon, which the city has or may acquire or obtain an interest in for use by or in connection with the operations of the department.

The present uses of the real property described in this section include use as public acute care hospitals, neighborhood health centers and public health facilities.

(b) The mortgage and assignments authorized under this section may contain such provisions for protecting and enforcing the rights, security and remedies of the mortgagee and its assignees as may, in the discretion of the collector-treasurer, with the approval of the mayor, be reasonable and proper, including, without limitation, provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities of any bonds, possession of the mortgaged property by the mortgagee or its assignee and a sale upon foreclosure of the mortgaged property by the mortgagee or its assignee for use other than for its current public uses, and such other provisions and covenants as are customarily required in similar security instruments.

(c) Any bonds issued under authority of this act or any security granted to secure any bonds issued under authority of this act may be secured, in whole or in part, without limitation, by bond insurance issued by commercial insurers or by any agency or department of the commonwealth or of the federal government, and the city may execute and deliver a regulatory agreement and building loan agreement and may enter into such other documents and agreements as the collector-treasurer, with the approval of the mayor, may deem necessary or desirable in connection with such insurance, including, without limitation, agreements containing covenants setting forth the duties of, and limitations on, the hospital and the city in relation to the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of fees and charges, the use of any surplus bond proceeds, the establishment of reserves, and the making and amending of contracts relating to the department, and agreements governing the establishment of a pledged revenue account and the segregation therein and application therefrom of some or all of the revenues and investment earnings thereon which are pledged as security for, or are to be used to make payments on, any bonds.

SECTION 5. Any debt service fund, construction fund, or reserve fund established under an agreement entered into by the city in accordance with section nine of the City of Boston Bond and Minibond Procedure Act of 1983 in connection with the issuance of bonds under this act, shall be kept separate from the general fund of the city and from the general operating funds of the department. The moneys deposited in any such funds, together with income derived from investments held as part of such funds shall be expended without further authorization or appropriation as provided for in the agreement establishing such funds.

SECTION 6. In addition to other lawful items, the project costs to be financed by the issue of bonds under this act may include: interest for a period of up to twelve months after the date, as determined or estimated by the city auditor, of the commencing of regular use of the new structure by the hospital; the cost of architectural, engineering, financial and legal services, plans, specifications, studies of cost and of revenues; administrative expenses related to the project; expenses as may be necessary or incident to determining the feasibility or practicability of the project or to reviewing the impact of the project on the city and on the city's general financial condition; capital equipment purchased within one year of the date, as determined or estimated by the city auditor, of commencing regular use of the new structure by the hospital; and such other expenses incurred by the city as may be necessary or incident to the project, the financing of the project, including, without limitation, any reserve funds described in section five of this act, and the placing of the project in operation.

SECTION 7. (a) In the event of the establishment of a pledged revenue account pursuant to subsection (c) of section four and to the extent allowable by the agreement establishing such pledged revenue account, the collector-treasurer, upon written notification of the city auditor and without further authorization, may advance funds from the general fund of the city in any fiscal year of the city in anticipation of the receipt of revenues required to be deposited in such pledged revenue account. All such sums so advanced shall be deposited into the pledged revenue account and, to the extent required by the agreement establishing such pledged revenue account, prior to the end of each fiscal year of the city, such advances shall be repaid from such account to the general fund together with an amount equal to the interest as determined by the collector-treasurer to be allocable to any debt incurred during said fiscal year by the city in anticipation of revenue in order to make such advances.

(b) In the event of the establishment of a pledged revenue account pursuant to subsection (c) of section four and to the extent allowable by the agreement establishing such revenue account, the collector-treasurer, upon written notification of the city auditor and without further authorization, may borrow funds from the pledged revenue account in anticipation of the receipt of revenues of the city. All such sums so borrowed shall be deposited into the general fund of the city and, to the extent required by the agreement establishing such pledged revenue account, prior to the end of each fiscal year of the city, the collector-treasurer shall repay the sums so borrowed with an amount equal to the interest as determined by the collector-treasurer that would have been earned on such sums if they had remained in the pledged revenue account; which obligation to repay such sums shall constitute a general obligation of the city for which its full faith and credit are pledged and for which all taxable property in the city shall be subject to ad valorem taxation with limit as to rate or amount except as otherwise provided by law.

SECTION 8. Notwithstanding any provisions of law to the contrary, including provisions of ordinances of the city, to the extent any such provisions of law are inconsistent with the regulations, requirements and

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standards governing the mortgage insurance described in subsection (c) of section four, the demolition, design, renovation and construction activities in connection with the project shall be under the exclusive control of the mayor.

SECTION 9. Notwithstanding any provisions of law to the contrary, the collector-treasurer is hereby authorized, without further authorization or appropriation, to make or authorize to be made such payments to the federal government or any agency or department thereof as may be required by the federal tax law in order to ensure the exemption from federal taxation of interest on any bonds issued under authority of this act or on any other bonds of the city.

SECTION 10. This act shall be deemed to constitute a bond act within the meaning and under the provisions of the City of Boston Bond and Minibond Procedure Act of 1983. The provisions of this act shall be deemed to provide an additional and alternative method for the effectuation of the purposes of this act and shall be construed to be supplemental to, and not in derogation of, powers otherwise conferred by law on the city; provided, however, that insofar as the provisions of this act are inconsistent with the provisions of any general or special law, administrative order or regulation or any limitation imposed by the city charter, the provisions of this act shall be controlling. This act shall be interpreted liberally to effect the purposes set forth therein in this act.

SECTION 11. The provisions of this act are severable, and if any provision hereof shall be held invalid in any circumstances, such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements.

SECTION 12. This act shall take effect upon its passage.

Approved December 29, 1986.

Chapter 660. AN ACT VALIDATING ACTS AND PROCEEDINGS OF THE ANNUAL TOWN ELECTION IN THE TOWN OF LEE.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the town of Lee taken at the annual town election held on May twelfth, nineteen hundred and eighty-six, and all actions subsequently taken pursuant thereto, are hereby ratified, validated and confirmed to the same extent as if there were no defects or errors in the notice for the election.

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

Approved December 29, 1986.

Chapter 661. AN ACT VALIDATING CERTAIN ACTIONS OF THE TOWN MEETING OF THE TOWN OF SANDWICH RELATIVE TO THE TRANSFER OF CERTAIN CONSERVATION LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Sandwich is hereby authorized to transfer to the conservation commission of said town the care, custody and control of the following lots, which are shown on Assessors Map 57 of the town of Sandwich:

Lot E2, consisting of 4.88 acres,
Lot E3, consisting of 3.35 acres, and
Lot V3, consisting of 10.0 acres.

SECTION 2. The town of Sandwich is further authorized to transfer to the town of Sandwich, for use as a site for a school, the care, custody and control of Lot K2, as shown on Assessors Map 58 of the town of Sandwich, which lot consists of 12.12 acres and is presently under the control of the conservation commission of said town.

SECTION 3. The vote of the town meeting of the town of Sandwich, taken on October twentieth, nineteen hundred and eighty-six, authorizing the transfer of the lots of land described in sections one and two, and any actions taken by said town pursuant to such vote, are hereby ratified, validated, and confirmed as if said sections one and two were in effect at the time that such vote and such actions were taken.

SECTION 4. This act shall take effect upon its passage.

Approved December 29, 1986.

Chapter 662. AN ACT FURTHER REGULATING WORKERS' COMPENSATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate workers' compensation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 23E of the General Laws, as appearing in section 4 of chapter 572 of the acts of 1985, is hereby amended by striking out, in line 18, the word "of", the third time it appears, and inserting in place thereof the word:– or.

SECTION 2. Paragraph (2) of section 11 of said chapter 23E, as so appearing, is hereby amended by striking out, in lines 4 and 15, the word "unreasonable" and inserting in place thereof, in each instance, the word:– unreasonably.

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SECTION 3. Section 14 of said chapter 23E, as so appearing, is hereby amended by striking out, in line 2, the word "a" and inserting in place thereof the word:– at.

SECTION 4. Section 15 of said chapter 23E, as so appearing, is hereby amended by striking out, in line 16, the word "the" and inserting in place thereof the words:– the insurance industry, the.

SECTION 5. Section 1 of chapter 152 of the General Laws is hereby amended by striking out paragraphs (6) and (7), as appearing in the 1984 Official Edition, and inserting in place thereof the following two paragraphs:–

(6) "Insured" or "insured persons", an employer who has provided by insurance for the payment to his employees by an insurer of the compensation provided for by this chapter, or is a self-insurer under subparagraph (a) or (b) of paragraph (2) of section twenty-five A, or is a member of workers' compensation self-insurance group established pursuant to section twenty-five E to twenty-five U, inclusive.

(7) "Insurer", any insurance company, reciprocal, or interinsurance exchange, authorized so to do, which has contracted with an employer to pay the compensation provided for by this chapter. The term "insurer" within this definition shall include, wherever applicable, a self-insurer, the commonwealth and any county, city, town, or district which has accepted the provisions of section sixty-nine of this chapter. The term "insurer" as used in this chapter, except where used to refer to regulation of insurance companies by the division of insurance, and except where used in sections sixty-five A and sixty-five C, shall include where applicable a workers' compensation self-insurance group established pursuant to the provisions of sections twenty-five E to twenty-five U, inclusive.

SECTION 5A. Section 15 of said chapter 152, as so appearing, is hereby amended by striking out lines 7 and 8, and inserting in place thereof the following:– unless compensation has been paid in accordance with sections seven, eight, ten A, eleven C, twelve or nineteen nor until seven months following the date of such.

SECTION 6. Paragraph (7A) of said section 1 of said chapter 152 is hereby amended by striking out the last sentence, added by section 11 of chapter 572 of the acts of 1985, and inserting in place thereof the following two sentences:– Personal injuries shall include mental or emotional disabilities only where a significant contributing cause of such disability in an event or series of events occurring within the employment. No mental or emotional disability arising principally out of a bona fide, personnel action including a transfer, promotion, demotion, or termination except such action which is the intentional infliction of emotional harm shall be deemed to be a personal injury within the meaning of this chapter.

SECTION 7. Said section 1 of said chapter 152, as most recently amended by section 13 of said chapter 572, is hereby further amended by striking out paragraphs (10) and (11) and inserting in place thereof the following two paragraphs:–

(10) "Maximum weekly compensation rate", one hundred per cent of the average weekly wage in the commonwealth according to the calculation on or next prior to the date of injury by the director of the division of employment security.

(11) "Minimum weekly compensation rate", twenty per cent of the average weekly wage in the commonwealth according to the calculation on or next prior to the date of injury by the director of the division of employment security.

SECTION 8. The fourth paragraph of section 6 of said chapter 152, as appearing in section 17 of said chapter 572, is hereby amended by striking out, in line 5, the word "and" and inserting in place thereof the word:– , and.

SECTION 9. Paragraph (2) of section 7 of said chapter 152, as appearing in section 18 of said chapter 572, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– If an insurer fails to commence such payment or make such notification within fourteen days, it shall pay to the employee, a penalty in an amount equal to two times the average weekly wage in effect in the commonwealth at that time.

SECTION 10. Said chapter 152 is hereby further amended by striking out section 9A, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 9A. Whenever a medical question is in dispute in any case, and an impartial physician has not, prior to seven days before the date assigned for each hearing thereof, been appointed by the administrative judge, the employee may engage his own physician, and one additional physician if the administrative judge finds that justice and equity require the same, to appear and testify or be deposed, in his behalf, and, if the decision of the administrative judge or reviewing board is in favor of the employee, a reasonable fee shall be allowed by the administrative judge or reviewing board for the services of each such physician and shall be added to the amount so awarded and be paid by the insurer under the provisions of this chapter; provided, that, notwithstanding the foregoing, in every case wherein the decision of the administrative judge or reviewing board is in favor of the employee, if more than one physician appeared and testified in behalf of the insurer a reasonable fee shall be allowed for the services of each of the physicians, up to a like number, who appeared and testified or were deposed in behalf of the employee, which fees shall be added to the amount so awarded and be paid by the insurer under the provisions of this chapter.

SECTION 11. Said chapter 152 is hereby further amended by striking out section 10, as amended by section 24 of chapter 572 of the acts of 1985, and inserting in place thereof the following section:–

Section 10. Any claim for benefits shall be filed with the division of administration on a form prescribed by the division, and shall specifically state the benefits claimed to be due and unpaid. Upon the receipt of a claim for compensation or a complaint from the insurer requesting a modification or discontinuance of benefits, or a complaint from any

party requesting resolution of any other issue arising under this chapter unless otherwise expressly provided, the division of administration shall notify the parties that it is in receipt of such claim or complaint, and may request the parties to appear and submit relevant information. The division shall attempt to resolve the subject of the claim or complaint by informal means and the parties shall cooperate with the division. Unless the party filing the claim or complaint fails to appear on request or provide requested information in its possession, the division of administration shall forward the claim or the complaint and the case file to the division of dispute resolution within ten days of initial receipt of such claim or complaint. In each instance in which a claim for compensation is referred to the division of dispute resolution, the insurer shall pay a fee of thirty per cent of the average weekly wage in the commonwealth. Such fee shall be paid into the Special Revenue Fund established pursuant to section sixty-five.

SECTION 12. Said chapter 152 is hereby further amended by striking out section 10A, inserted by said section 24 of said chapter 572, and inserting in place thereof the following section:–

Section 10A. Upon referral from the division of administration of a claim for compensation or a complaint requesting a modification or discontinuance of benefits, the case shall be immediately assigned by the director of dispute resolution to a board member. The board member shall require the parties to appear before him within twenty-eight days of receipt of the case by the division of dispute resolution for a conference, at which time the issues in dispute shall be identified and a summary of anticipated testimony shall be produced. If on the information available at the conference, or if there is no conference within twenty-eight days, based on information available at the time, the member determines that weekly compensation or medical benefits are due, he shall forthwith file a written temporary order for such compensation or benefits. If on the information available at the conference, or if there is not a conference within twenty-eight days, based on information available at the time, the member determines that weekly compensation or medical benefits should be modified or terminated, he shall forthwith file a written temporary order modifying or discontinuing weekly compensation or medical benefits. In any event, a hearing shall be held within forty-nine days of receipt of the case by the division of dispute resolution. Failure of a party to appear shall not prevent the issuance of an order. Any temporary orders shall become permanent upon receipt of notice by the member from both parties of an indication that they are satisfied with the provisions of such temporary order and in such instances any subsequent scheduled proceedings shall be cancelled.

SECTION 13. The first paragraph of section 11 of said chapter 152, as appearing in section 25 of said chapter 572, is hereby amended by striking out, in line 7, the words "an order" and inserting in place thereof the words:– a decision.

SECTION 14. Said chapter 152 is hereby further amended by striking out section 11A, as so appearing, and inserting in place thereof the following section:–

Section 11A. (1) With the assistance of the the medical consultant to the commissioner, the director of dispute resolution shall establish and periodically review and update separate rosters of duly qualified impartial physicians who are specialists in various medical fields, one of which shall be the field of mental and emotional disabilities.

(2) When any claim or complaint dealing with incapacity benefits for an alleged mental or emotional disability is forwarded to the division of dispute resolution, the administrative judge may appoint an impartial physician from the appropriate roster to examine the employee and make a report. The report of the impartial physician in such a case shall, where feasible, contain a determination by such physician of whether or not a mental or emotional disability exists, of whether or not any such disability is total or partial and permanent or temporary, and of whether or not any such disability is of a kind whose significant contributing cause is likely to have been a work-related event or series of events. The determination by an impartial physician of the existence or nonexistence of a temporary or permanent, partial or total disability shall be prima facie evidence of the existence or nonexistence, as the case may be, of such a condition, in any subsequent proceeding. Each party shall have the right to engage a physician to appear, or be deposed, for the purpose of rebutting the report of the impartial physician. If a decision of an administrative judge or reviewing board is in favor of the employee, the reasonable fee of each such physician appearing on behalf of the employee shall be paid by the insurer.

(3) In any other proceeding in which medical evidence is required for the resolution of a dispute arising under this chapter, an administrative judge may appoint a physician from the appropriate roster to examine the claimant and to make a report. Failure of an employee to report to a physician appointed under this section, after due notice and without cause, shall constitute sufficient cause for a denial, discontinuance, or modification of benefits, as the case may be.

(4) The fee for the service of any physician appointed by an administrative judge under this chapter shall be a reasonable amount approved by the commissioner, and shall be paid by the insurer directly to the physician promptly upon receipt of the approved bill.

SECTION 15. Section 11B of said chapter 152, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

The evidence at the hearing shall be taken by an employee of the department sworn to record the entire proceeding. The record of the hearing shall be transcribed verbatim or electronically recorded. Upon the request of a member or the reviewing board, or at the request of a party, a transcript or recording or both, whichever such party requests shall be forwarded to such party without charge. The original recording shall remain in the control of the department. Verbatim transcripts shall be made manually from the stenographic notes only if a certified copy of the proceedings is required by the reviewing board or a court of the commonwealth. Decisions of members of the board shall set forth the issues in controversy, the decision on each and a brief statement of the grounds for each such decision. Decisions shall issue no more than twenty-eight days following the close of testimony, unless further extension is authorized in writing by the director of dispute resolution.

SECTION 16. Section 13 of said chapter 152, as amended by section 28 of said chapter 572, is hereby further amended by striking out subsection (3) and inserting in place thereof the following subsection:–

(3) There is hereby created a health care services board composed of the commissioner or his designee as an ex officio member and chairman, one person representing chiropractors, one person representing dentists, one person representing hospital administrators, one person representing physical therapists, and six physicians representing different health care specialties which the commissioner determines are the most frequently utilized by injured employees. The board shall also have one person representing employees, one person representing employers, and one person representing the public. Members shall be appointed by the commissioner for two-year terms. The board shall advise the commissioner on matters arising under this section.

SECTION 17. Section 22 of said chapter 152, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 9 and 11, the word "division" and inserting in place thereof, in each instance, the word:– department.

SECTION 18. Section 24 of said chapter 152, as amended by section 35 of chapter 572 of the acts of 1985, is hereby further amended by inserting after the word "person", in line 7, the word:– or.

SECTION 19. Said chapter 152 is hereby further amended by striking out section 25A, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 25A. In order to promote the health, safety and welfare of employees, every employer shall provide for the payment to his employees of the compensation provided for by this chapter in the following manner:–

(1) By insurance with an insurer or by membership in a workers' compensation self-insurance group, established pursuant to the provisions of sections twenty-five E to twenty-five U, inclusive, or

(2) Subject to the rules of the department, by obtaining from the department annually a license as a self-insurer by conforming to the provisions of one of the two following subparagraphs and also to the provisions of subparagraph (c) if required. Every employer desiring to be licensed as a self-insurer shall make application for such license on a form provided by the department. The application shall contain: (1) a sworn itemized statement of the assets and liabilities of the applicant; (2) a payroll report for the preceding fiscal year of the applicant; (3) a detailed description of the nature and kind of business carried on.

(a) By keeping on deposit with the state treasurer in trust for the benefit and security of employees such amount of securities, not less in market value than twenty thousand dollars, as may be required by the department, said securities to be in the form of cash, bonds, stocks or other evidences of indebtedness as the department may require, and to be used, liquidated and disbursed only upon order of the department for the purposes of paying the benefits provided for by this chapter. The department shall, at least semiannually, determine the liabilities of a self-insurer both incurred or to be incurred because of personal injuries to employees under this chapter. The department shall require an

additional deposit or further security when the sum of the self-insurer's liability both incurred or to be incurred exceeds the deposit or any required reinsurance, or permit a decrease of said deposit provided the value of said deposit in no case shall be less than twenty thousand dollars. The department may permit a substitution of securities in place of those deposited. Interest, dividends and other income from said deposit or deposits shall be payable to the employer who deposited them, unless and until the department shall direct otherwise. The deposit or deposits may be returned to the employer if the employer shall insure with an insurer under paragraph (1) of this section, or qualify as a self-insurer under subparagraph (b) of this section, or if he shall cease to transact business in the commonwealth; provided, that in any case he satisfies the department that he is not under any obligation to pay compensation under this chapter, or, if the department so requires, he furnishes the department with a single premium non-cancellable policy, insuring him against any liability that may have arisen under this chapter or with a bond executed as surety by some company authorized to transact the business of workmen's compensation insurance in this commonwealth, in an amount and form approved by the department, guaranteeing the payment of any liability on his part that may have arisen under this chapter. No deposit so deposited shall be assignable or subject to attachment or be liable in any way for the debt of the self-insurer. If an employer engaged in interstate or foreign commerce certifies that the laws of the United States provide for liability for injury to or death of its employees, the deposit shall be returned to the employer less such amount as determined by the department as necessary to satisfy against liability that may already have arisen under this chapter; and provided that such determination by the department shall be reviewable by the superior court for the county in which the employer resides, or, in the case of a corporation, where said corporation has a usual place of business.

(b) By furnishing annually a bond running to the commonwealth, with some surety company authorized to transact business in the commonwealth as surety, in such form as may be approved by the department and in such amount not less than twenty thousand dollars as may be required by the department, said bond, however, to be upon the condition that if the license of the principal shall be revoked or if the principal shall cease to transact business in the commonwealth or if the department shall refuse to renew the license or if the principal shall insure with an insurer, the principal shall upon demand deposit with the state treasurer an amount of securities equal to the penal sum of the bond or a single premium non-cancellable policy issued by some insurance company authorized to transact the business of workmen's compensation insurance in this commonwealth, insuring him against any liability that may have arisen under this chapter or a bond executed as surety by some company authorized to transact the business aforesaid in this commonwealth, in an amount and form approved by the department, guaranteeing the payment of any liability on his part that may have arisen under this chapter. The department shall, at least semiannually, determine the liabilities of a self-insurer both incurred or to be incurred because of personal injuries to employees under this chapter. The department may at any time require an additional bond, similarly conditioned, or further security or permit a decrease in the amount of

said bond provided the amount of the bond or the bonds in no case shall be less than twenty thousand dollars. The liability of the surety shall not exceed in the aggregate the penal sum or sums stated in any such bond or bonds or in any endorsements giving effect to any such increase or reduction. The department may permit a substitution of a new bond or bonds for the bond or bonds which have been furnished.

(c) As a further guarantee of a self-insurer's ability to pay the benefits provided for by this chapter to injured employees, every self-insurer shall make arrangements satisfactory to the department, by reinsurance, to protect it from extraordinary losses or losses caused by one disaster.

Such reinsurance shall be in such amounts and form as the department may approve and shall be effected with a company as provided in section twenty of chapter one hundred and seventy-five, provided, the minimum amount shall be not less than five hundred thousand dollars. Such reinsurance shall provide that the use or disposition of any money received by a self-insurer or former self-insurer under any such reinsurance shall be subject to the approval of the department, and no such money shall be assignable or subject to attachment or be liable in any way for the debt of the self-insurer unless incurred under this chapter. The provisions of this paragraph shall not apply to common carriers by railroad which are subject to the provisions of the Federal Employers Liability Act.

(3) The department may make rules governing self-insurers, and may revoke or refuse to renew the license of a self-insurer because of the failure of such self-insurer promptly to make payments of compensation provided for by this chapter, or for any other reasonable cause. Any person aggrieved by the action of the department in refusing to grant a license or in revoking, or refusing to renew, a license of a self-insurer under this section or by the action of the department in requiring an additional deposit or further security under subparagraph (a) of this section, or in requiring a further bond or security for an additional sum under subparagraph (b) of this section may demand a hearing before the department, and if, after said hearing, the department denies his petition, he may within ten days after receipt of a notice stating reasons for such denial, file a petition in the superior court for Suffolk county for a review thereof; but the filing of such a petition shall not suspend the action of the department unless a stay thereof shall be allowed by the justice pending a final determination by the court. The court shall summarily hear the petition and may make any appropriate order or decree.

SECTION 20. Said chapter 152 is hereby further amended by striking out section 25C, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 25C. If an employer who is required to provide for the payment to his employees of the compensation provided for by this chapter fails to do so, he shall be punished by a fine of not more than one thousand five hundred dollars or by imprisonment for not more than one year, or both. Failure of an employer, after imposition of the foregoing penalty, to provide for the payment of compensation under this chapter after notice by the department to such employer so to do shall, as to each such notice, be deemed a further violation in respect thereof and

the same penalty shall be imposed. If such employer is a corporation, the president or treasurer, or both, shall be liable for such penalty. The department or chairman shall have power to bring complaints against employers, including the president and treasurer of a corporation which is an employer, for violations of the provisions of this section, and to prosecute the same, and for such purpose may deputize one or more of its inspectors, investigators or other persons in its employ, as it may deem necessary, to make and prosecute such complaints. Such complaints shall be brought in the district court in which the principal place of business of such employer is situated, or in the district court in whose district such president or treasurer of a corporation resides.

SECTION 21. The first paragraph of section 25E of said chapter 152, as appearing in section 36 of chapter 572 of the acts of 1985, is hereby amended by striking out, in line 12, the word "procedure" and inserting in place thereof the word:– procedures.

SECTION 22. Subsection (1) of section 25G of said chapter 152, as so appearing, is hereby amended by striking out clause (d) and inserting in place thereof the following clause:–

(d) a pro forma financial statement on a form acceptable to the commissioner of insurance showing the financial ability of the group to pay the workers' compensation obligations of its members.

SECTION 23. Said subsection (1) of said section 25G of said chapter 152, as so appearing, is hereby further amended by striking out clause (k) and inserting in place thereof the following clause:–

(k) proof provided by the trustees, satisfactory to the commissioner of insurance, that the annual gross premiums of the group shall be not less than two hundred and fifty thousand dollars.

SECTION 24. Section 25S of said chapter 152, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "section twenty-five E to twenty-five V" and inserting in place thereof the words:– sections twenty-five E to twenty-five U.

SECTION 25. Section 25U of said chapter 125, as so appearing, is hereby amended by striking out, in line 3, the words "regulatory or assessment" and inserting in place thereof the words:– fails to pay any regulatory fee or assessment.

SECTION 26. Section 26 of said chapter 152, as appearing in the 1984 Official Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:–

If an employee is injured by reason of such physical activities of fellow employees and the department finds that such activities are traceable solely and directly to a physical or mental condition resulting from the service of any of such fellow employees in the armed forces of the United States, the entire amount of compensation that may be found due shall be paid by the state treasurer, upon order of the department, from the fund established by section sixty-five. There shall be no appeal by the commonwealth from such an order of the department.

SECTION 27. Said chapter 152 is hereby further amended by striking out section 30A, as amended by section 39 of chapter 572 of the acts of 1985, and inserting in place thereof the following section:–

Section 30A. Any medical report pertaining to an injury which appears to be compensable shall be furnished by the physician or other medical provider to the employee, the insurer, and the department within fourteen days of completion of the examination of the employee. Each failure to comply with such reporting requirement shall be punishable by a civil fine to be determined by the director of administration, of not less than twenty-five nor greater than one thousand dollars. A schedule of incremental increases relative to violations shall be determined by the commissioner.

SECTION 28., Sections thirty B to thirty D, inclusive, of said chapter one hundred and fifty-two are hereby repealed.

SECTION 29. Section 30F of said chapter 152, as appearing in section 40 of chapter 572 of the acts of 1985, is hereby amended by inserting after the word "and", in line 2, the second time it appears, the word:– vocational.

SECTION 30. Section 34B of said chapter 152, inserted by section 43A of said chapter 572, is hereby amended by striking out, in line 27, the figure "(3)" and inserting in place thereof the letter:– (c).

SECTION 31. Section 35A of said chapter 152, as appearing in the 1984 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

An administrative judge or the reviewing board may in its or his discretion order the insurer or self-insurer to make payment of the six dollars aforesaid directly to the independent.

SECTION 32. The second paragraph of section 37 of said chapter 152, as so appearing, is hereby amended by striking out, in line 22, the words "not to exceed fifty" and inserting in place thereof the words:– equal to seventy-five.

SECTION 33. Said chapter 152 is hereby further amended by striking out section 38, as so appearing, and inserting in place thereof the following section:–

Section 38. Except as expressly provided elsewhere in this chapter, no savings or insurance of the injured employee independent of this chapter shall be considered in determining compensation payable thereunder, nor shall benefits derived from any other source than the insurer be considered in such determination.

SECTION 34. The first paragraph of section 46A of said chapter 152, as so appearing, is hereby amended by striking out, in line 14, the word "division" and inserting in place thereof the word:– department.

SECTION 35. The second paragraph of said section 46A of said chapter 152, as so appearing, is hereby amended by striking out, in line 36, the words "then either the division or a member thereof" and

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inserting in place thereof the words:– the reviewing board.

SECTION 36. Paragraph (2) of section 48 of said chapter 152, as appearing in section 52 of chapter 572 of the acts of 1985, is hereby amended by inserting after the word "into," in line 12, the word:– and.

SECTION 37. Said chapter 152 is hereby further amended by striking out section 49, as amended by section 53 of said chapter 572, and inserting in place thereof the following section:–

Section 49. The claim for compensation shall be in writing, and shall state the time, place, cause and nature of the injury. It shall be signed by the person injured, or, in the event of his death, by his legal representative, or by a person to whom payments may be due, or by a person in behalf of any of them, and shall be filed with the department. A claim for compensation shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place, cause or nature of the injury unless it is shown that it was the intention to mislead and that the insurer was in fact misled thereby.

SECTION 38. Section 57 of said chapter 152, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 13, the word "division" and inserting in place thereof the word:– department.

SECTION 39. Said chapter 152 is hereby further amended by striking out section 59, as so appearing, and inserting in place thereof the following section:–

Section 59. The state treasurer shall hold any deposit made under section fifty-seven in trust for the payment of claims for benefits under this chapter, including claims accruing after the deposit was made, and he shall make such payments upon the written request and under the direction of the department, or he may, if the company so requests in writing, transfer from time to time to a trustee appointed by the company and approved by the department, any part of any such deposit made with him, reasonably necessary for the prompt payment of said benefits, and the trustee shall make such payments in accordance with the written directions of the department.

The state treasurer shall keep a separate account with the company of the amount so received, the amount of interest earned thereon and the payments made. If the amount deposited proves to be larger than required, portions thereof may, from time to time, be refunded to the company by the state treasurer or by such trustee, if any, subject to the written approval of the commissioner of insurance and the department. If any balance remains after the payment of all benefits due to claimants under this chapter, the state treasurer or such trustee, if any, shall return the balance to the company upon written notice from the department that there is no likelihood of further payments becoming due on account of such claims.

SECTION 40. Said chapter 152 is hereby further amended by striking out section 62, as so appearing, and inserting in place thereof the following section:–

Section 62. Every such foreign insurance company shall, within five days after its withdrawal from the transaction of business in the

commonwealth or after the revocation of its license issued by the commissioner of insurance or of his refusal to renew it, deposit with a trustee to be named by the department an amount equal to twenty-five per cent of its obligations incurred or to be incurred under workmen's compensation policies issued to employers in the commonwealth; and within thirty days after such withdrawal, revocation of or refusal to renew a license, such company shall deposit with said trustee an amount equal to the remainder of such obligations incurred or to be incurred, the amount of which obligations shall be determined by the department. The amounts so deposited shall be available for the payment of the said obligations of the company to the same extent as if the company had continued to transact business in the commonwealth, and the trustee so receiving said deposits shall pay such obligations at the times and in a manner satisfactory to the department.

SECTION 41. Said chapter 152 is hereby further amended by striking out section 63, as so appearing, and inserting in place thereof the following section:–

Section 63. Insurance companies insuring employees under this chapter shall, at the request of the department, furnish it in writing any information required in connection with the administration by said department of this chapter, including any statistics and the names of all employers insured by them. Notice of issuance of a policy of insurance insuring employers under this chapter shall be given to the department of industrial accidents by the company issuing such policy within five days after the date of issuance thereof. No further notice need be filed in case such insurance is renewed, extended or otherwise continued by such company. Such insurance shall not be cancelled or shall not be otherwise terminated until ten days after written notice of such cancellation or termination is given to the department or until a notice has been received by said department that the employer has secured insurance from another insurance company or has otherwise insured the payment of compensation provided for by this chapter.

SECTION 42. Section 65 of said chapter 152, as amended by section 55 of chapter 572 of the acts of 1985, is hereby further amended by striking out subsection (5) and inserting in place thereof the following subsection:–

(5) Each self-insurance group shall pay to the treasurer of the commonwealth a sum assessed by the department equal to the product of its standard premium and the assessment rates determined pursuant to subsection (4), multiplied by the total base amount for all self-insured groups divided by the estimated total standard premiums for all self-insured groups for the next twelve-month period beginning January first and ending on the last day of December. For each insured employer, the assessment shall be equal to the product of its standard workers' compensation premium and the assessment rate determined pursuant to subsection (4), multiplied by the ratio of the aggregate base amount for all insured employers as reported pursuant to subsection (3), to the aggregate written estimated premium for these said employers for the next twelve-month period beginning January first and ending on the last day of December. Such aggregate written estimated premiums shall be based on currently applicable rates as approved by the

commissioner of insurance. The Rating Bureau shall compute said ratio and submit it to the department of industrial accidents by May first of each year for review and approval. Insurers shall bill and collect assessments on insured employers. Such assessments shall be separately stated amounts on all premium notices, and shall not be reported as premiums for any tax or regulatory purposes under chapter sixty-three, one hundred and seventy-five, or any other law. Assessment rates for insured employers shall apply to standard premiums for policy years beginning on or after July first following the determination of such rates. The assessment for each self-insurer shall be equal to the product of the assessment rate and the self-insurer's imputed premium multiplied by the total base amount for all self-insurers, divided by the total imputed premium for all self-insurers as determined by the department. Insurers shall transmit assessments collected during each quarter, and self-insurers and self-insurance groups shall pay assessments due each quarter, to the state treasurer no later than one month after the end of the quarter.

Failure to pay the assessed sum will result in a fine of ten per cent of any unpaid amounts every thirty days. The commissioner may establish a commonwealth lien on any employer to collect assessments and fines for which such employer is liable under this section. Similar fines and liens may be imposed on insurers for failure to transmit assessments collected under this section.

In the case of self-insurers or self-insurance groups that have been operating for less than twelve months, the department shall establish procedures under which the assessments to be paid by the self-insurer or self-insurance group shall be related to the prior status of such employers.

SECTION 43. Said section 65 of said chapter 152 is hereby further amended by adding the following subsection:–

(12) The commissioner shall supervise, monitor and establish procedures for all aspects of the assessment of insured and self-insured employers and self-insurance groups including but not limited to the proper reporting of base amounts; the determination of proper assessment rates; the calculation, billing and collection of assessment payments; proper accounting; reporting and transmittal by insurers of assessment payments by insured employers; and all other matters necessary to assure proper compliance with this section; and may issue regulations and conduct hearings for this purpose. He also shall establish procedures for the review and adjudication of grievances by employers with respect to the propriety and accuracy of assessed payment.

SECTION 44. Said chapter 152 is hereby further amended by striking out section 65A, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 65A. Any employer whose application for workmen's compensation insurance has been rejected or not accepted within five days by two insurers may appeal to the department, and if it shall appear that such employer has complied with or will comply substantially with all laws, orders, rules and regulations in force and effect relating to the welfare, health and safety of his employees, and shall not be in default of payment of any premium for such insurance, then the department

shall certify to the commissioner of insurance that such employer is entitled to workmen's compensation insurance. The commissioner of insurance shall thereupon designate an insurer who shall forthwith, upon the receipt of the payment for the premium therefor, issue to such employer a policy of insurance contracting to pay the compensation provided for by this chapter. The commissioner of insurance shall make equitable distribution of such risks among insurers in such manner that, so far as practicable, no insurer will be assigned a larger proportion of premiums under assigned policies during any calendar year than that which the total of workmen's compensation premiums written in the commonwealth by such insurer during the previous calendar year bears to the total workmen's compensation premiums written in the commonwealth by all insurers during the previous calendar year.

SECTION 45. Said chapter 152 is hereby further amended by striking out section 65B, as so appearing, and inserting in place thereof the following section:–

Section 65B. If, after the issuance of a policy under section sixty-five A, it shall appear that the employer to whom the policy was issued is not or has ceased to be entitled to such insurance, the insurer, with the approval of the department, may cancel such policy in the manner provided in this chapter; provided, that any insurer desiring to cancel such a policy shall give notice in writing to the department and the insured of its desire to cancel the same. The department may approve such cancellation unless the employer shall within ten days after the receipt of such notice file with the department objections thereto, and, if such objections are filed, a member of the department shall hear and decide the case within a reasonable time thereafter, subject to review as provided where a claim for a review referred to in section eight is filed.

SECTION 46. Section 69B of said chapter 152, as amended by section 56 of chapter 572 of the acts of 1985, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

Said commissioner of public employee retirement shall obtain such information as will assist in the prevention of injuries, arising out of and in the course of employment, to public employees, in the rehabilitation of injured employees, and in their reemployment. He shall require from the workmen's compensation agents, appointed under section seventy-five, preliminary reports on such injuries within forty-eight hours of their occurrence, and detailed reports within two weeks. He shall require from such agents the name and status of any employee who has remained incapacitated for three months following an injury, and shall refer such reports to the office of education and vocational rehabilitation for consideration and recommendation under the provisions of sections thirty E to thirty H, inclusive.

SECTION 47. Section 70 of said chapter 152, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 2, the word "division" and inserting in place thereof the word:– department.

SECTION 48. Section 75 of said chapter 152, as so appearing, is hereby amended by striking out, in line 7, the word "division" and inserting in place thereof the word:– department.

SECTION 49. Paragraph (2) of section 75B of said chapter 152, as appearing in section 58 of chapter 572 of the acts of 1985, is hereby amended by striking out, in line 13, the word "member" and inserting in place thereof the word:– court.

SECTION 50. Section 68 of chapter 572 of the acts of 1985 is hereby amended by inserting after the word "forty-four", in line 2, the words:– , section thirty-five F of chapter one hundred and fifty-two of the General Laws, inserted by section forty-five.

SECTION 51. Section 70 of said chapter 572 is hereby amended by inserting after the word "forty-three A," in line 3, the words:– sections thirty-five C to thirty-five E, inclusive, of chapter one hundred and fifty-two of the General Laws, inserted by section.

SECTION 52. The first supplemental compensation payments required by section thirty-four B of chapter one hundred and fifty-two of the General Laws shall be due on November first, nineteen hundred and eighty-six, and shall be based on the average weekly wage in the commonwealth as of October first, nineteen hundred and eighty-six.

SECTION 53. Notwithstanding the provisions of section two A of chapter one hundred and fifty-two of the General Laws, section thirty-four B of said chapter one hundred and fifty-two, inserted by section forty-three A of chapter five hundred and seventy-two of the acts of nineteen hundred and eighty-five, shall have application to personal injuries irrespective of the date of their occurrence; provided, however, that this section shall not be construed to require the payment of any supplemental benefit that would have been due if such supplemental benefits had been required prior to November first, nineteen hundred and eighty-six.

SECTION 54. Notwithstanding the provisions of section two A of chapter one hundred and fifty-two of the General Laws, section fifty-three of chapter five hundred and seventy-two of the acts of nineteen hundred and eighty-five, shall have application only to personal injuries occurring on or after January first, nineteen hundred and eighty-six.

SECTION 55. Sections six, seven and forty-nine of this act shall take effect as of January first, nineteen hundred and eighty-six.

SECTION 56. Sections eighteen, forty-two and forty-three of this act shall take effect as of January twenty-fourth, nineteen hundred and eighty-six.

SECTION 57. Sections one, two, three, four, sixteen, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five of this act shall take effect as of April first, nineteen hundred and eighty-six.

SECTION 58. Sections eight, nine, eleven, twelve, thirteen, fourteen, fifteen, twenty-seven, twenty-nine, thirty, thirty-two, thirty-four and thirty-six of this act shall take effect as of November first, nineteen

hundred and eighty-six.

Approved December 29, 1986.

Chapter 663. AN ACT RELATIVE TO THE USE OF AUTOMATIC TELEPHONE DIALING SYSTEMS.

Be it enacted, etc., as follows:

Chapter 159 of the General Laws is hereby amended by inserting after section 19A the following four sections:–

Section 19B. As used in sections nineteen C and nineteen D, the following words shall, unless the context requires otherwise, have the following meanings:–

"Automatic telephone dialing system", any automatic terminal equipment which is capable of storing numbers to be called or producing numbers to be called, using a random or sequential number generator, and with the ability to call such numbers, and which is capable of delivering a prerecorded message to the number called with or without manual assistance.

Section 19C. Any person who is a customer of a common carrier and who wishes not to receive telephone calls from an automatic telephone dialing system may notify such common carrier which provides telephone exchange service that he does not wish to receive such calls.

The department shall prescribe regulations specifying the manner in which such notification shall be given, specifying the manner in which common carriers shall make available to persons using an automatic dialing system the names and telephone numbers of persons who do not wish to receive such calls, and specifying the time at which and manner in which a subscriber may give or revoke such notification. The regulations shall require that a customer be given the opportunity to give such notification whenever a telephone is installed, and not less frequently than annually thereafter.

A common carrier shall not make any charge to a customer for the service of listing him as not wishing to receive such calls. The costs incurred by any common carrier to administer the provisions of this section shall be borne by those persons or institutions obtaining the names and telephone numbers of those subscribers who do not wish to receive calls under a schedule to be approved by the department.

Nothing in this section or regulation promulgated thereunder shall be deemed to impose any liability on a common carrier providing local exchange service arising or resulting from the use of an automatic dialing system except in producing or using such a system.

Section 19D. Any automatic telephone dialing system sold in the commonwealth shall be designed to prevent the selection or dialing of any telephone numbers listed pursuant to section nineteen C.

Any person using an automatic telephone dialing system shall prevent such system from selecting or dialing any telephone numbers listed pursuant to said section nineteen C.

Any automatic telephone dialing system used in the commonwealth shall be operated so that the system will, within five seconds after the called party hangs up, automatically create a disconnect signal or

on-hook condition which allows the called party's line to be released.

Section 19E. No person shall solicit a sale or order for sale of goods or services at the residence of a prospective buyer by means of a telephone without expressly revealing at the time the person initially contacts the prospective buyer, and before making any other statement, except a greeting, or asking the prospective buyer any other questions, that the purpose of the contact is to effect a sale, by doing all of the following:–

(1) stating the identity of the person making the solicitations;

(2) stating the trade name of the person represented by the person making the solicitation; and

(3) stating the kind of goods or services being offered for sale.

No person shall, in soliciting a sale or order for the same of goods or services at the residence of a prospective buyer by the telephone, use any plan, scheme, or ruse which misrepresents his true status or mission for the purpose of making such sale or order for the sale of goods or services.

Approved December 29, 1986.

**Chapter 664. AN ACT AUTHORIZING AND DIRECTING THE
DIVISION OF CAPITAL PLANNING AND OPERATIONS
TO LEASE CERTAIN LAND AND BUILDINGS AT THE
BELCHERTOWN STATE SCHOOL TO THE NEW ENG-
LAND SMALL FARM INSTITUTE.**

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and seventy-five of the acts of nineteen hundred and eighty is hereby repealed.

SECTION 2. The division of capital planning and operations is hereby authorized to execute and deliver in the name of and on behalf of the commonwealth, subject to the provisions of sections forty E through forty J of chapter seven of the General Laws, but notwithstanding the provisions of section forty H of chapter seven of the General Laws, one or more instruments to lease certain agricultural lands, woodlots and farm buildings at the Belchertown state school to the New England Small Farm Institute, for the purposes of promoting the development of the Small Farm Demonstration and Training Center. The original lease or leases of any such state owned land to the New England Small Farm Institute shall be for not less than fair market value for comparable rentals. Said original lease or leases shall be for a period not to exceed thirty years. Said division may renew such lease or leases for such land and buildings for an additional period of twenty years; provided, however, that all additional renewals or leases shall also require approval by the general court.

Said division shall provide the clerk of the house of representatives who shall forward copies to the joint committee on state administration of the general court and the inspector general of the commonwealth, a copy of said lease or leases at least twenty business days prior to the execution thereof by said division. The inspector general shall review and comment within fifteen business days of the receipt of such lease or

leases. A copy of said review and comment, and any recommendations thereon by the inspector general, shall thereupon be forwarded to said clerk who shall forward copies to the joint committee on state administration. Said lease or leases, when executed by the deputy commissioner, shall be deemed conclusively authorized hereby; provided, however, that all provisions therein are consistent with the provisions of this act. The deputy commissioner from time to time is hereby authorized to execute and deliver, in the name and on behalf of the commonwealth, a notice of such lease or leases for recording and any and all other agreements and instruments related to the lease or leases authorized hereby which the division may determine appropriate from time to time. Any such notice of lease, lease instrument, or instruments, when executed by the deputy commissioner shall be deemed conclusively authorized hereby; provided, however, that all provisions therein are consistent with this act.

No sublease of such land and buildings or any portion thereof, for any purpose, other than for the promotion of the development of the Small Farm Demonstration and Training Center shall be executed without the prior approval of the general court.

No privately owned, occupied or financed building of any kind may be erected upon said land without the written approval of the division, and a written notification to the clerk of the house of representatives who shall forward copies to the joint committee on state administration, provided, however, any privately owned, occupied or financed building shall revert to the commonwealth upon the expiration of said lease or leases. Plans for any such building shall be submitted to said division for approval prior to any construction thereon. In a like manner any alteration, addition, destruction or demolition thereof shall also require the prior written approval of said division, and written notification to the joint committee on state administration. Copies of any and all such plans, together with all such written approvals by said division, shall be sent by said division to the joint committee on state administration to be kept on file.

The lease or leases shall provide that the commonwealth may repossess the leased premises together with any buildings erected thereon if payment of the rent or any other sum is not timely paid, or if the lessee otherwise defaults and notwithstanding such default, the lessee will continue to owe the rent and any other sums due the commonwealth under the provisions of said lease or leases. The lessee shall carry, in an amount approved in writing by the deputy commissioner of the division, comprehensive general liability insurance protecting the lessee and the commonwealth against personal injuries and property damage occurring on said leased premises or within any structure or building erected thereupon, and such fire and extended risk insurance, as said deputy commissioner deems appropriate.

No lease or leases, other than that provided for by the first paragraph, nor any sale, transfer, conveyance, or any other disposition of such land, and buildings, if any, may be made without the prior approval of the general court; provided, however, that any such lease or leases, other than that provided for by said first paragraph, sale, transfer, conveyance, or any other disposition of said land, and buildings if any, shall be carried out in accordance with the provisions of sections forty A to forty L, inclusive, of chapter seven of the General Laws except for

section forty F 1/2 of said chapter seven and any other restrictions or requirements as the general court may deem necessary.

The provisions of the first, second, sixth, and ninth paragraphs of subsection (a) of section forty F 1/2 of said chapter seven, the first sentence of the seventh paragraph of said subsection (a), and subsection (b) of said section forty F 1/2, shall apply to all leases authorized by this section. For purposes of any lease authorized by this act, the declaration required by the ninth paragraph of said subsection (a) of said section forty F 1/2 shall apply only to those provisions of said section forty F 1/2 as set forth in this section.

SECTION 3. There is hereby created the small farm demonstration and training center review board, in the department of food and agriculture, the members of which shall be the deputy commissioner of the division of capital planning and operations, or his designee, the commissioner of food and agriculture, the director of the division of agricultural land use, the associate director of the cooperative extension service of the university of Massachusetts, the dean of the college of food and natural resources of the university of Massachusetts and the dean of the Stockbridge school of Agriculture of the university of Massachusetts, a member of the Belchertown conservation commission in the town of Belchertown and the superintendent of Belchertown state school. Said committee shall meet from time to time with any lessee to review the demonstration and training programs being carried out by any such lessee and shall prepare and submit to the division of capital planning and operations and the department of food and agriculture an annual report setting forth the activities being carried out by such lessee and said committee's recommendations with respect thereto. A copy of said report shall be sent to the clerk of the house of representatives who shall forward copies to the joint committee on state administration.

SECTION 4. Pursuant to section forty F of chapter seven of the General Laws, the amount of consideration for the lease of the parcels referred to in section two of this act, shall be an amount as determined by the deputy commissioner of capital planning and operations; provided, however, that if the deputy commissioner determines that the consideration should be less than fair market value, he shall provide a written disclosure in the central register, and a copy of which shall be sent to the clerk of the house of representatives who shall forward copies to the joint committee on state administration to be placed on file, detailing the reasons for such determination, and the amount of consideration may be approved at the lesser value. The consideration for said parcels shall take into account the lessee's obligations required by this act, the master plan, and the agreement.

Approved December 29, 1986.

Chapter 665. AN ACT RELATIVE TO THE PREVAILING WAGE.

Be it enacted, etc., as follows:

Section 26 of chapter 149 of the General Laws, as appearing in the

ACTS, 1986. – Chaps. 666, 667.

1984 Official Edition, is hereby amended by inserting after the word "understandings", in line 29, the words:– in the private construction industry.

Approved December 29, 1986.

Chapter 666. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO INSTALL CERTAIN TRAFFIC CONTROLS IN THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

The department of public works is hereby authorized and directed to install school zone signals on Belmont street for the Whitman school and on Crescent street for the Downey school, both in the city of Brockton.

Approved December 29, 1986.

Chapter 667. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO USE CERTAIN PARK LAND IN SAID CITY FOR THE CONSTRUCTION OF A SCHOOL.

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence is hereby authorized to use for the purpose of constructing a school thereon, certain park land in said city, bounded and described as follows:

Beginning at a point at the intersection of the westerly line of Route 495 with the northerly line of North Parish Road, said point of beginning being the southeasterly corner of the premises;

Thence running S 82° – 41' – 25" W, 169.05 feet by North Parish Road to a point;

Thence turning and running N 07° – 18' – 35" W, 350.00 feet by land now or formerly of United States of America to a point;

Thence turning and running S 82° – 41' – 25" W, 200.00 feet by land now or formerly of United States of America to a point;

Thence turning and running N 07° – 18' – 35" W, 150.00 feet by land now or formerly of United States of America to a point;

Thence turning and running S 82° – 41' – 25" W, 205.00 feet by land now or formerly of United States of America to a point;

Thence turning and running N 07° – 18' – 35" W, 455.60 feet by land now or formerly of City of Lawrence to a point;

Thence turning and running S 82° – 41' – 25" W, 285.00 feet by land now or formerly of City of Lawrence to a point at Crawford Street;

Thence turning and running N 07° – 18' – 05" W, 725.97 feet by Crawford Street to a point;

Thence turning and running northwesterly 104.88 feet by Crawford Street in a curved line to the left having a radius of 100.00 feet and a chord distance of 100.14 feet to a point;

Thence turning and running N 67° – 23' – 40" W, 40.14 feet by Crawford Street to a point;

Thence turning and running northwesterly 52.44 feet in a curved line to the right having a radius of 50.00 feet and a chord distance of 50.07 feet by Shawsheen Street to a point, thence continuing by Shawsheen Street N 07° – 18' – 10" W, 90.00 feet to a point;

Thence northwesterly 103.62 feet in a curved line to the left having a radius of 130.00 feet and a chord distance of 100.90 feet to a point;

Thence northwesterly 19.33 feet in a curved line to the right having a radius of 24.26 feet and a chord distance of 18.82 feet to a point;

Thence N 07° – 19' – 55" W, 56.98 feet to a point;

Thence N 23° – 14' – 15" W, 183.81 feet to a point;

Thence N 07° – 18' – 20" W, 29.16 feet to a point;

Thence N 03° – 13' – 40" E, 136.00 feet to a point;

Thence northeasterly 50.02 feet in a curved line to the right having a radius of 70.00 feet and a chord distance of 48.97 feet to a point;

Thence N 44° – 10' – 55" E, 93.41 feet to a point;

Thence northerly 44.92 feet in a curved line to the left having a radius of 50.00 feet and a chord distance of 43.42 feet to a point;

Thence N 07° – 17' – 30" W, 327.39 feet to a point;

Thence N 27° – 38' – 30" E, 111.32 feet to a point;

Thence northeasterly 76.79 feet in a curved line to the right having a radius of 80.00 feet and a chord distance of 73.88 feet to a point;

Thence N 82° – 38' – 30" E, 93.00 feet to a point;

Thence northeasterly 78.37 feet in a curved line to the left having a radius of 110.00 feet and a chord distance of 76.72 feet by Shawsheen Street to a point;

Thence turning and running S 57° – 13' – 00" E, 51.36 feet by land now or formerly of Sellars to a point;

Thence turning and running N 32° – 47' – 00" E, 50.00 feet by land now or formerly of Sellars to a point;

Thence turning and running S 57° – 13' – 00" E, 75.00 feet by land now or formerly of Sellars to a point;

Thence turning and running N 32° – 47' – 00" E, 50.00 feet by land now or formerly of Sellars to a point at Loring Street;

Thence turning and running S 57° – 13' – 00" E, about 250 feet by Loring Street to the Shawsheen River;

Thence southwesterly, southeasterly, southwesterly, southeasterly, northeasterly, and southerly about 3250 feet by the Shawsheen River to land now or formerly of Commonwealth of Massachusetts(Route 495);

Thence turning and running S 03° – 55' – 56" E, 831 feet more or less by land of Commonwealth of Massachusetts to a point;

Thence turning and running S 06° – 32' – 30" E, 684.78 feet by land now or formerly of Commonwealth of Massachusetts to a point;

Thence running southerly 217.86 feet in a curved line to the right having a radius of 5100.00 feet and a chord distance of 217.84 feet by land of the Commonwealth of Massachusetts to the point of beginning.

Said parcel containing 42 acres as shown on a plan of land in Lawrence, Massachusetts for the city of Lawrence dated December 1974, and amended in May 1975.

Being the same premises conveyed to the city of Lawrence by two deeds of Essex Company, the first deed dated March 5, 1907 and recorded in Book 244, Page 371, the second deed dated February 21, 1933 and recorded in Book 569, Page 432. Said deeds are recorded in North district registry of deeds in Essex county.

ACTS, 1986. – Chaps. 668, 669.

SECTION 2. If the land described in section one of this act is not used for the purpose specified therein or if contracts for said purpose are not executed within five years from the effective date of this act, then the aforesaid land shall thereafter be held by the city of Lawrence as park land.

Approved December 29, 1986.

Chapter 668. AN ACT RELATIVE TO REGISTRIES OF DEEDS.

Be it enacted, etc., as follows:

The third paragraph of section 3 of chapter 64D of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following two sentences:– Each register of deeds, with the approval of the advisory board on county expenditures and the county commissioners, shall for the purposes of purchasing equipment or services relative to electronic reporting, indexing, computers and systems designed to modernize and maintain registry records, retain interest earned on the deposit of excise stamp fees. Each such register shall, annually, furnish to the county treasurer a financial report regarding such interest and the expenditure thereof in accordance with accepted accounting procedures.

Approved December 29, 1986.

Chapter 669. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-SEVEN TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and for certain other activities and projects, the sums set forth in section two are hereby appropriated for the several purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to law regulating the the disbursement of public funds and the conditions pertaining to appropriations in chapter two hundred and six of the acts of nineteen hundred and eighty-six, for the fiscal year ending June thirtieth, nineteen hundred and eighty-seven or for such period as may be specified, the sums so appropriated to be in addition to any other amounts available for said purposes.

SECTION 2.

LEGISLATURE.

ACTS, 1986. – Chap. 669.

Senate.

0111-9000 For the acquisition of computer equipment, software and other expenses related to the automation of the offices of the senate \$950,000

House of Representatives.

0129-1000 For the acquisition of computer equipment, software and other expenses related to the automation of the offices of the house of representatives \$950,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Division of Inspection.

8315-1000 For the administration of the division, provided, that not less than seven hundred and thirteen thousand seven hundred dollars be expended to implement the provisions of chapter six hundred and eighty-seven of the acts of nineteen hundred and eighty-five, including not more than ninety-nine positions \$713,700

EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.

Division of Employment Security.

9081-7000 For the payment of reemployment assistance benefits as provided by section seventy-one F of chapter one hundred and fifty-one A of the General Laws; provided, however, that the funds appropriated herein shall be used to provide reemployment assistance benefits only to persons eligible for such benefits prior to January first, nineteen hundred and eighty-seven, prior appropriation continued \$1,500,000

SECTION 3. Section 2A of chapter 279 of the acts of 1986 is hereby further amended by adding the following item: 0129-0000.

SECTION 4. Chapter 456 of the acts of 1984, as most recently amended by section 4 of chapter 326 of the acts of 1985, is hereby amended by striking out section 4, and inserting in place thereof the following section:–

Section 4. Section thirty-six B of chapter forty of the General Laws shall take effect on June thirtieth, nineteen hundred and eighty-seven.

SECTION 5. Chapter 208 of the acts of 1985 is hereby amended by striking out section 2 and inserting in place thereof the following section:–

ACTS, 1986. – Chap. 670.

Section 2. This act shall take effect on June thirtieth, nineteen hundred and eighty-seven.

SECTION 6. This act shall take effect upon its passage.

Approved December 30, 1986.

Chapter 670. AN ACT MAKING CERTAIN CHANGES TO THE MASSACHUSETTS FIRE TRAINING COUNCIL AND ESTABLISHING THE MASSACHUSETTS FIREFIGHTING ACADEMY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out sections 164 and 165, as appearing in the 1984 Official Edition, and inserting in place thereof the following three sections:–

Section 164. There is hereby established in the executive office of public safety the Massachusetts fire training council, hereinafter called the council, to consist of the chief fire warden of the commonwealth, ex officio; the secretary of public safety, ex officio; the director of the Massachusetts firefighting academy and ten members to be appointed by the governor: four of whom shall be fire chiefs selected from a list of eight names submitted by the fire chiefs association of Massachusetts; one of whom shall be a fire department training instructor holding an officer's rank, but not a fire chief, selected from a list of two names submitted by the Massachusetts Institute of Fire Department Instructors; one of whom shall be a fire prevention inspector, but is not a fire chief, selected from a list of two names submitted by the Massachusetts fire prevention association; two of whom shall be selected from a list of four names submitted by the professional firefighters of Massachusetts, one of whom holds the rank of firefighter and the other of whom holds the rank of a fire department officer other than a fire chief; and two of whom shall be citizens of the commonwealth.

The four fire chiefs selected from the eight names submitted by the fire chiefs association shall represent the following types of fire departments:

- (1) A fully paid fire department;
- (2) A partially paid part-call fire department;
- (3) A full-call fire department; and
- (4) A community from within Metro Fire District 13.

The chairman of said council shall be elected by a majority vote of the members thereof and shall serve as chairman for a term of one year or until his successor is elected. Said chairman shall be elected annually at the January meeting.

Members of the council shall be appointed for terms of three years with no limit on the number of terms they may serve, except that the terms of initial appointment shall be four members for one year, three members for two years and three members for three years. Members shall hold office until a successor is appointed and no member shall serve beyond the time he ceases to hold office or employment by reason of which he was eligible for appointment to the council.

The council shall meet monthly except that the chairman, with council approval, may omit meetings in July and August and the chairman, the governor, or the secretary of public safety may call additional meetings at other times, of which all members shall be given notice in writing at least five days prior to such meeting. Special meetings may be called by the chairman and shall be called by him at the request of the governor or upon the written request of seven members of the council. If any member is absent from three regularly scheduled meetings, exclusive of July and August, in any calendar year, his office as a member shall be deemed vacant. The chairman of the council shall make an annual report to the governor and the secretary of public safety and include in it recommendations for appropriate legislation.

The members of the council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

Section 165. The Massachusetts fire training council shall be the sole certifying agency for the certification and training of all levels of fire service personnel within the commonwealth and shall have statutory responsibility for the following:

- (1) the establishment and certification of firefighting standards for recruit firefighters and a uniform training curriculum for all other levels of fire service personnel;

- (2) the establishment of requirements for instructors employed in the Massachusetts firefighting academy;

- (3) the establishment and promulgation of such rules and regulations for the operation of the Massachusetts firefighting academy;

- (4) the location of the Massachusetts firefighting academy and area training centers;

- (5) the establishment of standards for conducting training by the Massachusetts firefighting academy; and

- (6) an annual review and approval of standards and the courses and curriculum offered by the Massachusetts firefighting academy.

The council shall consult and cooperate with any employing fire service agency, state university, college, community college, regional vocational school or other educational institution and the division of personnel administration concerning the development of firefighter training standards and facilities.

The council may provide for such necessary services to local fire training centers as are needed to meet standards established pursuant to this section.

The council may delegate to the director of the Massachusetts firefighting academy any such authority it deems appropriate for the operation of said academy.

Section 165A. There is hereby established the Massachusetts firefighting academy which shall be the sole agency responsible for the training of all fire service personnel in the commonwealth. Said academy shall be responsible to the fire training council and shall be within the executive office of public safety.

Said academy shall be directed by an executive director who shall be appointed by the Massachusetts fire training council and, subject to appropriation, make such expenditures and appoint such staff as may be necessary to carry out the function of said academy.

Said executive director shall be classified in accordance with section

forty-five of chapter thirty and his salary shall be determined in accordance with the provisions of section forty-six C of said chapter thirty.

Said academy, with the approval of the Massachusetts fire training council, may accept for any of its purposes and functions any donations of property and grants of money from any governmental unit, public or private agency, institution, person, firm or corporation. Said grants shall be kept by the state treasurer in a separate fund to be known as the Massachusetts Firefighters Academy Trust Fund and shall be disbursed by the state treasurer at the direction of said council.

SECTION 2. Section 18 of chapter 6A of the General Laws, as amended by chapter 642 of the acts of 1986, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

The following state agencies are hereby declared to be within the executive office of public safety: the department of public safety and all other state agencies within said department, including several boards established by sections eleven A, thirteen A and fourteen of said chapter; the boards established by sections seventy-one A and seventy-one H of chapter one hundred and forty-three, and the board of school house structural standards established by section one of chapter six hundred and seventy-five of the acts of nineteen hundred and fifty-five; the registry of motor vehicles; the governor's highway safety committee; the Massachusetts criminal justice training council; the criminal history systems board; the security and privacy council; the state board of building regulations and standards; the department of the capitol police; the architectural access board and the Massachusetts fire training council.

SECTION 3. The sixth paragraph of section 1F of chapter 15 of the General Laws is hereby amended by striking out clause (8), as appearing in the 1984 Official Edition.

SECTION 4. The provisions of this act shall not impair or diminish the rights or privileges of any officer or employee of the Massachusetts firefighting academy and the Massachusetts fire training council holding office or so employed on the effective date of this act including, but not limited to, seniority, vacation time, sick time, retirement or pension rights or any other such rights or privileges under any provision of law.

Approved December 30, 1986.

EMERGENCY LETTER: December 31, 1986 @ 4:43 P.M.

Chapter 671. AN ACT FURTHER REGULATING THE COMMON-WEALTH RENTAL ASSISTANCE PROGRAM.

Be it enacted, etc., as follows:

Chapter 121B of the General Laws is hereby amended by striking out section 43, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 43. In addition to its other powers and for the purpose of implementing a program of rental assistance a housing authority may enter into contracts to rent, lease or otherwise provide financial assistance to dwelling units or such other housing units subject to regulations promulgated by the department of community affairs not inconsistent with the standards required for dwelling units for periods of not more than ten years. Any such contract or lease shall contain a provision conditioning the obligations of the housing authority thereunder upon the certification by the housing authority that such dwelling unit or said other housing units are in compliance with the provisions of the minimum standards of fitness for human habitation set forth in the state sanitary code. No housing authority shall enter into any such contract or lease until (a) the housing authority has adopted a scale of maximum rents, including specified utility charges, payable by the authority for housing units of various types under such contracts or leases and the department has approved such scale as being consistent with the purposes of the rental assistance program, (b) the housing authority has determined that an adequate supply of the type of housing to be contracted for or leased is not presently available in the low rent housing projects located within the city or town, and (c) the housing authority has determined that the rent payable under the contract or lease is not in excess of rents payable for similar types of housing units within the city or town. A housing authority shall, in order to encourage the construction and remodeling of dwelling units or such other housing units subject to regulations promulgated by the department of community affairs not inconsistent with the standards required for dwelling units, endeavor to contract for or lease units recently constructed, reconstructed or remodeled but may enter into contracts or leases for other units.

A housing authority which, as a lessee or tenant, enters into a lease or rental agreement with a cooperative corporation or other legal entity which is the owner of a cooperative project may require that any tenant occupying the leased premises with the consent of the authority shall have all the rights of a member of the corporation.

If a resident of a city or town is eligible for rental assistance and locates or occupies a standard dwelling unit or said other housing unit other than the one receiving financial assistance or leased by the local housing authority and if said dwelling unit or said other housing unit and the rental thereof is reasonable and acceptable to said housing authority in accordance with this section, and if the owner of said unit is willing to enter into a contract or lease agreement with said authority, said authority shall within thirty days of application to it by said resident execute a contract or lease for occupancy of said unit for not more than five years by said resident under the guidelines of the rental assistance program as established by the department. All housing authorities shall make application to the department of community affairs for funds with which to participate in the rental assistance program. The department may directly enter into contracts to rent, lease or otherwise provide financial assistance and exercise all other rights and duties of housing authorities under the rental assistance program in cities or towns where no local housing authority exists or where the department finds that the local housing authority has not carried out the provisions of the rental assistance program.

The number of units leased by any housing authority in any one building or development shall not exceed the following limits: In a building or development containing one to twelve units, no limit, in a building or development containing thirteen to thirty units, twelve units or fifty per cent of the units, whichever is higher, in a building or development containing thirty-one or more units, forty per cent of the total units, rounded up to the next highest whole number; provided, however, that the department may, in its discretion, permit a housing authority to lease additional units in a building or development containing more than twenty but less than one hundred units if the department determines that the owner of said buildings or development needs and will use the proceeds from said lease for the sole purpose of improving said building or development.

The department of community affairs is hereby authorized and directed to allocate funds appropriated for the state rental assistance program to eligible units within developments financed by the Massachusetts Housing Finance Agency, hereinafter known as MHFA, pursuant to the provisions of sections twenty-five to twenty-seven, inclusive, of chapter twenty-three B.

The department is hereby authorized to provide funds appropriated for the state rental assistance program to a limited equity cooperative housing corporation, as defined in section four of chapter one hundred and fifty-seven B, on behalf of an owner who, but for such ownership, is eligible to participate as a tenant in a program of rental assistance.

Approved December 30, 1986.

EMERGENCY LETTER: December 30, 1986 @ 3:24 P.M.

Chapter 672. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS, INCLUDING THE AGREEMENT BETWEEN THE CHIEF ADMINISTRATIVE JUSTICE OF THE TRIAL COURT AND THE OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, AFL-CIO, LOCAL 6 – (CLERICAL UNIT).

Be it enacted, etc., as follows:

SECTION 1. To provide for certain collective bargaining costs, including the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the chief administrative justice of the trial court and the Office and Professional Employees International Union, AFL-CIO, Local 6 (Clerical Unit), the sums set forth in section two of this act are hereby appropriated, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter two hundred and six of the acts of nineteen hundred and eighty-six.

SECTION 2.

JUDICIARY.

ACTS, 1986. – Chap. 672.

Supreme Judicial Court.

0320-0003 For salaries and expenses of the supreme judicial court; provided, that not less than fifty thousand dollars shall be obligated to a study documenting the historical development of the supreme judicial court over the last three hundred years, prior appropriation continued \$30,979

Appeals Court.

0322-0002 For salaries and expenses of the appeals court \$17,488

Trial Court.

Collective Bargaining.

0330-0700 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the chief administrative justice of the trial court and the Office and Professional Employees International Union, AFL-CIO, Local 6, (Clerical Unit), and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments or benefits to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided further, that said chief administrative justice is hereby authorized to transfer from the sum appropriated to other items of appropriation for the fiscal year nineteen hundred and eighty-seven such amounts as are necessary to meet the costs of said adjustments and benefits for the fiscal year nineteen hundred and eighty-seven where the amounts otherwise available are insufficient for the purpose; provided further, that said secretary is authorized to allocate the cost of such salary adjustments and benefits to the several state or other funds to which such items of appropriation are charged; provided further, that copies of said collective bargaining agreement, together with an analysis of all cost items contained in said agreement and all changes to be made in the schedules of permanent and temporary positions required by said agreement, shall be filed with the house and senate committees on ways and means prior to the transfer or

ACTS, 1986. – Chaps. 673, 674.

allocation of any amounts necessary to meet the cost of said adjustments and benefits; and provided, further, that no transfers shall be made from this item without the prior approval of the house and senate committees on ways and means \$4,168,247

SECTION 3. This act shall take effect upon its passage.

Approved December 31, 1986.

Chapter 673. AN ACT FURTHER REGULATING THE REGISTRATION OF PHYSICIANS.

Be it enacted, etc., as follows:

Section 2 of chapter 112 of the General Laws is hereby amended by inserting after the fourth paragraph, as appearing in the 1984 Official Edition, the following paragraph:–

Notwithstanding any other provision of this chapter, the board may without examination grant a certificate of registration as a qualified physician to a person who is a graduate of a medical school which is legally chartered in a sovereign state other than the United States, the commonwealth of Puerto Rico or Canada, if such person furnishes proof satisfactory to the board that: (1) he has a full time academic appointment at a legally chartered medical school in the commonwealth; (2) he is qualified and competent in the field of medicine or surgery; and (3) he has been licensed or registered to practice medicine in such other state or country and has held a faculty appointment at a medical school legally chartered in such other state or country. Application for registration as a qualified physician, signed and sworn to by the applicant under the provisions of this section shall be made upon blanks furnished by the board. If satisfied as to the applicant's qualifications, and upon payment of a fee by such applicant, the board may issue to such applicant a certificate of registration as a qualified physician. Such certificate shall be restricted to the specialty in which he holds his academic appointment and shall be valid only so long as he holds a full time academic appointment. In addition to the requirements for renewal of certificates of registration under the provisions of section two, physicians registered under this section shall furnish with their renewal applications evidence satisfactory to the board that they continue to hold the faculty appointment required by this section. The board may adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this section.

Approved December 31, 1986.

Chapter 674. AN ACT DIRECTING THE CITY OF BOSTON TO GRANT A PENSION TO RAYMOND F. MARTIN, JR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, and in order to promote the public good, the State-Boston retirement board is hereby authorized and directed to retire Raymond F. Martin, Jr., a firefighter in the city of Boston, who as a result of injuries sustained while in the performance of his duties on October second, nineteen hundred and eighty-two, is totally and permanently incapacitated for further service as a firefighter. The annual amount of pension payable to Raymond F. Martin, Jr. under this act shall be fixed in an amount equal to the regular rate of compensation which would have been paid had he continued in service as a firefighter in said city at the grade held by him at the time of his retirement.

Such retirement shall become effective as of the date following the last day on which he is entitled to receive regular compensation.

Upon the retirement of Raymond F. Martin, Jr., the State-Boston retirement board of said city shall forthwith pay to him all amounts standing to his credit in the annuity savings fund of the State-Boston Retirement System.

SECTION 2. The provisions of section one hundred of chapter forty-one of the General Laws shall continue to apply to Raymond F. Martin, Jr. relative to his indemnification by the city of Boston for any hospital, medical and related expenses which may be incurred by him after the date of his retirement as a result of the aforementioned incapacity.

SECTION 3. Upon the death of Raymond F. Martin, Jr., if his wife Sandra T. Martin survives him, and as long as she remains unmarried, the city shall pay to said Sandra T. Martin an annual annuity equal to the sum of three-fourths of the amount of the pension payable to him at the time of his death and three hundred and twelve dollars for each child of said Raymond F. Martin, Jr. for such time as such child is either under eighteen years of age or totally physically or mentally incapacitated from working. If said Sandra T. Martin remarries, the city shall pay to her, in lieu of the aforesaid annuity, an annual annuity of five hundred and twenty dollars for each child of said Raymond F. Martin, Jr. for such time as such child is residing with her and is either under eighteen years of age on January first of the year in question or totally physically or mentally incapacitated from working.

Approved December 31, 1986.

Chapter 675. AN ACT RELATIVE TO THE CLASSIFICATION OF THE POSITION OF BOURNE NATURAL RESOURCE OFFICER IN THE BARNSTABLE COUNTY RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section three of chapter thirty-two of the General Laws or any other general or special law or rule to the contrary, natural resource officers of the town of Bourne shall be classified in Group 2 for the purposes of said chapter thirty-two.

ACTS, 1986. – Chaps. 676, 677.

SECTION 2. This act shall take effect upon its acceptance by the board of selectmen of the town of Bourne.

Approved December 31, 1986.

Chapter 676. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF CERTAIN TOWN MEETINGS IN THE TOWN OF DUNSTABLE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, all actions taken by the town of Dunstable relative to Article 11 at its special town meeting held on September seventeenth, nineteen hundred and eighty-four, and relative to Article 22 at its special town meeting held on April eleventh, nineteen hundred and eighty-three, and all actions subsequently taken pursuant thereto, are hereby ratified, validated and confirmed.

Approved December 31, 1986.

EMERGENCY LETTER: December 31, 1986 @ 2:43 P.M.

Chapter 677. AN ACT FURTHER REGULATING CERTAIN MOTOR VEHICLE LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate certain motor vehicle laws relative to improving highway safety, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of subparagraph (1) of paragraph (a) of subdivision (1) of section 24 of chapter 90 of the General Laws is hereby amended by striking out, in line 32, as appearing in the 1984 Official Edition, the words "or more".

SECTION 2. Subparagraph (2) of section 24M of said chapter 90, as appearing in section 17 of chapter 620 of the acts of 1986, is hereby amended by inserting after the word "but", in line 2, the word:– not.

SECTION 3. The second paragraph of section 24N of said chapter 90, as so appearing, is hereby amended by striking out, in line 5, the letter "(f)" and inserting in place thereof the letter:– (e).

SECTION 4. Section 26 of chapter 218 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "twenty-four G", in line 10, the words:– and paragraph (1) of section twenty-four L.

ACTS, 1986. – Chaps. 678, 679, 680.

SECTION 5. Section 22 of chapter 620 of the acts of 1986 is hereby amended by striking out, in line 10, the word "twenty-four" and inserting in place thereof the word:– twenty-one.

Approved January 7, 1987.

Chapter 678. AN ACT FURTHER REGULATING THE FORMULARY OF INTERCHANGEABLE DRUG PRODUCTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the formulary of interchangeable drug products, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 12D of chapter 112 of the General Laws is hereby amended by inserting after the sixth paragraph, as appearing in chapter 582 of the acts of 1985, the following paragraph:–

The provisions of this section shall not apply to prescriptions dispensed in a hospital licensed under section fifty-one of chapter one hundred and eleven; provided, however, that all outpatient prescriptions dispensed in a hospital shall be on prescription forms as required by this section; and provided further that no retail pharmacy, however organized, shall be exempted from the provisions of this section.

SECTION 2. This act shall take effect as of July second, nineteen hundred and eighty-six.

Approved January 7, 1987.

Chapter 679. AN ACT REGULATING THE MEMBERSHIP OF CERTAIN BOARDS IN THE TOWN OF READING.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty of chapter forty-three B of the General Laws or any other general or special law to the contrary, the school committee of the town of Reading shall consist of six members; the board of library trustees shall consist of six members; the board of cemetery trustees shall consist of six members; and the council on aging shall consist of ten members.

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

Approved January 7, 1987.

Chapter 680. AN ACT RELATIVE TO THE CONFIDENTIALITY OF TRADE SECRETS AND COMMERCIAL AND FINANCIAL INFORMATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately expand available funding and increase the competitiveness of Massachusetts businesses by financing new product development and technology transfer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 40J of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:–

(h) Any documentary materials or data whatsoever made or received by any director or employee of the corporation, to the extent that such material or data consist of trade secrets or commercial or financial information regarding the operation of any business conducted by an applicant for, or recipient of, any form of assistance which the corporation is empowered to render, or regarding the competitive position of such applicant or recipient in a particular field of endeavor, shall not be deemed public records of the agency and shall not be subject to the provisions of section ten of chapter sixty-six. Any discussion or consideration of such trade secrets or commercial or financial information, may be held by the board, or by any of the various technology boards, or by any subcommittee of said boards, in executive sessions closed to the public, notwithstanding the provisions of section eleven A 1/2 of chapter thirty A, provided, however, that the purpose of any such executive session shall be set forth in the official minutes of the corporation and no business which is not directly related to such purpose shall be transacted, nor shall any vote be taken during such executive session.

SECTION 2. Chapter 40K of the General Laws, as so appearing, is hereby amended by adding the following section:–

Section 11. Any documentary materials or data whatsoever made or received by any director or employee of the corporation, to the extent that such material or data consist of trade secrets or commercial or financial information regarding the operation of any business conducted by an applicant for, or recipient of, any form of assistance which the corporation is empowered to render, or regarding the competitive position of such applicant or recipient in a particular field of endeavor, shall not be deemed public records of the agency and shall not be subject to the provisions of section ten of chapter sixty-six. Any discussion or consideration of such trade secrets or commercial or financial information, may be held by the board, or by any subcommittee of the said boards, in executive session closed to the public, notwithstanding the provisions of section eleven A 1/2 of chapter thirty A, provided, however, that the purpose of any such executive session shall be set forth in the official minutes of the corporation and no business which is not directly related to such purpose shall be transacted, nor shall any vote be taken during such executive session.

Approved January 7, 1987.

Chapter 681. AN ACT AUTHORIZING A PLANNING DISTRICT TO DETERMINE POPULATION IN ACCORDANCE WITH THE MOST RECENT STATE CENSUS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the district planning commission to determine the population in accordance with the most recent state census, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 40B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "four C", in line 18, the words:– ; provided, however, that the national census or the annual national census estimate, whichever is the most recent, shall be used in any planning district in which the governing body of each city and town comprising such planning district accepts the provisions of this proviso.

SECTION 2. The third paragraph of section 7 of chapter 9 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following seven sentences:– If he shall find that any census return submitted to him by a city or town has not been submitted in proper form or contains significant errors, he may refuse to accept the same, and, in the event of such refusal, he shall return the same to the selectmen of the town or to the city manager or mayor of the city of origin for correction. If such correction is not submitted and accepted by November first of said year the governor shall appoint a decennial census commission, hereinafter called the commission. Said commission shall consist of five members one of whom shall be designated as chairman. No more than three members of the commission shall be of the same major political party and the other two members shall be of the other major political party. The members of the commission shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties. The commission shall examine the original submission and may inspect the records of any city or town and call upon the mayor, city manager, selectmen or municipal census supervisor thereof for such further information as it desires. The commission shall determine and verify the census for such city or town which then shall be accepted by the secretary.

SECTION 3. The provisions of section two of this act shall take effect as of January first, nineteen hundred and eighty-five.

Approved January 7, 1987.

Chapter 682. AN ACT DESIGNATING THE THEATER BUILDING AT RUTLAND HEIGHTS HOSPITAL AS THE ROBERT D. McNEIL MEMORIAL THEATER.

Be it enacted, etc., as follows:

SECTION 1. The theater building at Rutland Heights hospital in the town of Rutland shall be designated and known as the Robert D. McNeil Memorial Theater, in memory of Representative Robert D. McNeil, for his long association and support on behalf of Rutland Heights hospital.

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

Approved January 7, 1987.

Chapter 683. AN ACT FURTHER REGULATING CERTAIN MOTOR VEHICLES TRANSPORTING SCHOOL CHILDREN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate certain motor vehicles transporting school children, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 90 of the General Laws, as most recently amended by chapter 308 of the acts of 1986, is hereby further amended by adding the following paragraph:–

The registrar may issue without an additional registration fee, distinctive license plates for vehicles used for the transportation of school pupils in accordance with the provisions of section seven D.

SECTION 2. Said chapter 90 is hereby further amended by striking out section 7D, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 7D. The requirements of clauses (1), (2), (3), (5), (7), (8), (9), (10), (13) and (16) of section seven B shall apply to any motor vehicle carrying not more than eight passengers in addition to the operator, used in the business of transporting school pupils for hire under terms of contract or otherwise, while so used, but not including any motor vehicle used for not more than five days in case of emergency; provided, however, the eight lamp system, so-called, required on certain motor vehicles in clause (7) of said section seven B shall not apply to vehicles specified in this section. In addition, each such vehicle shall be required to be equipped with one pair of adequate chock blocks, a fire extinguisher, three flares in compliance with United States Motor Vehicle D.O.T. Safety Standard No. 125, which shall be placed upon the roadway in conformance with section fourteen B of chapter eighty-five when such vehicle becomes disabled upon the traveled portion of any way, and seat belts for each permanent seating accommodation designed and installed in compliance with applicable United States Motor Vehicle Safety Standards. No person shall operate a motor vehicle referred to in this section, nor knowingly allow any passenger to ride in such vehicle unless the operator and all passengers are wearing a safety belt which is properly adjusted and fastened. All such motor vehicles used to

transport school pupils under the provisions of this section shall display the distinctive number plate as authorized by section two.

SECTION 3. Said chapter 90 is hereby further amended by inserting after section 8A the following section:–

Section 8A 1/2. Every operator transporting school pupils under the provisions of section seven D shall make application to the registrar within ninety days of their next birth date for a license to operate such motor vehicles. Application for such license may be made by any person who shall have attained the age of twenty-one years, but has not passed his seventieth birthday and who shall have been a duly licensed motor vehicle operator for a period of three continuous years immediately prior to his application, except a person who has been duly licensed and whose license is not in force because of revocation or suspension or whose right to operate is suspended by the registrar, but before such a person shall be so licensed the registrar shall be satisfied that he is of good moral character and has successfully completed a written test, a visual test, and a physical examination in conformity with such minimum physical qualifications as shall be determined by the registrar. No license shall be issued to a person who has been convicted of the crime of rape, unnatural act, sodomy, or the use, sale, manufacture, distribution, possession with intent to distribute, or trafficking of any of the controlled substances which are unlawful under the provisions of section thirty-one of chapter ninety-four C, or to any person who has been convicted of operating a motor vehicle while under the influence of intoxicating liquor, or of marijuana, narcotic drugs, depressants or stimulant substances, as defined in section one of said chapter ninety-four C or the vapors of glue within the preceding five year period under the provisions of section twenty-four. Any person who consents to have any such case disposed of under the provisions of section twenty-four D shall for the purpose of this section be deemed to be convicted.

On or after January first, nineteen hundred and eighty-eight, every person transporting school pupils as specified in this section shall be duly licensed in accordance with the provisions of this section; provided, however, that in case of any emergency such vehicle may, for a period not to exceed three consecutive school days, be operated by any person, twenty-one years of age or over, who is duly licensed by the registrar and has in his possession a valid Massachusetts operator's license; and provided further a person who is duly licensed by the registrar in accordance with the provisions of section eight A or the department of public utilities may operate such vehicles without obtaining a license under this section.

Any such license issued under the provisions of this section shall be valid for a period of twelve months from the date of issue. Upon application for renewal of such license the registrar shall require evidence of continuing good character and physical condition.

The registrar may suspend or revoke any license granted under authority of this section for a violation of any of the provisions of this chapter, or on other reasonable grounds or where, in his opinion, the licensee is either physically or mentally unfit to retain the same.

The registrar may make such rules and regulations as he may deem necessary to carry out the provisions of this section. Each original

application shall be accompanied by an application fee which in no event shall be refunded. The application fee and an annual fee to maintain said license shall be determined by the commissioner of administration under the provision of section three B of chapter seven.

Approved January 7, 1987.

**Chapter 684. AN ACT AUTHORIZING THE STATE SECRETARY TO
AUTHORIZE THE SOLEMNIZATION OF A CERTAIN
MARRIAGE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the state secretary to authorize the solemnization of a certain marriage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirty-nine of chapter two hundred and seven of the General Laws, the state secretary may authorize in the manner set forth under said section thirty-nine, the solemnization of a marriage by Diane McDermott-Roy, as she is an attorney in the commonwealth of Massachusetts, in the city of Boston on March twenty-first, nineteen hundred and eighty-seven between Maxine Esta Klein of the city of Boston and Benjamin Chen of said city, and the state secretary shall issue to said Diane McDermott-Roy in her capacity as aforesaid a certificate of such authorization.

Approved January 7, 1987.

**Chapter 685. AN ACT AUTHORIZING THE TOWN OF KINGSTON TO
ESTABLISH A GUARANTEED DEPOSIT FUND.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, the town of Kingston may establish in the town treasury a guaranteed deposit fund which the town treasurer of said town shall keep separate and apart from all other monies and in which fund shall be deposited any design review fees collected by the conservation commission, under the authority of the town's wetlands protection by-law, for plans filed with said commission requiring design review costs. The principal and interest thereon may be expended at the direction of the conservation commission by said treasurer to pay for all reasonable design review costs incurred by said town in processing said applications, including but not limited to, any professional consulting services. Any such application fees paid in excess of the cost incurred by the town for design review shall be returned to the applicant by said treasurer.

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

Approved January 7, 1987.

Chapter 686. AN ACT ESTABLISHING CERTAIN INCOME STANDARDS FOR THE MEDICAL ASSISTANCE PROGRAM.

Be it enacted, etc., as follows:

Section 1 of chapter 118E of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following two paragraphs:—

The medical assistance income standard for a medically needy individual shall not be less than the payment standard, including state supplement, for a disabled individual living alone who is eligible for Supplemental Security income payments under the provisions of Title XVI of the Social Security Act.

The medical assistance income standard for medically needy families of two or more shall not be less than one hundred and thirty three and one-third per cent of the highest money payment, annualized and rounded to the next higher multiple of one hundred dollars, that is ordinarily made under chapter one hundred and eighteen to a family of the same size without income and resources.

Approved January 7, 1987.

Chapter 687. AN ACT AUTHORIZING THE PAYMENT TO THE TOWN OF GREAT BARRINGTON OF CERTAIN FUNDS HELD IN ESCROW.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, monies, including any interest accrued therein, which are held in escrow at the Berkshire Bank and Trust Company in account numbered 9404-6620 and which would otherwise be subject to forfeiture to the commonwealth in connection with indictments numbered 17074, 17075 and 17076 entered in the Berkshire division of the superior court department of the trial court and dated October twenty-seventh, nineteen hundred and eighty-two, shall, upon written motion of the district attorney of Berkshire county filed with and approved by said court, be paid over to the town of Great Barrington to be expended in promoting youth sports and recreational activities; provided, however, that said town shall thereafter provide said district attorney and said court an accounting of its expenditure of all funds so received.

Approved January 7, 1987.

Chapter 688. AN ACT INCREASING THE ACCOUNTABILITY OF DESIGNERS FOR PUBLIC CONSTRUCTION PROJECTS.

Be it enacted, etc., as follows:

Section 38H of chapter 7 of the General Laws, as amended by section 1 of chapter 228 of the acts of 1985, is hereby further amended by adding the following paragraph:–

(j) Contracts for design services shall include a provision that the designer or his consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the executive head of the public agency responsible for administering the design contract. For the purpose of this paragraph, "public agency" shall have the meaning as set forth in section thirty-nine A.

Approved January 7, 1987.

Chapter 689. AN ACT FURTHER REGULATING THE PLACEMENT AND MAINTENANCE OF CERTAIN TRAFFIC CONTROL DEVICES BY CITIES AND TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 85 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "thereto", in line 3, the words:– and therefrom,– and by striking out, in lines 7 and 8, the words "accepted standards of engineering practice" and inserting in place thereof the words:– the department's current manual on uniform traffic control devices.

SECTION 2. Said section 2 of said chapter 85, as so appearing, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following five sentences:– Except as hereinafter provided, any rule, regulation, order, ordinance or by-law of a city or town hereafter made or promulgated relative to or in connection with the erection or maintenance of signs, traffic control signals, traffic devices, school zones, parking meters or markings on any way within its control shall take effect without department approval provided such signs, traffic control signals, traffic devices, parking meters, school zones or markings are in conformance with the department's current manual on uniform traffic control devices and the department's sample regulation for a standard municipal traffic code; provided, however, that such rule, regulation, order, ordinance or by-law shall not take effect until approved in writing by the department, or be effective after such approval is revoked, if made or promulgated relative to or in connection with the following: (1) any way at its intersection or junction with a state highway; (2) any project which is or was federally aided, in whole or in part; (3) any traffic control signal or flasher in any city or town which does not employ a registered professional engineer in the commonwealth to design, redesign or change the timing and sequence of signal or flasher; (4) any sign excluding heavy commercial vehicles; (5) any school zone establishment or signing in relation to which the city or town intends to seek reimbursement from the commonwealth; (6) any

one-way street sign which would prohibit the free flow of two-way traffic between adjoining cities or towns on a through way or main way, as determined by the department, or any one-way street sign which would not be placed at an intersection of public ways. Notwithstanding the foregoing, speed control signs may be established only in accordance with the provisions of section eighteen of chapter ninety. If any city or town installs and maintains any of the aforesaid traffic control devices without either requesting or obtaining the required approval or after being notified of such disapproval, or in noncompliance with said manual, the department shall withhold or withdraw the unexpended balance of any funds assigned to the said city or town under the provisions of section thirty-four of chapter ninety or sections twenty-five and twenty-six of chapter eighty-one. Any traffic control device which has not been erected or maintained in accordance with the foregoing provisions may be removed by or under the direction of the department and be stored by the department until claimed by the owner or, if not claimed within sixty days after written notice to said owner, may be disposed of at the discretion of the department. Color and arrow indications of traffic control signals shall have the commands ascribed to them in said manual.

SECTION 3. The first paragraph of section 8 of chapter 89 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The foregoing provisions of this section shall not apply when an operator is otherwise directed by a police officer, or by a traffic regulating sign, device or signal lawfully erected and maintained in accordance with the provisions of section two of chapter eighty-five and, where so required with the written approval of the department of public works and while such approval is in effect.

SECTION 4. Said section 8 of said chapter 89 is hereby further amended by striking out the second paragraph, as amended by section 2 of chapter 232 of the acts of 1986, and inserting in place thereof the following paragraph:-

At any intersection on ways, as defined in section one of chapter ninety, in which vehicular traffic is facing a steady red indication in a traffic control signal, the driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk or the near side of the intersections or, if none, then at the entrance to the intersection in obedience to such red or stop signal, may make either (1) a right turn or (2) if on a one-way street may make a left turn to another one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at said intersection, except that a city or town, subject to section two of chapter eighty-five, by rules, orders, ordinances, or by-laws, and the department of public works on state highways or on ways at their intersections with a state highway, may prohibit any such turns against a red or stop signal at any such intersection, and such prohibition shall be effective when a sign is erected at such intersection giving notice thereof. Any person who violates the provisions of this paragraph shall be punished by a fine of not less than twenty dollars.

SECTION 5. Section 9 of said chapter 89, as appearing in the 1984 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

The department of public works may designate any state highway or part thereof as a through way and may designate intersections or other roadway junctions with state highways at which vehicular traffic on one or more roadways should stop or yield and stop before entering the intersection or junction, and the department may, after notice, revoke any such designation. The department of public works on any state highway or part thereof so designated as a through way, or on any way where the department has designated such way as intersecting or joining with a state highway, shall erect and maintain stop signs, yield signs and other traffic control devices.

SECTION 6. Said section 9 of said chapter 89, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

The local authorities of a city or town authorized to enact ordinances or by-laws, or make rules, orders or regulations under the provisions of section twenty-two of chapter forty may in accordance with the provisions of section two of chapter eighty-five of the General Laws, including department approval when required, designate any way or part thereof under the control of such city or town as a through way and may designate intersections or other roadway junctions at which vehicular traffic on one or more roadways shall stop or yield and stop before entering the intersection or junction, and may, after notice and like department approval, when required, revoke any such designation. Such local authorities of a city or town having control of any way or part thereof so designated as a through way shall erect and maintain stop signs, yield signs and other traffic control devices at such designated intersections or junctions.

SECTION 7. Section 17 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– Unless a way is otherwise posted in accordance with the provisions of section eighteen, it shall be prima facie evidence of a rate of speed greater than is reasonable and proper as aforesaid (1) if a motor vehicle is operated on a divided highway outside a thickly settled or business district at a rate of speed exceeding fifty miles per hour for a distance of a quarter of a mile, or (2) on any other way outside a thickly settled or business district at a rate of speed exceeding forty miles per hour for a distance of a quarter of a mile, or (3) inside a thickly settled or business district at a rate of speed exceeding thirty miles per hour for a distance of one-eighth of a mile, or (4) within a school zone which may be established by a city or town as provided in section two of chapter eighty-five at a rate of speed exceeding twenty miles per hour.

SECTION 8. Section 18 of said chapter 90, as amended by section 18 of chapter 608 of the acts of 1986, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:– The city council, the transportation commission of the city of Boston, the board of selectmen, park commissioners, a traffic

commission or traffic director, or the department, on ways within their control, may make special regulations as to the speed of motor vehicles and may prohibit the use of such vehicles altogether on such ways; provided, however, that except in the case of a speed regulation no such special regulation shall be effective unless it shall have been published in one or more newspapers, if there be any, published in the town in which the way is situated, otherwise in one or more newspapers published in the county in which the town is situated; nor until after the department, and in the case of a speed regulation the department and the registrar, acting jointly, shall have certified in writing that such regulation is consistent with the public interests; provided, however, that nothing herein contained shall be construed as affecting the right of the metropolitan district commission or of the department of environmental management to make rules and regulations governing the use and operation of motor vehicles on lands, roadways and parkways under its care and control.

SECTION 9. Said section 18 of said chapter 90, as amended by said section 18 of said chapter 608, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:–

Any person, corporation, firm or trust owning a private parking area or owning land on or abutting a private way, or any person, corporation, firm or trust controlling such land or parking area, with the written consent of the owner, may apply in writing to the city council, the traffic commission of a city or town having a traffic commission, the transportation commission of the city of Boston or the board of selectmen in any town in which the private way or parking area lies, to make special regulations as to the speed of motor vehicles and as to the use of such vehicles upon the particular private way or parking area, and the city council with the approval of the mayor, the traffic commission of a city or town, the transportation commission of the city of Boston or the board of selectmen, as the case may be, may make such special regulations with respect to said private way or parking area to the same extent as to ways within their control and such special regulations shall not be subject to approval by the department or the registrar; provided, however, that any traffic signs, signals, markings or devices used to implement such special regulations shall conform in size, shape and color to the most current manual on uniform traffic control devices.

SECTION 10. Any rule, regulation, order, ordinance or by-law of a city or town presently in effect on the effective date of this act which the department of public works has given prior approval, under the provisions of section two of chapter eighty-five of the General Laws, shall continue in effect. Any rule, regulation, order, ordinance or by-law which would require approval of the department under the provisions of said section two of said chapter eighty-five shall continue in effect; and all those which have prior approval of the department shall remain in effect without further approval.

Approved January 7, 1987.

ACTS, 1986. – Chaps. 690, 691, 692.

Chapter 690. AN ACT FURTHER REGULATING MARINE INSURANCE.

Be it enacted, etc., as follows:

The last sentence of section 94K of chapter 175 of the General Laws, added by section 9 of chapter 650 of the acts of 1986, is hereby amended by striking out, line 3, the word "not".

Approved January 7, 1987.

Chapter 691. AN ACT PROHIBITING SEARCH AND SEIZURE OF CERTAIN PROPERTY IN THE CUSTODY OF PERSONS OF CERTAIN CONFIDENTIAL RELATIONSHIPS.

Be it enacted, etc., as follows:

Section 1 of chapter 276 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:–

Notwithstanding the foregoing provisions of this section, no search and seizure without a warrant shall be conducted, and no search warrant shall issue for any documentary evidence in the possession of a lawyer, psychotherapist, or a clergyman, including an accredited Christian Science practitioner, who is known or may reasonably be assumed to have a relationship with any other person which relationship is the subject of a testimonial privilege, unless, in addition to the other requirements of this section, a justice is satisfied that there is probable cause to believe that the documentary evidence will be destroyed, secreted, or lost in the event a search warrant does not issue. Nothing in this paragraph shall impair or affect the ability, pursuant to otherwise applicable law, to search or seize without a warrant or to issue a warrant for the search or seizure of any documentary evidence where there is probable cause to believe that the lawyer, psychotherapist, or clergyman in possession of such documentary evidence has committed, is committing, or is about to commit a crime. For purposes of this paragraph, "documentary evidence" includes, but is not limited to, writings, documents, blueprints, drawings, photographs, computer printouts, microfilms, X-rays, files, diagrams, ledgers, books, tapes, audio and video recordings, films or papers of any type or description.

Approved January 7, 1987.

Chapter 692. AN ACT PROVIDING A SYSTEM FOR LICENSING AQUACULTURE AND SHELLFISH PROJECTS.

Be it enacted, etc., as follows:

Section 58 of chapter 130 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 5 and 6, the words "for a further term of not exceeding fifteen years", and by

inserting after the word "term", in line 7, the words for a further term or terms, each term not to exceed fifteen years.

Approved January 7, 1987.

Chapter 693. AN ACT FURTHER REGULATING FINANCIAL DISCLOSURE FOR PUBLIC OFFICIALS AND EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Clause (a) of section 1 of chapter 268B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the definition of "amount" and inserting in place thereof the following definition:-

"amount", a category of value, rather than an exact dollar figure, as follows: greater than one thousand dollars but not more than five thousand dollars; greater than five thousand dollars but not more than ten thousand dollars; greater than ten thousand dollars but not more than twenty thousand dollars; greater than twenty thousand dollars but not more than forty thousand dollars; greater than forty thousand dollars but not more than sixty thousand dollars; greater than sixty thousand dollars but not more than one hundred thousand dollars; greater than one hundred thousand dollars;

SECTION 2. Section 5 of said chapter 268B, as so appearing, is hereby amended by striking out subsections (b) and (c) and inserting in place thereof the following two subsections:-

(b) Every public official shall file a statement of financial interest for the preceding calendar year with the commission on or before the last Tuesday in May of the year in which such public official first enters such public office and of each year that such public official holds such office, and on or before May first of the year after such public official leaves such office; provided, however, that no public official shall be required to file a statement of financial interests for the year in which he ceased to be a public official if he served for less than thirty days in such year.

(c) Every public employee shall file a statement of financial interests for the preceding calendar year with the commission within thirty days after becoming a public employee, on or before May first of each year thereafter that such person is a public employee and on or before May first of the year after such person ceases to be a public employee; provided, however, that no public employee shall be required to file a statement of financial interests for the year in which he ceased to be a public employee if he served less than thirty days in such year.

SECTION 3. This act shall take effect on January first, nineteen hundred and eighty-seven and shall apply to all statements of financial interest required to be filed with the commission for calendar year nineteen hundred and eighty-six and subsequent calendar years.

Approved January 7, 1987.

EMERGENCY LETTER: January 8, 1987 @ 12:02 P.M.

Chapter 694. AN ACT FURTHER REGULATING THE OPEN MEETING LAW.

Be it enacted, etc., as follows:

The fourth paragraph of section 23B of chapter 39 of the General Laws, as amended by chapter 333 of the acts of 1985, is hereby further amended by adding the following clause:–

(8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.

Approved January 7, 1987.

Chapter 695. AN ACT RELATIVE TO THE ELECTION LAWS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 105 of chapter 41 of the General Laws, as amended by chapter 175 of the acts of 1985, is hereby further amended by inserting after the fourth sentence the following sentence:– Whenever two members are to be elected to the same term, the election shall be conducted for two distinct offices, one of which shall be identified on the ballot and on nomination papers with the title "trustee of soldiers' memorials non-veteran" and for which only candidates who are not veterans of any war shall be nominated.

SECTION 2. Section 6 of chapter 43A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:– They shall be submitted to the registrars of voters and shall be certified in the manner provided in section seven of said chapter fifty-three; provided, however, that any town meeting member, including any town meeting member in office under the provisions of a special statute under which such town is operating immediately prior to the taking effect therein of the standard form of representative town meeting government provided by this chapter, may become a candidate for election by giving written notice thereof to the town clerk not later than twenty-one days prior to the last day and hour for filing nomination papers.

SECTION 3. Chapter 51 of the General Laws is hereby amended by striking out the caption preceding section 50, as so appearing, and inserting in place thereof the following caption:– **SUPPLEMENTARY REGISTRATION OF SPECIALLY QUALIFIED VOTERS.**

SECTION 4. The first paragraph of section 1 of chapter 52 of the

General Laws, as amended by section 12 of chapter 477 of the acts of 1985, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:– Members appointed by the state committee shall hold office for two years from the date of their appointment; provided, however, that in no event shall the terms of office of such members extend beyond the term of office of members who were elected at the presidential primaries.

SECTION 5. Section 22A of chapter 53 of the General Laws, as amended by section 20 of said chapter 477, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:– Registrars shall receipt in writing for each initiative or referendum petition submitted to and received by them, and shall deliver such petitions only on receiving written receipts therefor or other identification acceptable to the registrars.

SECTION 6. The seventh paragraph of section 34 of said chapter 53, as appearing in the 1984 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:– Against the name of each such candidate there shall be printed, if the candidate requests, a statement in not more than eight words setting forth the public offices which he holds or has held.

SECTION 7. Section 44 of said chapter 53, as so appearing, is hereby amended by striking out, in line 16, the words "and commissioners to apportion Suffolk county".

SECTION 8. The first paragraph of section 45 of said chapter 53, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:– The candidate may state, on one or more nomination papers, in not more than eight words, the public offices which he holds or has held.

SECTION 9. Chapter 54 of the General Laws is hereby amended by striking out section 34, as so appearing, and inserting in place thereof the following section:–

Section 34. A city or town may, by vote of a majority of the city council or by vote of a majority of the board of selectmen, at a meeting held at least one hundred and twenty days before the primary, preliminary election or election at which voting machines are to be used, determine upon and purchase, lease, or lease with an option to purchase, one or more voting machines approved as provided in section thirty-two, and order the use thereof at primaries, preliminary elections and elections of state, city or town officers in such city or town; and thereafter at all primaries and elections of state, city or town officers in that city or town, until otherwise ordered by the city council in a city and the selectmen in a town, said machines shall be used at primaries and preliminary elections and for voting for the officers to be elected at such elections and for taking the vote upon questions submitted to the voters. Notice of such determination to use voting machines, or to discontinue the use thereof, shall be sent to the state secretary by the city or town clerk within five days after such determination; provided, however, that no such discontinuance shall take place later than ninety

days prior to a state or presidential primary or state election, nor later than thirty days prior to a city or town primary, preliminary election or election at which it is to become effective.

A city or town may, by vote of a majority of the city council or by vote of a majority of the board of selectmen, at a meeting held not later than one hundred and twenty days prior to a state or presidential primary or state election, and not later than sixty days prior to a municipal primary, preliminary election or election at which an electronic voting system is first to be used, determine upon the use of, and may lease, purchase, or lease with an option to purchase, the marking units or automatic tabulating equipment necessary to any electronic voting system approved for use in the commonwealth in accordance with section thirty-two. Thereafter, at all primaries, preliminary elections and elections held in said city or town, until otherwise ordered by vote of the city council in a city or of the selectmen in a town, said electronic voting system shall be used in those polling places designated by the city council or board of selectmen.

Notice of determination to use an approved electronic voting system, or to discontinue its use, shall be sent to the state secretary by the city or town clerk within five days after such determination; provided, however, that no such discontinuance shall take place later than ninety days prior to a state or presidential primary or state election, nor later than thirty days prior to a city or town primary, preliminary election or election at which it is to become effective; and, provided further, that no such discontinuance shall prevent the state secretary from selecting appropriate voting machines and vote tally systems pursuant to section thirty-two.

SECTION 10. Section 35A of said chapter 54, as so appearing, is hereby amended by striking out the fourth sentence.

SECTION 11. Section 89 of said chapter 54, as appearing in section 3 of chapter 562 of the acts of 1985, is hereby amended by striking out the first sentence.

SECTION 12. Said section 89 of said chapter 54, as so appearing, is hereby further amended by striking out, in lines 5 to 7, inclusive, the words "The official absentee voting ballot and all other papers described in said section eighty-seven shall be delivered:–" and inserting in place thereof the following words:– The official absent voting ballot and other papers described in section eighty-seven shall be delivered as follows:–.

SECTION 13. Subsection (b) of section 92 of said chapter 54, as appearing in section 4 of said chapter 562, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– He shall then execute before said official the necessary affidavit on said envelope.

SECTION 14. Section 100 of said chapter 54, as amended by section 36 of chapter 477 of the acts of 1985, is hereby further amended by inserting after the fifth sentence the following sentence:– The city or town clerk shall by telephone authorize the presiding officer to issue such certificate if said clerk determines that a voter at the polling place

is entitled to it, and said presiding officer shall then similarly sign and issue such certificate.

SECTION 15. Said chapter 54 is hereby further amended by striking out the caption preceding section 103B, as appearing in the 1984 Official Edition, and inserting in place thereof the following caption:– ABSENT VOTING FOR SPECIALLY QUALIFIED VOTERS.

SECTION 16. Said chapter 54 is hereby further amended by striking out section 103F, as so appearing, and inserting in place thereof the following section:–

Section 103F. The state secretary may prescribe and determine the size of absent voting ballots for specially qualified voters, envelopes and instructions, the size of type to be used thereon and he may take such steps and do such things of an administrative nature as in his opinion are necessary to make effective any provision of law facilitating voting by absent voting ballot by such specially qualified voters at state elections and utilize fully any facilities afforded in connection with such voting.

SECTION 17. Section 103L of said chapter 54, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words ", and shall furnish said secretary with mailing lists of such residents before each biennial state election".

SECTION 18. Subsection (c) of section 103 O of said chapter 54, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words "federal service personnel" and inserting in place thereof the following words:– specially qualified voters.

SECTION 19. The second paragraph of section 105A of said chapter 54, as so appearing, is hereby amended by striking out the last sentence.

SECTION 20. The third paragraph of said section 105A of said chapter 54, as so appearing, is hereby amended by striking out, in line 21, the words "absentee ballots and".

SECTION 21. Section 107 of said chapter 54, as so appearing, is hereby amended by striking out, in line 5, the words ", other than paper,".

SECTION 22. Chapter 512 of the acts of 1986 is hereby amended by striking out section 3 and inserting in place thereof the following section:–

Section 3. Section 38 of chapter 51, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:– They may, for this purpose, require that such facts be presented to them in writing, signed under the penalties of perjury.

Approved January 7, 1987.

Be it enacted, etc., as follows:

The department of revenue is hereby authorized and directed to conduct a study of the payments in lieu of taxes made by the commonwealth or by the Massachusetts water resources authority on account of publicly owned property in the Wachusett and the Sudbury watersheds. Said study shall determine the current amounts of such payments made to each city and town, the total of the current amounts of such payments, the amounts which would be paid to each city and town if the reimbursement were to be based on the current assessed valuation of such property, and the total of the amounts which would be paid if the reimbursement were so based. The department shall file said study with the house and senate committees on ways and means no later than June first, nineteen hundred and eighty-seven.

Approved January 7, 1987.

**Chapter 697. AN ACT DESIGNATING A CERTAIN PARCEL OF LAND
IN THE ALLSTON DISTRICT OF THE CITY OF BOSTON
AS THE MARY HERTER MEMORIAL PUBLIC GARDEN.**

Be it enacted, etc., as follows:

The public garden located within Christian A. Herter Park, in the Allston district of the city of Boston, shall be designated and known as the Mary Caroline Herter Memorial Public Garden in memory of the late widow of the former governor, Christian A. Herter, for whom the park is memorialized.

The metropolitan district commission is hereby authorized to continue its assistance on a regular basis to care and maintain said garden in cooperation with friends of the Mary Caroline Herter Memorial Public Garden, and to establish an account entitled the Mary Caroline Herter Memorial Garden Fund to receive donations and contributions from citizens, corporations, associations, nonprofit foundations and other public agencies with said proceeds to be designated to underwrite the annual operating costs of providing perpetual care to the Mary Caroline Herter Memorial Public Garden.

Approved January 7, 1987.

**Chapter 698. AN ACT RELATIVE TO ISSUANCE OF DIRECTOR AND
OFFICER LIABILITY INSURANCE BY THE CO-OP-
ERATIVE CENTRAL BANK.**

Be it enacted, etc., as follows:

SECTION 1. The directors of the Co-operative Central Bank, established by chapter forty-five of the acts of nineteen hundred and thirty-two, hereinafter called the incorporators, are hereby constituted a corporation under the name of the Co-operative Bank Insurance Fund, hereinafter referred to as the corporation. The successors from time to time of such directors shall, for the purposes of this act, be incor-

porators in place of their predecessors. The sole purposes of the corporation shall be to provide directors' and officers' liability insurance to co-operative banks and to their officers, directors, employees and agents, to issue fidelity and blanket bonds guaranteeing the due and faithful performance of duties by officers, directors, employees and other agents of co-operative banks, and to hold, invest, reinvest, and manage, one or more insurance funds, which shall include all property of the corporation, to be derived from voluntary membership therein made by co-operative banks now or hereafter during said term established under the laws of the commonwealth and subject to the provisions of chapter one hundred and seventy of the General Laws, hereinafter referred to as co-operative banks. As used in this act, the term "co-operative bank" or "co-operative banks" shall include the Co-operative Banks Employees Retirement Association formed under the provisions of section thirty of said chapter one hundred and seventy, the Co-operative Central Bank, the Massachusetts Co-operative Bank League, and the Co-operative Bank Investment Fund established by chapter four hundred and eighty-two of the acts of nineteen hundred and eighty-four.

SECTION 2. The officers of the corporation shall be a president, one or more vice-presidents, a treasurer, a clerk, a board of nineteen directors, and such other officers, if any, as may be authorized by the by-laws. The treasurer shall be required to give bond for the faithful performance of his duties in such sum and with such sureties as the by-laws may prescribe. The clerk shall be sworn and shall record all votes of the corporation in a book to be kept therefor. Each director of the corporation shall first have qualified as, and at all times shall be, a director of the Co-operative Central Bank. The office of director and any office other than director may be held by the same person. The directors shall be elected by the incorporators, initially at any time after the effective date of this act, and annually thereafter at a time fixed by the by-laws of the corporation, which time shall be at the annual meeting of the said Co-operative Central Bank or as soon thereafter as is feasible, but any director may be removed by vote of the incorporators at any meeting thereof. The officers of the corporation other than the directors shall be elected by such directors annually at a meeting held as soon after the election of the directors as is feasible, but any officer of the corporation other than a director may be removed by vote of such directors at any meeting thereof. The directors and other officers shall hold their several offices, unless sooner removed, until others are elected and qualified in their stead. Vacancies in the number of directors occurring at any time between the annual elections may be filled by election by the incorporators in the manner provided in the by-laws of the corporation. The existence of any vacancy, shall not invalidate any action of the board of directors if a majority of the full number fixed by the by-laws participates in such action, or is present at a meeting at which such action is taken. Vacancies in any of the offices other than that of director occurring at any time between the annual elections may be filled by election by the directors of the corporation.

The board of directors shall have full control of the business of the corporation except as herein specifically limited. By-laws for the conduct of the business of the corporation may be adopted by the directors of the corporation subject to the approval of the

incorporators. Such by-laws may provide for and fix the time and place of all meetings of the corporation and of the directors, define the duties of the officers, establish an executive committee with such powers while the board of directors is not in session, including the purchase and sale of securities and any or all other powers of the board of directors, as shall be therein specified, and may provide for such other officers and committees as may seem advisable.

Any action required or permitted to be taken at any meeting of the incorporators or directors may be taken without a meeting if all incorporators or all directors entitled to vote on the matter consent to the action in writing.

SECTION 3. The following words, as used in this act, unless the context otherwise requires or a different meaning is specifically prescribed, shall have the following meanings:–

"Insurance fund", any insurance fund established in accordance with the provisions of this act to provide one or more kinds of insurance coverage to co-operative banks participating in the fund.

"Insurance", formal self-insurance, commercial insurance or reinsurance or a combination thereof, covering any type of bond on risk of liability for a participating co-operative bank and, at the option of the corporation, of any affiliated institution of a participating co-operative bank, and of any officers, directors, employees or agents of a participating co-operative bank or affiliated institution who satisfy other reasonable criteria for coverage.

"Commissioner", the commissioner of insurance.

SECTION 4. The corporation may, upon complying with the provisions hereinafter set forth, establish one or more insurance funds if its board of directors has, at a meeting specially called for the purpose, voted so to do by a majority of two-thirds of its directors present at the meeting and voting, and if such vote has been ratified by a vote of a majority of the incorporators present and voting at a meeting duly called therefor.

SECTION 4A. (A) A proposed insurance fund shall file with the commissioner its application for a certificate of approval accompanied by a nonrefundable filing fee in the amount of one hundred dollars. The application shall include the group's name, location of its principal office, date of organization, name and address of each member, and such other information as the commissioner may reasonably require, together with the following:

- (1) a copy of the articles of association, if any;
- (2) a copy of the by-laws of the proposed insurance fund;
- (3) a copy of the agreement between the insurance fund and each participating cooperative bank securing the payment of benefits;
- (4) designation of the initial board of directors and administrator;
- (5) the address in the commonwealth where the books and records of the fund shall be maintained at all times;
- (6) a pro forma financial statement on a form acceptable to the commissioner showing the financial ability of the fund to pay the obligations of its participating cooperative banks;
- (7) a documented agreement by each participant to the fund that at

least thirty-three per cent of the participants estimated annual net premium is payable the initial day of coverage afforded by the group; and

(8) a confirmation of any required reinsurance by a recognized carrier in an amount acceptable to the commissioner of insurance.

(B) To obtain and to maintain its certificate of approval an insurance fund shall comply with the following requirements as well as any other requirements established by law or regulation:

(1) specific and aggregate excess insurance in a form, in an amount, and by an insurance company acceptable to the commissioner;

(2) an estimated annual standard premium of at least two hundred and fifty thousand dollars during an insurance fund's first year of operation; and

(3) a fidelity bond for the administrator in a form and amount prescribed by the commissioner of insurance.

(C) An insurance fund shall notify the commissioner of any change in the information required to be filed under subsection (A) or in the manner of its compliance with subsection (B) no later than thirty days after such change.

(D) The commissioner shall act upon a completed application for a certificate of approval within ninety days.

(E) The commissioner shall issue to the insurance fund a certificate of approval upon finding that the proposed insurance fund has met all requirements or the commissioner shall issue an order refusing such certificate setting forth reasons for such refusal upon finding that the proposed insurance fund does not meet all requirements.

Upon such refusal, the commissioner shall hold a hearing within thirty days after the date of such refusal, upon notice requesting such hearing by applicant within ten days of the date of said refusal.

(F) Each insurance fund shall be deemed to have appointed the commissioner as its attorney to receive service of legal process issued against it in the commonwealth. The appointment shall be irrevocable, shall bind any successor in interest, and shall remain in effect as long as there is in this commonwealth any obligation or liability or the group for benefits.

SECTION 4B. (A) The certificate of approval issued by the commissioner to an insurance fund authorizes the insurance fund to provide insurance coverage. The certificate of approval shall remain in effect until terminated at the request of the insurance fund or revoked by the commissioner pursuant to provisions of section sixteen.

(B) The commissioner shall not grant the request of any insurance fund to terminate its certificate of approval unless the insurance fund has insured or reinsured all incurred obligations with an authorized insurer under an agreement filed with and approved in writing by the commissioner. Such obligation shall include both known claims and expenses associated therewith and claims incurred but not reported and expenses associated therewith.

Subject to the approval of the commissioner, a insurance fund may merge with another insurance fund only if the resulting insurance fund assumes in full all obligations of the merging insurance funds. The commissioner may hold a hearing on the merger and shall do so if any party, including a participant of either insurance fund, so requests.

SECTION 5. A certificate establishing an insurance fund shall not be issued to the corporation until there shall have been provided (a) a general expense guaranty fund as set forth in the following section and (b) a general insurance guaranty fund as set forth in section seven and until (c) a certificate, under oath of the treasurer, shall have been filed with the commissioner of insurance certifying that said general expense guaranty fund and said general insurance guaranty fund have been furnished, and (d) said commissioner shall, upon investigation, have made a finding that said requirements have duly been complied with.

SECTION 6. The general expense guaranty fund shall consist of not less than five hundred thousand dollars in cash, advanced to and placed at the risk of said corporation as a guaranty fund to be applied in payment of the expenses thereof, if and so far as the amounts contributed from the premium charges, shall prove insufficient to pay the expenses of said corporation. The original amount of such guaranty fund shall be fixed by the directors, with the approval of the state actuary, and the guaranty fund may be increased at any time thereafter by the directors, subject to the provisions of section eight. The amounts advanced as a general expense guaranty fund shall be evidenced by certificates of value, and the holders thereof shall be credited with interest thereon annually. If in any year ending December thirty-first the profits remaining, after setting aside amounts for surplus, shall be sufficient therefor, the directors shall from such profits reimburse said expense guaranty fund for any amounts theretofore drawn from it to defray expenses of the corporation; and if, after so reimbursing said fund, and after reimbursing the general insurance guaranty fund for amounts theretofore drawn from it to defray expenses of the corporation, and if, after so reimbursing said fund, and after reimbursing the general insurance guaranty fund for amounts theretofore drawn from it, the balance of profits shall be sufficient therefor, the directors shall pay to the holders of the certificates of said expense guaranty fund the interest accrued thereon, or such part thereof as the amount may suffice to cover. Said expense guaranty fund may be retired, with the approval of the commissioner of insurance, whenever in the opinion of the directors it is no longer required. The amount so advanced as an expense guaranty fund shall be repaid and the interest credited shall be paid only as above provided, and shall not be deemed a liability of the corporation in determining the solvency thereof.

SECTION 7. The general insurance guaranty fund mentioned in section five shall consist of not less than four million dollars in cash, advanced to and placed at the risk of the corporation by the Share Insurance Fund of the Co-operative Central Bank, which shall be applicable to the payment and satisfaction of all losses or other obligations arising out of policies or bonds if and whenever the liabilities of the corporation, including the insurance reserve, are in excess of its assets. The original amount of such general insurance guaranty fund shall be fixed by the directors with the approval of the state actuary, and the guaranty fund may be increased at any time thereafter by vote of the directors, subject to the provisions of section eight. The amounts advanced to such general insurance guaranty fund shall be represented by certificates of value, and the holders thereof shall be credited with interest thereon annually.

If in any year ending December thirty-first the profits remaining are sufficient therefor, after setting aside amounts for surplus, and reimbursing the general expense guaranty fund and said general insurance guaranty fund for all amounts theretofore drawn from them or either of them, and paying interest on the certificates representing the general expense guaranty fund, the directors may pay the interest accrued on said insurance guaranty certificates or such part thereof as the amount may suffice to cover. After the general expense guaranty fund has been retired as provided in section six, said general insurance guaranty fund may, with the approval of the commissioner of insurance, be retired by the directors as soon as the corporation shall have accumulated a surplus in excess of all its liabilities equal to the amount of such guaranty fund, including any interest accrued thereon remaining unpaid; and said insurance guaranty fund may, with like approval, be retired from time to time, in part, but the balance of such guaranty fund, including unpaid interest plus the surplus on hand, shall at no time be less than the amount of the original insurance guaranty fund. The amounts so advanced as an insurance guaranty fund shall be repaid and the interest credited thereon shall be paid only as above provided, and shall not be deemed a liability of the corporation in determining the solvency thereof.

SECTION 8. The initial contributions of the general expense guaranty fund referred to in section six and the general insurance guaranty fund referred to in section seven shall be made to the corporation by the Co-operative Central Bank from its Share Insurance Fund. Said contributions shall be in such amounts as the directors of the Co-operative Central Bank and the commissioner of banks determine. Certificates of value reflecting such contributions shall be issued to the Co-operative Central Bank or, at the direction of the Co-operative Central Bank, to its then members in accordance with their respective percentage interests in the Share Insurance Fund.

Notwithstanding any other provisions of this or any other law, the total amount of such contributions shall not exceed nineteen million five hundred thousand dollars; provided, that five of said nineteen million five hundred thousand dollars shall be deemed "transitional insurance" which, after a period of no more than five years from the effective date of this act, shall be retired and returned to the Share Insurance Fund, including any interest accrued thereon remaining unpaid to the Share Insurance Fund, to the extent that said transitional insurance was not necessary to pay for losses on blanket bonds or on directors' or officers' liability pursuant to this act.

Notwithstanding any provision of law to the contrary, all such contributions, not including the amount used for said transitional insurance, shall be considered proceeds within the meaning of section thirty-four of chapter four hundred and five of the acts of nineteen hundred and eighty-five and every bank shall be subject to the liability equal to ten per cent. Said liability shall be satisfied by the Co-operative Central Bank deducting, withholding and paying over to the commonwealth the full amount of said liability prior to making the initial contribution to said general expense guaranty fund or said general insurance guarantee fund. If all or any part of said transitional insurance is required for payment of losses on blanket bonds or on said directors'

and officers' liability insurance, such payment shall also be deemed proceeds within the meaning of said section thirty-four and the liability stated above shall also be imposed. The amounts received by the commonwealth pursuant to this section shall also be governed by section thirty-five of said chapter four hundred and five.

SECTION 9. The corporation may make and issue policies of insurance or bonds consistent with the purpose established in section one at rates determined by it with all the rights, powers and privileges and subject to all the duties, liabilities and restrictions in respect to the conduct of the business of insurance conferred or imposed by this act or general laws relating to domestic mutual fire insurance companies, so far as the same are applicable and except as is otherwise provided herein. The corporation may decline particular classes of risks or reject any particular application. The corporation may enter into reinsurance contracts upon such terms and conditions as its board of directors may approve.

SECTION 10. The funds of the corporation, whether arising from premiums, bonds, guaranty funds, or from the income thereof, and whether constituting insurance reserve or surplus, shall be invested in the same classes of securities and, notwithstanding any limitations contained in section fourteen of chapter one hundred and sixty-seven E with respect to the total obligation of any one person in the same manner set forth in chapter one hundred and sixty-seven F and, except that such funds may be invested without regard for limitation in the Co-operative Bank Investment Fund established by Chapter 482 of the Acts of 1984.

SECTION 11. The aggregate amount of insurance or bonds which may be issued or in force at any time to any one bank under insurance policies issued by the corporation shall not exceed an aggregate amount, exclusive of reinsurance, which the directors may approve.

SECTION 12. No policy or bond shall be issued except to a co-operative bank, an affiliate thereof, as determined by the board of directors.

SECTION 13. In each fiscal year, participating co-operative banks shall pay as part of its premium to the corporation to be applied by the corporation to the maintenance of each fund in which they participate, a sum equal to its pro rata share of the total expenditures authorized for each year in the annual budget and any supplement or supplements thereto which the corporation shall have adopted for said funds. Such sum shall be apportioned by the corporation among the participating co-operative banks in proportion to their premium, or on such other basis as the corporation shall deem equitable and proper, and the said banks shall be assessed therefor in accordance with such apportionment.

SECTION 14. The corporation may also borrow money to effect the purposes of this act and any notes or other indebtedness of the corporation not in default shall be legal investments for co-operative banks and the Co-operative Central Bank.

SECTION 15. Every participating co-operative bank shall upon request by the corporation, pay to it forthwith such sums as may be so requested, provided that the sums so requested to be paid hereunder to the corporation by any participating co-operative bank shall not exceed, in the aggregate, five per cent of all amounts paid to it as premiums on insurance policies during the fiscal year next preceding the latest request made as aforesaid. The sums so paid to the corporation shall be held by it as a guaranty for all obligations on policies of insurance or bonds written for participating co-operative banks.

SECTION 16. The corporation may at any time discontinue the issuing of insurance policies and bonds if its board of directors has, at a meeting duly called for the purpose, voted so to do by a majority of two-thirds of its directors present at the meeting and voting. A copy of the vote to discontinue said business, certified to by the clerk of the corporation and sworn to by its president or vice-president and its treasurer or assistant treasurer, shall be filed with the commissioner of banks and with the commissioner of insurance. The corporation may reinsure all outstanding policies and bonds with the approval of the commissioner of insurance in any insurance company if it makes provision satisfactory to the commissioner of insurance for carrying out with reasonable convenience to policyholders its existing contracts.

Within one year of the vote to discontinue, or such longer time as the commissioner of banks shall deem appropriate, the balance of the contributions described in section eight together with earnings or interest thereon and all other assets not necessary for the orderly conclusion of its affairs shall be distributed by the corporation to members of the Co-operative Central Bank, or their successors in interest, in proportion to the percentage interest in the Share Insurance Fund on the date or dates such contribution or contributions were made.

SECTION 17. The commissioner of insurance shall, at least once in three years, and whenever he deems it expedient, personally or by deputy or assistant, examine the corporation. At such examination he shall have free access to the vaults, books and papers, and shall thoroughly inspect and examine the affairs of the corporation to ascertain its condition, its transactions, its ability to fulfill its obligations, and whether it has complied with all the provisions of law applicable to it. He shall preserve in a permanent form a full record of his proceedings, including a statement of the condition of each insurance fund of the corporation.

Within thirty days after the end of its fiscal year, the corporation shall file with the general court a statement of its condition, including a balance sheet which presents fairly, in accordance with generally accepted accounting principles, including required footnote disclosures, its condition as of the last business day of its fiscal year, with comparative figures as to the end of the previous fiscal year.

Approved January 7, 1987.

EMERGENCY LETTER: January 13, 1987 @ 4:36 P.M.

**PLANS SUBMITTED PURSUANT TO THE SUBDIVISION
CONTROL LAW.**

Be it enacted, etc., as follows:

SECTION 1. Chapter 41 of the General Laws is hereby amended by striking section 81S, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 81S. In the case of a subdivision showing lots in a residential zone, any person, before submitting his definitive plan for approval, may submit to the planning board and to the board of health, a preliminary plan, and shall give written notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such plan.

In the case of a nonresidential subdivision, any person before submitting his definitive plan for approval shall submit to the planning board and the board of health, a preliminary plan, and shall give notice to the clerk of such city or town by delivery or by registered mail, postage prepaid, that he has submitted such plan.

In either case, if the notice is given by delivery, the city or town clerk shall, if requested, give a written receipt therefor. Within forty-five days after submission of a preliminary plan, each board shall notify the applicant and the clerk of the city or town, by certified mail, either that the plan has been approved, or that the plan has been approved with modifications suggested by the board or agreed upon by the person submitting the plan, or that the plan has been disapproved and in the case of disapproval, the board shall state in detail its reasons therefor. The planning board shall notify the city or town clerk of its approval or disapproval, as the case may be. Except as is otherwise provided, the provisions of the subdivision control law relating to a plan shall not be applicable to a preliminary plan, and no register or deeds shall record a preliminary plan.

SECTION 2. Section 81U of said chapter 41, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following three paragraphs:–

In the case of a nonresidential subdivision where a preliminary plan has been duly submitted and acted upon or where forty-five days has elapsed since submission of the said preliminary plan, and then a definitive plan is submitted, the failure of a planning board either to take final action or to file with the city or town clerk a certificate of such action regarding the definitive plan submitted by an applicant within ninety days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the planning board with the city or town clerk.

In the case of a subdivision showing lots in a residential zone, where a preliminary plan has been acted upon by the planning board or where at least forty-five days has elapsed since submission of the preliminary plan, an applicant may file a definitive plan. The failure of a planning board either to take final action or to file with the city or town clerk a certificate of such action on the definitive plan within ninety days after such submission, or such further time as may be agreed upon at the

written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the planning board with the city or town clerk.

In the case of a subdivision showing lots in a residential zone, where no preliminary plan has been submitted and acted upon or where forty-five days has not elapsed since submission of such preliminary plan, and a definitive plan is submitted, the failure of a planning board either to take final action or to file with the city or town clerk a certificate of such action regarding the definitive plan submitted by an applicant within one hundred thirty-five days after such submission, or such further time as may be agreed upon at the written request of the applicant, shall be deemed to be an approval thereof. Notice of such extension of time shall be filed forthwith by the planning board with the city or town clerk.

SECTION 3. The provisions of this act shall not apply to a preliminary plan or a definitive plan filed with a planning board prior to the effective date of this act. In a case where a preliminary plan has been filed prior to the effective date of this act, any definitive plan evolved therefrom shall also be considered as filed prior to the effective date of this act.

Approved January 7, 1987.

Chapter 700. AN ACT RELATIVE TO THE PAYMENT OF PREMIUMS FOR LIFE AND HEALTH INSURANCE BY RETIRED MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Section 19 of chapter 32 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the fifth and sixth sentences and inserting in place thereof the following two sentences:- No assignment shall be permitted in the case of a retired member of the teachers' retirement system for the payment of the monthly premium for an insurance policy issued under chapter thirty-two B, except as provided for in section nineteen B of this chapter or in section twelve of chapter thirty-two A. For persons making the election provided for in subdivision (1) of section nineteen B, such premium payments shall be paid by the retired member to the treasurer of the governmental unit to which the group policy under which the member is insured was issued, in accordance with such requirements as such treasurer may prescribe.

SECTION 2. Said chapter 32 is hereby further amended by inserting after section 19A the following section:-

Section 19B. (1) The state treasurer shall withhold from the monthly pension, annuity, or retirement allowance of every member of the teachers' retirement system or surviving spouse, unless such member or surviving spouse specifically elects to prohibit such withholding, an amount equal to the premium payable to the treasurer of the governmental unit for benefits provided under the provisions of chapter thirty-two B. Said withholding shall be in accordance with a schedule

submitted by the teachers' retirement board based on premium information supplied to said retirement board by the treasurer of the governmental unit to which the group policy under which such member or spouse is insured was issued. The amount withheld shall be paid quarterly by the state treasurer to the treasurer of each governmental unit.

(2) The treasurer of the governmental unit shall file with said retirement board no later than May first of each year a list of the names, social security numbers, and costs of the premiums to be paid by such member or surviving spouse for the next fiscal year. In the event that such premium amount is changed during the course of said fiscal year, the treasurer of the governmental unit shall file an amended list with the retirement board within thirty days of the date that said treasurer is first notified of the change.

(3) Said retirement board shall certify to the treasurer of each governmental unit the names of those members or eligible surviving spouses from whom premiums shall be withheld. Such certification shall authorize said treasurer to include such member or survivor within the group policy in effect for said governmental unit and to advance any such payments that may be necessary prior to the receipt of said withholding from the state treasurer.

(4) Said retirement board shall, upon notification of the death of a member or surviving spouse covered under the provisions of this section, notify the treasurer of the governmental unit of the death of said member or surviving spouse. Upon receipt of such notification, the treasurer shall discontinue said member or surviving spouse's coverage under the group policy in effect for said governmental unit unless said member is survived by a spouse who remains eligible for continued coverage in which case said retirement board shall continue withholding in accordance with the provisions of this section.

In the event that said policy entitled the member to life insurance benefits, said benefits shall be paid in accordance with the terms of the policy; provided, however, that the treasurer of the governmental unit shall notify said retirement board of the death of the member or surviving spouse at the same time or prior to the notification of the group life insurance carrier of such death.

(5) The retirement board shall promulgate such rules and regulations as it may deem necessary from time to time to effectuate the purposes of this section. Said regulations shall be exempt from the requirements of paragraph (4) of section twenty-one of this chapter and of clause (b) of section fifty of chapter seven.

(6) This section shall not apply to those retired members or surviving spouses covered under the provisions of section twelve of chapter thirty-two A.

SECTION 3. This act shall take effect as of April first, nineteen hundred and eighty-seven; provided, however, that no amounts shall be withheld pursuant to the provisions of section two of this act prior to January first, nineteen hundred and eighty-eight; and provided, further, that the list of the names, social security numbers, and costs of the premiums to be paid by such member or surviving spouse required to be submitted by each treasurer to the teachers' retirement board in accordance with section nineteen B of chapter thirty-two of the General

ACTS, 1986. – Chap. 701.

Laws for the last six months of fiscal year nineteen hundred and eighty-eight shall be so submitted no later than November first, nineteen hundred and eighty-seven.

Approved January 7, 1987.

Chapter 701. AN ACT FURTHER REGULATING THE BORROWING OF CERTAIN MONEY IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The fifth paragraph of section 1 of chapter 231 of the acts of 1906, inserted by section 20A of chapter 190 of the acts of 1982, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– The superintendent shall submit to the committee for appropriation the annual budget of the school department for the forthcoming fiscal year no later than the first Wednesday in February prior to the beginning of each fiscal year.

SECTION 2. Section 3 of chapter 486 of the acts of 1909, as most recently amended by section 15 of said chapter 190, is hereby further amended by striking out, in line 20, the word "thirty" and inserting in place thereof the word:– sixty.

SECTION 3. Said chapter 486 is hereby further amended by striking out section 3B, as most recently amended by section 23 of said chapter 190, and inserting in place thereof the following section:–

Section 3B. After an appropriation of money has been made by the city for any specific purpose, or for the needs and expenditures of any city department or county office, no transfer of any part of the money thus appropriated, between such department or office and another department or office, shall be made, except in accordance with and after the written recommendation of the mayor to the city council, approved by a ye or nay vote of two-thirds of all of the members of the city council, provided that the city auditor, with the approval in each instance of the mayor, may make transfers, other than for personal service, from any item to any other item within the appropriations for a department, division of a department or county office. After the close of the fiscal year, the city auditor may, with the approval of the mayor in each instance, apply any income, taxes and funds not disposed of and make transfers from any appropriation to any other appropriation for the purpose only of closing the accounts of such fiscal year, provided further that the city auditor within seventy days after the close of the fiscal year, shall transmit to city council and the city clerk a report listing what income, taxes or funds were applied and what transfers were made and the reasons therefor.

SECTION 4. Section 31C of said chapter 486, inserted by section 24 of said chapter 190, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:–

(2) All proceeds in excess of such amount shall be credited to the capital fund of the city unless the city council by a majority vote

determines with the approval of the mayor to credit such proceeds to the general fund of the city.

SECTION 5. Chapter 224 of the acts of 1936 is hereby amended by striking out section 2, as most recently amended by section 21 of said chapter 190, and inserting in place thereof the following section:–

Section 2. The provisions of section thirty-four of chapter seventy-one of the General Laws shall apply to appropriations for the support of the public schools of the city.

SECTION 6. Said chapter 224 is hereby further amended by striking out section 3, as most recently amended by section 21B of said chapter 190, and inserting in place thereof the following section:–

Section 3. The school committee shall submit to the mayor estimates of the proposed expenditures for school purposes not later than the fourth Wednesday in February of each fiscal year. All appropriation requests for said school purposes shall be passed by said committee not later than the fourth Wednesday in March.

SECTION 7. Chapter 190 of the acts of 1982 is hereby amended by inserting after section 17 the following section:–

Section 17A. To provide for extraordinary and unforeseen expenditures, the city of Boston shall, prior to the date when the tax rate for a fiscal year is fixed, include in the appropriations for such fiscal year as a segregated reserve fund a sum not less than two and one-half per cent of the preceding year's appropriations for city and county departments, excepting the school department; provided, however, that the amount required to be appropriated for such reserve fund in any fiscal year may be reduced by the amount, if any, remaining in the reserve fund established for the preceding fiscal year after all transfers have been made therefrom as hereinafter authorized and such remaining amount shall be retained in the reserve fund provided for such fiscal year. The mayor, with the approval of the city council, may make direct drafts or transfers against such fund before the close of the fiscal year, provided that no such drafts or transfers may be made before June first in any fiscal year.

Each transfer recommended by the mayor to the city council shall be accompanied by written documentation detailing the amount of such transfer and an explanation of the reason for the transfer. If the reserve fund for a fiscal year beginning on or after July first, nineteen hundred and eighty-six is exhausted through transfer and the city incurs an appropriation or revenue deficit in such fiscal year, the reserve fund appropriation requirement shall increase by fifty per cent for the fiscal year following such fiscal year.

Notwithstanding the foregoing provisions of this section, the amount required to be included in the appropriations as a segregated reserve fund for a fiscal year shall be not less than the following percentages of the preceding year's appropriations for city and county departments, excepting the school department:

(a) for the fiscal year beginning July first, nineteen hundred and eighty-six, one per cent;

(b) for the fiscal year beginning July first, nineteen hundred and eighty-seven, one and one-half per cent;

(c) for the fiscal year beginning July first, nineteen hundred and eighty-eight, two per cent;

(d) for the fiscal year beginning July first, nineteen hundred and eighty-nine and for each fiscal year thereafter, two and one-half per cent.

Notwithstanding any general or special law to the contrary, in the city of Boston, the segregated reserve fund established by this section shall be deemed to satisfy the requirement of section fourteen of chapter sixty-four J of the General Laws that a city accepting said chapter sixty-four J shall establish a segregated reserve fund. The reserve fund established pursuant to this section shall become effective for the fiscal year beginning July first, nineteen hundred and eighty-six.

Notwithstanding any general or special law to the contrary, effective for the fiscal year beginning July first, nineteen hundred and eighty-six, the school department shall establish a segregated reserve fund of not less than one per cent of the current fiscal year's appropriations to the school department within ten days of final approval of such appropriations. No expenditures may be made from this fund before May first in any fiscal year. Expenditures from this fund shall require the approval of the mayor and the city council. If the reserve fund for a fiscal year is exhausted through transfers and the school department incurs an appropriation deficit in such fiscal year, the reserve fund requirement shall increase by fifty per cent for the fiscal year next following such fiscal year, provided that, in no event shall the school department be required to maintain a segregated reserve fund greater than two and one-half per cent of the current fiscal year's school department appropriations.

SECTION 8. Section 18 of said chapter 190 is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:–

The mayor, within seven days after receiving such notice, shall determine whether to waive or enforce such allotment. If the allotment for such quarter is waived or not enforced by the mayor, as provided above, the department or agency head shall reduce the subsequent quarter's allotments appropriately and the director of administrative services, within seven days, shall state in writing to the city council and the city clerk what reductions in each subsequent quarter's allotment will be taken or what reallocations or transfers will be made to support the spending level in each subsequent quarter's allotment. If the allotment for such quarter is enforced or not waived, thereafter the department shall terminate all personnel expenses for the remainder of the quarter. All actions taken pursuant to this section shall be reported to the city council and the city clerk. All reports provided for in this section shall be transmitted to the city council and the city clerk within seven days.

SECTION 9. Said section 18 of said chapter 190 is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:–

To insure that the overall city and county spending program remains in balance, the mayor may reallocate no more than three million dollars of nonpersonnel appropriations other than school appropriations during a

fiscal year to other departmental purposes provided that in no department from which appropriations have been reallocated in accordance with this section shall any transfers be made under section three B of chapter four hundred and eighty-six of the acts of nineteen hundred and nine from personal services to non-personal services, except with the approval of a two-thirds vote of the city council, if such transfer would require the layoff of departmental personnel, who have been permanently appointed to a position in the department under the provisions of chapter thirty-one of the General Laws. No reallocation may be made under this section after April fifteenth in any fiscal year. A list of each reallocation made by the mayor shall be transmitted to the city council and the city clerk by the city auditor by April thirtieth in any fiscal year. In each case the report shall state the accounts from which the transferred funds were taken and the accounts to which the funds were reallocated, and the reasons therefor.

SECTION 10. Said chapter 190 is hereby further amended by inserting after section 18 the following section:--

Section 18A. To further insure that the overall city and county spending program remains in balance, the mayor and city council shall appropriate for the hospitalization and insurance account an amount not less than the average of the past three years actual expenditures from those accounts. The city auditor shall certify, in writing to the board of assessors, that adequate funds are provided in the operating budget for existing collective bargaining contracts. This certification shall be received by the board no later than ten business days before the proposed tax rate is submitted to the department of revenue for approval.

Approved January 7, 1987.

Chapter 702. AN ACT FURTHER REGULATING THE SOLEMNIZATION OF MARRIAGES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 207 of the General Laws is hereby amended by striking out section 38, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:--

Section 38. A marriage may be solemnized in any place within the commonwealth by the following persons who are residents of the commonwealth: a duly ordained minister of the gospel in good and regular standing with his church or denomination, including an ordained deacon in The United Methodist Church or in the Roman Catholic Church; a duly ordained rabbi of the Jewish faith; by a justice of the peace if he is also clerk or assistant clerk of a city or town, or a registrar or assistant registrar, or a clerk or assistant clerk of a court, by a justice of the peace if he has been designated as provided in the following section and has received a certificate of designation and has qualified thereunder; an authorized representative of a Spiritual Assembly of the Baha'is in accordance with the usage of their community; a priest or minister of the Buddhist religion; a minister in fellowship with the Unitarian Universalist Association and ordained by a

local church; a leader of an Ethical Culture Society which is duly established in the commonwealth and recognized by the American Ethical Union and who is duly appointed and in good and regular standing with the American Ethical Union; the Imam of the Orthodox Islamic religion; and, it may be solemnized in a regular or special meeting for worship conducted by or under the oversight of a Friends or Quaker Monthly Meeting in accordance with the usage of their Society; and, it may be solemnized by a duly ordained nonresident minister of the gospel if he is a pastor of a church or denomination duly established in the commonwealth and who is in good and regular standing as a minister of such church or denomination, including an ordained deacon in The United Methodist Church or in the Roman Catholic Church; and, it may be solemnized according to the usage of any other church or religious organization which shall have complied with the provisions of the second paragraph of this section.

Churches and other religious organizations shall file in the office of the state secretary information relating to persons recognized or licensed as aforesaid, and relating to usages of such organizations, in such form and at such times as the secretary may require.

SECTION 2. Said chapter 207 is hereby further amended by striking out section 39, as so appearing, and inserting in place thereof the following section:–

Section 39. The governor may in his discretion designate a justice of the peace in each town and such further number, not exceeding one for every five thousand inhabitants of a city or town, as he considers expedient, to solemnize marriages, and may for a cause at any time revoke such designation. The state secretary, upon payment of twenty-five dollars to him by a justice of the peace so designated, who is also a clerk or an assistant clerk of a city or town or upon the payment of fifty dollars by any other such justice, shall issue to him a certificate of such designation.

The state secretary may authorize, subject to such conditions as he may determine, the solemnization of any specified marriage anywhere within the commonwealth by the following nonresidents: a minister of the gospel in good and regular standing with his church or denomination; a rabbi of the Jewish faith; an authorized representative of a Spiritual Assembly of the Baha'is in accordance with the usage of their community; the Imam of the Orthodox Islamic religion; a duly ordained priest or minister of the Buddhist religion; a minister in fellowship with the Unitarian Universalist Association and ordained by a local church; a leader of an Ethical Culture Society which is recognized by the American Ethical Union and who is duly appointed and in good and regular standing with the American Ethical Union; a justice of a court or a justice of the peace authorized to solemnize a marriage by virtue of their office within their state of residence; and, it may be solemnized in a regular or special meeting for worship conducted by or under the oversight of a Friends or Quaker Monthly Meeting in accordance with the usage of their Society. A certificate of such authorization shall be issued by the state secretary and shall be attached to the certificate issued under section twenty-eight and filed with the appropriate city or town clerk. If one of the nonresidents enumerated above solemnizes a specified marriage anywhere within the commonwealth without having

obtained a certificate under this section, the state secretary, upon application of such person, may issue a certificate validating such person's acts. The certificate of validation shall be filed with the certificate issued under section twenty-eight of chapter two hundred and seven.

SECTION 3. Said chapter 207 is hereby further amended by striking out section 40, as so appearing, and inserting in place thereof the following section:–

Section 40. Every justice of the peace, minister of the gospel, minister of the Unitarian Universalist Association, rabbi, secretary of a Spiritual Assembly of the Baha'is, leader of an Ethical Culture Society, duly ordained priest or minister of the Buddhist religion, Imam of the Orthodox Islamic religion, clerk or keeper of the records of a meeting wherein marriages among Friends or Quakers are solemnized, nonresident justice of a court and any person authorized to solemnize marriages according to the usage of any other church or religious organization which shall have complied with the provisions of the second paragraph of section thirty-eight shall make and keep a record of each marriage solemnized by him, or in such meeting, and of all facts relative to the marriage required to be recorded by section one of chapter forty-six. He shall also return each certificate issued under section twenty-eight no later than the tenth day of the month following each month in which marriages are solemnized by him to the clerk or registrar who issued the same. Each certificate and copy so returned shall contain a statement giving the place and date of marriage, attested by the signature of the person who solemnized the same, or of said secretary of a Spiritual Assembly of the Baha'is or of said leader of an Ethical Culture Society, or of said duly ordained priest or minister of the Buddhist religion, or Imam of the Orthodox Islamic religion, or of said clerk or keeper of the records of a Friends or Quaker Monthly Meeting or any person authorized to solemnize marriages according to the usage of any other church or religious organization which shall have complied with the provisions of the second paragraph of section thirty-eight. The person who solemnized the marriage shall add the title of the office by virtue of which the marriage was solemnized, as "justice of the peace", "minister of the gospel", "clergyman", "priest", "rabbi", "authorized representative of a Spiritual Assembly", "leader of an Ethical Culture Society", or "duly ordained priest or minister of the Buddhist religion", or "Imam of the Orthodox Islamic religion", or other appropriate title, and his residence. All certificates or copies so returned shall be recorded by the clerk or registrar receiving them.

SECTION 4. Said chapter 207 is hereby further amended by striking out section 42, as so appearing, and inserting in place thereof the following section:–

Section 42. A marriage solemnized by a person professing to have the authority to solemnize marriages under section thirty-eight or thirty-nine shall not be void, nor shall the validity thereof be in any way affected by want of authority in such person or society, or by an omission or by informality in the manner of filing the notice of intention, if the marriage is in other respects lawful and is consummated with a

full belief of either of the persons so married that they have been lawfully married.

Approved January 7, 1987.

Chapter 703. AN ACT FURTHER REGULATING THE ISSUANCE OF CERTAIN LICENSES.

Be it enacted, etc., as follows:

Section 71C of chapter 143 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:–

(1) The board shall hold frequent examinations in such city or cities in the commonwealth as it deems necessary. Public notice shall be given of all examinations. Each applicant for a license who furnishes satisfactory proof that he has worked as an elevator constructor, maintenance man or repairman, or as a helper under the direct and immediate supervision of a licensed elevator constructor, maintenance man and repairman, for not less than two years shall be entitled to be examined. A fee shall accompany each application and each renewal thereof, the amount of which shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven for the filing thereof. The board shall subject each applicant to a written examination and to such practical tests as it may deem necessary, and if found by the board to be qualified, the applicant shall be granted a license as an elevator constructor, maintenance man and repairman. Each application shall entitle the applicant to one examination.

Licenses shall be valid throughout the commonwealth but shall not be assignable or transferable. A license shall continue in force until the date of birth of the licensee occurring more than twelve months but not more than twenty-four months after the date of such license unless suspended or revoked. If any such license or the renewal thereof expires in an even year, any subsequent renewal shall expire on the next anniversary of the licensee's date of birth occurring in an even year. If any such license or renewal thereof expires in an odd year any subsequent renewal shall expire on the next anniversary of the licensee's date of birth occurring in an odd year. A license issued to a person born on February twenty-ninth shall for the purposes of this section expire on March first. Licenses not renewed at the expiration date shall become void, and shall, after one year, be reinstated only by reexamination of the licensee. A notice of the date of expiration of a license shall be sent to the licensee at least thirty days prior to such date. Any license may, after notice and hearing, be suspended or revoked by the board for a violation by the holder of any statute or regulation relative to elevators, for incompetency or untrustworthiness of the holder, or for other sufficient cause. Upon suspension or revocation of a license, the holder thereof shall deliver the certificate of such license forthwith to the board. Any applicant or holder of a license aggrieved by the action of the board in denying, revoking or suspending a license may, within ten days, appeal therefrom to the board of elevator regulations whose

decision shall be final. Failure of the board to act upon any application for a period of sixty days after the filing thereof shall be deemed to constitute a denial.

Approved January 7, 1987.

Chapter 704. AN ACT PROVIDING HEALTH INSURANCE COVERAGE FOR THE ORPHANS OF CERTAIN PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 32A of the General Laws is hereby amended by striking out section 3, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 3. There shall be established within the executive office of administration and finance, but not under its jurisdiction, a special unpaid commission, to be known as the group insurance commission, consisting of the commissioner of administration and finance, the commissioner of insurance, and nine members to be appointed by the governor, one of whom shall be a retired state employee, one of whom shall be a health economist, and at least three of whom shall be full time state employees, of whom one shall be a member of the Massachusetts Public Employees Council, #93, AFSCME, AFL–CIO, one of whom shall be a member of the Massachusetts State Employees Association, NAGE, and one of whom shall be a member of Local 254, S.E.I.U., AFL–CIO. Not more than five appointive members of the commission shall be members of the same political party. No member appointed by the governor shall be an insurance agent, broker, employee or officer of any insurance company. Upon the expiration of the term of office of any appointive member, his successor shall be appointed in like manner for a term of three years. The commission shall be provided with suitable offices and may, subject to appropriation, incur expenses and appoint an executive director who shall be the executive and administrative head thereof and who shall not be subject to the provisions of chapter thirty-one. The commission may empower the executive director to appoint such employees as may be necessary to administer the provisions of this chapter. There shall be paid by the commonwealth to each appointive member of said commission the necessary expenses actually incurred in the discharge of his official duties. The commission shall adopt such reasonable rules and regulations as may be necessary for the administration of this chapter and shall make an annual report to the governor and to the general court which shall be in such form as to enable employees to understand the benefits available from the insurance program, including the cost thereof.

SECTION 2. Section 8 of said chapter 32A, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:–

All amounts withheld from an employee's salary or wages as provided in this section and all amounts withheld from pensions or retirement allowances under the provisions of section nineteen of chapter

thirty-two shall be forwarded by the department, institution, or other agency responsible for the payment of employee salaries and wages or pensions and retirement allowances to the commission. The commission may place all such amounts withheld or paid directly in interest bearing accounts. Any current and future interest earned on such amounts shall be deposited by the commission in the group insurance commission trust fund and maintained separately as a special account subject to the terms of investment and expenditure as provided in section nine A. Such interest shall not be classified under section nine as a dividend, its equivalent or other refund or rate credits. A statement of all funds so placed, any current and future interest earned thereon, and the purposes for which such interest is expended shall be included in the annual report of the commission as required by section three. The Massachusetts Parking Authority, the metropolitan area planning council, the division of savings bank life insurance, the Massachusetts State College Building Authority, Worcester county, the county cooperative extension service of Suffolk county, local housing authorities and redevelopment authorities shall reimburse the commonwealth for all contributions made on behalf of their employees including the applicable administrative expense as determined by the commission. The commission, from funds appropriated therefor, may empower the executive director to authorize payment of the contribution of the commonwealth as provided above, which, together with the employee and retiree payments, shall be paid at least once each month to the carrier or carriers entitled to the total monthly premium.

SECTION 3. Section 9A of said chapter 32A, as so appearing, is hereby amended by striking out, in line 13, the word "secretary" and inserting in place thereof the word:- director.

SECTION 4. Said chapter 32A is hereby further amended by striking out section 11, as so appearing, and inserting in place thereof the following section:-

Section 11. Upon the death of an employee or retired employee insured under this chapter, the surviving spouse, or the surviving dependent if there is no surviving spouse, or the surviving dependent if the surviving spouse subsequently dies, may continue the group general or blanket insurance providing hospital, surgical, medical, dental and other health insurance until the remarriage of said surviving spouse or, if there is no surviving spouse, until the surviving dependent becomes eligible for other group health coverage; provided, however, that application for such insurance coverage shall be filed with the commission and a method for the payment of premiums shall be determined in accordance with its rules and regulations; and provided, further, that said surviving spouse or surviving dependent shall pay ten per cent of the monthly premium for such insurance and the commonwealth shall contribute the remaining ninety per cent of said premium subject, where applicable, to reimbursement as provided under section ten B. Said commission shall determine the amount of said premium which may be the entire average group premium for hospital, surgical, and medical, dental and other health insurance applicable to an employee, an employee and his dependents, or a premium computed on a basis considered by said commission to be equitable in relation to all

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insured employees and all former employees who have retired and who have continued such coverage under the provisions of section ten or are insured under the provisions of section ten B.

SECTION 5. Section four of this act shall take effective as of April first, nineteen hundred and eighty-six.

Approved January 7, 1987.

Chapter 705. AN ACT FURTHER REGULATING GROUP LIFE INSURANCE.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 4 of chapter 32B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Each employee shall be automatically insured for at least two thousand dollars of group life insurance and at least two thousand dollars of group accidental death and dismemberment insurance and group general or blanket insurance, providing hospital, surgical, medical, dental and other health insurance benefits provided under said policy or policies, commencing on the date he first becomes eligible or on the effective date of such coverage or coverages, including dependent benefits, whichever last occurs; provided, however, that any employee desiring not to be so insured shall, on an appropriate form prescribed by the appropriate public authority, give written notice at least thirty days prior to the effective date of the coverage or coverages to the treasurer of the governmental unit indicating that he is not to be insured for such coverages, including dependent benefits, provided under such policy or policies.

SECTION 2. Said section 4 of said chapter 32B, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

When an employee insured under this section becomes eligible for health insurance coverage as provided in section eleven C, he may terminate by withdrawal notice, as aforesaid, his hospital, surgical, medical, dental and other health benefits provided herein, and retain his automatic group life insurance and automatic group accidental death and dismemberment insurance, as provided in this section.

SECTION 3. Section 9 of said chapter 32B, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

The policy or policies of insurance shall provide that upon retirement of an employee, the policy or policies providing at least two thousand dollars of group life insurance and at least two thousand dollars of group accidental death and dismemberment insurance as set forth in section five, except the optional coverage referred to therein, shall be reduced to one thousand dollars of group life insurance, unless the governmental unit has accepted section nine F, and the retired employee shall make

payment of the full premium cost, subject to the provisions of section nine A or nine E, whichever may be applicable, of the average group premium as determined by the appropriate public authority for such insurance; and the group general or blanket insurance providing hospital, surgical, medical, dental and other health insurance, as provided under sections four, eleven C, and sixteen as may be applicable, shall be continued and the retired employee shall pay the full premium cost, subject to the provisions of section nine A or section nine E whichever may be applicable of the average group premium as determined by the appropriate public authority for such hospital, surgical, medical, dental and other health insurance.

SECTION 4. Said chapter 32B is hereby further amended by striking out section 9F, as so appearing, and inserting in place thereof the following section:–

Section 9F. A county, except Worcester county, by vote of the county commissioners; a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; a district, except as herein provided, by vote of the registered voters of the district at a district meeting; a regional school district by vote of the regional district school committee; a veterans' service district by vote of the district board; a health district established under section twenty-seven A of chapter one hundred and eleven by vote of the joint committee, shall provide that an employee receiving a pension or annuity allowance having retired from the governmental unit may be insured for such greater amount of group life insurance and for such greater amount of group accidental death and dismemberment insurance as determined by the governmental unit, in lieu of the one thousand dollars of group life insurance as provided in section nine. A town shall provide such insurance coverage if approved by vote of the board of selectmen, or by a majority of the votes cast if in the affirmative in answer to the following question which shall be printed on the official ballot:

"Shall the town provide (X) thousand dollars of group life insurance and (X) thousand dollars of accidental death and dismemberment insurance for a retired employee in lieu of one thousand dollars of group life insurance?"

Acceptance of this section as aforesaid by a governmental unit having accepted section eleven E shall hereby authorize the commission to provide such greater amount of group life insurance and of such greater amount of group accidental death and dismemberment insurance, in lieu of one thousand dollars of group life insurance, to retired teachers insured under section twelve of chapter thirty-two A.

Approved January 7, 1987.

Chapter 706. AN ACT FURTHER REGULATING THE REMOVAL, CONTAINMENT OR ENCAPSULATION OF ASBESTOS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 149 of the General Laws is hereby amended by inserting after section 6 the following six sections:–

Section 6A. The department shall monitor, inspect and investigate all work, including construction, demolition, alteration or repair, involving any building or structure, including those owned or leased by the commonwealth or any of its political subdivisions or authorities, where such work involves the use or handling of asbestos or material containing asbestos, including the disposal of materials containing asbestos and asbestos contaminated waste.

Section 6B. No person, firm, corporation or other entity shall enter into, engage in, or work at the business of removal, containment or encapsulation of asbestos or materials containing asbestos, involving any building or structure, including those owned or leased by the commonwealth or any of its political subdivisions or authorities, unless such person, firm, corporation or entity shall have received a license therefor, issued by the commissioner and in accordance with the provisions set forth in this chapter. The secretary of administration shall determine a fee for such license pursuant to section three B of chapter seven.

Section 6C. The commissioner shall promulgate rules and regulations relative to the protection of the occupational health and safety of workers engaged in the use, handling, removal or disposal of asbestos or materials containing asbestos including, but not limited to, the construction, demolition, alteration or repair of any building or structure, including those owned or leased by the commonwealth or any of its political subdivisions or authorities. Such regulations shall require the adequate instruction and training of workers employed by such contractors. Such training shall include, but not be limited to, instructions in health risks, precautionary measures, protective equipment and other safeguards.

Section 6D. No employee shall be penalized by an employer in any way as a result of such employee's filing of a complaint or otherwise providing notice to the department in regard to the occupational health and safety of such employee or other workers engaged in the use, handling, removal or disposal of asbestos or materials containing asbestos.

Section 6E. The commissioner, upon determination that there is a violation of any workplace standard relative to the protection of the occupational health and safety of workers or of any standard or requirement of licensure, may order any work site to be closed by way of the issuance of a cease and desist order enforceable in the appropriate courts of the commonwealth. For purposes of such cease and desist order, the work site may include the area where asbestos related work is being performed and other areas of the building or structure which the commissioner determines may be hazardous to the health and safety of workers as a result of such asbestos work.

Section 6F. Any person, firm, corporation or other entity which violates any provision of sections six B to six E, inclusive, shall be punished by a fine of not less than five hundred nor more than fifteen hundred dollars for each such offense. Such violation may be cause for denial, revocation or suspension of a license subject to the determination of the commissioner.

SECTION 2. Section 44D of said chapter 149, as so appearing, is hereby amended by adding the following paragraph:--

(10) All applications submitted by contractors for certification in the category of asbestos removal shall contain evidence of a current license issued under section six B. Failure to furnish such evidence shall require the division of capital planning and operations to find the applicant ineligible to bid. A general contractor who subcontracts the asbestos removal work must certify in writing to the awarding authority that if awarded the contract, the general contractor will subcontract the work involving the removal, containment, or encapsulation of asbestos or material containing asbestos to a subcontractor who is licensed under said section six B.

In no event shall any public contract involving the removal, containment or encapsulation of asbestos or material containing asbestos be performed by anyone other than a general contractor or subcontractor licensed to perform such work.

SECTION 3. This act shall take effect on July first, nineteen hundred and eighty-seven.

Approved January 7, 1987.

Chapter 707. AN ACT ESTABLISHING A MASSACHUSETTS BICYCLE ADVISORY BOARD WITHIN THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 21A of the General Laws is hereby amended by inserting after section 11 the following section:--

Section 11A. There is hereby established within the department of environmental management an advisory board to be designated as the bicycle advisory board. Said board shall consist of the commissioner of environmental management or his designee, the commissioner of the department of public works or his designee, the commissioner of the metropolitan district commission or his designee, the commissioner of the department of public safety or his designee, the registrar of motor vehicles or his designee, one representative of the metropolitan area planning council and five members to be appointed by the governor, one of whom shall be a representative of the commercial bicycle industry, three of whom shall be experienced in bicycle safety and transportation. Each such member appointed by the governor shall serve without compensation for a term of two years and may be reappointed.

The secretary of environmental affairs or his designee and the commissioner of the department of public works shall serve as co-chairmen of the board. Said bicycle advisory board shall meet at the call of its chairmen. It shall advise the departments on matters relative to bicycle transportation, on the preparation of a bikeways program and may make recommendations relative to the use of tax incentives for bicycle parking equipment and to the use of zoning to promote bicycle transportation, and may propose legislation relative to bicycle transportation.

SECTION 2. Section 2 of chapter 90E of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:–

The commissioner shall establish, with the advise and assistance of the bicycle advisory board, established by section eleven A of chapter twenty-one A, a bikeways program which shall include, but not be limited to: surveys, safety measures, demonstration projects, research, education, utilization of existing streets and walkways, provisions of bikeways to and from schools affording a minimum of hazard from automobiles, provision of comfort stations and weather shelters, provision of facilities in connection with commuter railroads to facilitate the use of bicycles by commuters in traveling to and from the railroad stations, the use of abandoned rights of way for bicycle paths; the development of commuter and recreational trails; provision of bicycle transportation facilities roadways, bridges and airports; the development of a coordinated program for bicycles and motor vehicles; the development of bicycle amenities such as assigned parking facilities; bicycle routes, paths and trails; bicycle sensitive traffic light actuation; and bicycle transportation as a commuter activity and promulgation of standards, security measures and regulations for the registration and use of bicycles.

SECTION 3. The bicycle advisory board, established by section eleven A of chapter twenty-one A of the General Laws, shall file an initial report with the general court together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before July first, nineteen hundred and eighty-eight.

Approved January 7, 1987.

**Chapter 708. AN ACT PROHIBITING AN AD DAMNUM OR MONE-
TARY AMOUNT IN COMPLAINTS IN CIVIL ACTIONS.**

Be it enacted, etc., as follows:

SECTION 1. Section 43 of chapter 223 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 6, the words "ad damnum of the complaint" and inserting in place thereof the words:– amount of the attachment.

SECTION 2. Said chapter 223 is hereby further amended by striking out section 44, as so appearing, and inserting in place thereof the following section:–

Section 44. No ship or vessel shall be attached in a civil action unless the plaintiff or a person on his behalf makes affidavit and proves to the satisfaction of a justice of a court that he has a good claim and reasonable expectation of recovering an amount, exclusive of all costs, equal at least to one-third of the amount of damages claimed, which affidavit shall be annexed to the writ of attachment, and the certificate

of the justice that he is satisfied that the same is true shall be annexed to the writ of attachment or endorsed thereon.

SECTION 3. Section 45 of said chapter 223, as so appearing, is hereby amended by striking out, in line 7, the words "ad damnum of the complaint" and inserting in place thereof the word:– attachment.

SECTION 4. Section 128 of said chapter 223, as so appearing, is hereby amended by striking out, in line 3, the words "ad damnum in the complaint" and inserting in place thereof the word:– attachment.

SECTION 5. Chapter 231 of the General Laws is hereby amended by inserting after section 13A the following section:–

Section 13B. No complaint in any civil action shall contain an ad damnum or monetary amount claimed against any defendant, unless such ad damnum or monetary amount claimed indicates damages which are liquidated or ascertainable by calculation and a statement under oath by a person having knowledge thereof is attached to such complaint setting forth the manner in which the amount of said damages was calculated. For the purposes of this section complaint shall include a claim, crossclaim or counterclaim.

SECTION 6. Section 59A of said chapter 231, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 4 and 5, the words "either that the ad damnum is not more than two thousand dollars, or".

SECTION 7. The second paragraph of section 104 of said chapter 231, as appearing in section 2 of chapter 278 of the acts of 1986, is hereby amended by striking out, in line 3, the words "ad damnum" and inserting in place thereof the word:– claim.

SECTION 8. Section 1 of chapter 246 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Trustee process may be used in accordance with the applicable rules of court in connection with the commencement of all personal actions except actions only for specific recovery of goods and chattels, for malicious prosecution, for slander and libel, or for assault and battery; and any person may be summoned as trustee of the defendant therein; but except in the case of a complaint which contains a statement that the action is upon a judgment, a contract for personal services, for goods sold and delivered, or for money due under a contract in writing, or to recover damages on account of the operation of a motor vehicle not registered in the commonwealth, no summons and complaint in any action seeking damages in excess of one thousand dollars shall be served upon any alleged trustee unless there shall have been filed by the plaintiff, if other than a city or town of the commonwealth named therein, in the court wherein such action is commenced, a bond with a surety company authorized to do business in the commonwealth as surety, or with sureties approved by a justice, associate justice or special justice of such court, said bond to be in a penal sum in such amount as the court which approves the trustee process shall require but not less

than two hundred and fifty dollars and to be conditioned upon payment to the defendant, if the plaintiff fails to recover or if such action is discontinued, of all costs which may be awarded to the defendant and all damages which he may sustain by reason of such attachment, but not exceeding the penal sum of the bond, nor unless there shall have been endorsed on the complaint by the justice, associate justice or special justice who approved said bond, or by the clerk of such court, the fact that the bond required by this section has been filed in such court.

SECTION 9. This act shall take effect on July first, nineteen hundred and eighty-seven and shall apply to all complaints, including by way of counterclaim or crossclaim, which are filed on or after July first, nineteen hundred and eighty-seven.

Approved January 7, 1987.

Chapter 709. AN ACT AUTHORIZING THE CITY OF MEDFORD TO ESTABLISH A FUND IN THE CITY TREASURY FOR MONIES RECEIVED RELATING TO THE RESURFACING OF PRIVATE WAYS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the city of Medford is hereby authorized to establish a separate fund which shall be kept separate and apart from all other funds of said city by the treasurer and in which shall be deposited all monies received by said city relating to the resurfacing of private ways as set forth in article 6 of chapter 23 of the Medford city ordinances, pursuant to the provisions of section six N of chapter forty of the General Laws. Such funds and interest thereon shall be expended subject to appropriation by said city solely for the purposes relating to such resurfacing of private ways.

Approved January 7, 1987.

Chapter 710. AN ACT ESTABLISHING A MOTORCYCLE SAFETY FUND.

Be it enacted, etc., as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35F the following section:–

Section 35G. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Motorcycle Safety Fund for motorcycle safety related activities. Said fund shall consist of all revenue received by the commonwealth under section thirty-four of chapter ninety and which is specifically designated therein for said Motorcycle Safety Fund.

All revenues credited under this section shall remain in said

Motorcycle Safety Fund, subject to appropriation, to establish motorcycle safety related activities which shall include, but not be limited to, funding approved rider safety courses for improved rider safety, instructor training promotion, public awareness and licensing equipment. Said fund shall be expended only for the purposes stated above and in accordance with the provisions of section fifteen of chapter twenty-two. The state treasurer shall not deposit said revenues in or transfer said revenues to the General Fund or any other fund other than the Motorcycle Safety Fund.

SECTION 2. Chapter 22 of the General Laws is hereby amended by adding the following section:-

Section 15. The director of the highway safety bureau, hereinafter referred to as the bureau, in consultation with the secretary of the executive office of public safety shall administer the motorcycle safety program.

The bureau, in consultation with the secretary of the executive office of public safety, shall appoint a training specialist whose duties shall include but not be limited to overseeing the training courses, establishing programs and funding guidelines and supervising instructors. Said training specialist shall be a certified instructor and hold a valid license to operate a motorcycle.

The bureau shall promulgate rules and regulations to establish minimum requirements for the qualifications for a motorcycle rider education instructor. The minimum requirements shall include, but not be limited to, the following: (a) the instructor shall be at least eighteen years of age and shall hold a valid motorcycle license or endorsement; (b) the instructor shall have at least two years of motorcycle riding experience; (c) the instructor's motorcycle driver's license shall not have been suspended or revoked any time during the immediately preceding two years; (d) the instructor shall have no convictions for driving under the influence of alcohol or drugs during the immediately preceding five years and (e) the instructor shall have a motorcycle safety instructor training certification approved by the bureau.

Said bureau in its rules and regulations shall establish an application procedure and guidelines to be followed by organizations applying for grants to establish motorcycle rider training courses. In its review of a proposal the bureau shall consider the comprehensiveness and probable effectiveness of such proposals and their compatibility with existing rider education programs. Each grant recipient shall be subject to periodic reporting requirements as established by the bureau outlining the administration and effectiveness of their programs. The bureau may also provide grants for technical assistance.

The bureau shall annually file a report on expenditures from the Motorcycle Safety Fund, established pursuant to section thirty-five G of chapter ten, with the clerk of the house of representatives who shall forward said report to the house and senate committees on ways and means and the commissioner of administration. Such report shall include the name of each grant recipient and the amount of funds received by each recipient and shall provide an evaluation of the overall effectiveness of the funded programs including the number of motorcycle accidents, the number of motorcycle fatalities and injuries and any recommendations for programmatic changes.

SECTION 3. The first paragraph of section 8B of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the fourth sentence the following sentence:— If such applicant fails the driving test twice he shall be required to successfully complete a course of study at an approved rider training school as provided for in section fifteen of chapter twenty-two, prior to scheduling a subsequent driving test.

SECTION 4. Section 34 of said chapter 90, as so appearing, is hereby amended by adding the following paragraph:—

Notwithstanding the aforesaid provisions two dollars from each motorcycle registration fee shall be paid by the registrar or by the person collecting the same into the treasury of the commonwealth and shall be credited on the books of the commonwealth to the Motorcycle Safety Fund established pursuant to the provisions of section thirty-five G of chapter ten.

SECTION 5. Section 113B of chapter 175 of the General Laws, as most recently amended by chapter 484 of the acts of 1986, is hereby further amended by inserting after the second paragraph the following paragraph:—

In fixing and establishing classifications of risks, the commissioner shall establish rates for graduates of motorcycle rider training programs administered pursuant to the provisions of section fifteen of chapter twenty-two which shall be ten per cent less than the applicable rate for such classification.

SECTION 6. The registrar of motor vehicles shall establish rules and regulations for approved motorcycle rider training schools and shall also establish a motorcycle rider training advisory committee, to assist in the promulgation of said rules and regulations. The committee shall consist of seven members including the secretary of the executive office of public safety or his designee, the registrar of motor vehicles or his designee, and the director of the governor's highway safety bureau or his designee and four members to be appointed by the governor as follows: one of whom shall be a motorcycle dealer, one of whom shall be an instructor at a motorcycle riding school, and two of whom shall be motorcycle riders. Members of the committee shall serve without compensation for their services in said capacity. The committee shall submit to the registrar its recommendations no later than June thirtieth, nineteen hundred and eighty-seven at which time the committee shall terminate.

Approved January 7, 1987.

Chapter 711. AN ACT VALIDATING A CERTAIN PROCEEDING AT A SPECIAL MEETING OF THE TOWN OF RAYNHAM.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section five of chapter forty A of the General Laws or any other general or special law to the contrary, all

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actions taken by the town of Raynham relative to Article 1 at a special town meeting held on March third, nineteen hundred and eighty-six and all actions subsequently taken pursuant thereto are hereby validated, ratified and confirmed.

Approved January 7, 1987.

Chapter 712. AN ACT FURTHER REGULATING PENALTIES FOR MINOR MOTOR VEHICLE OFFENSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate penalties for minor motor vehicle offenses, therefore it is hereby declared to be an emergency law, necessary for the preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of subsection (A) of section 3 of chapter 90C of the General Laws, as appearing in section 1 of chapter 35 of the acts of 1986, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– If the police officer cites the violator for a civil motor vehicle infraction, the citation shall notify the violator that he may, whether he is an adult or a juvenile, contest the violation at a noncriminal hearing before a clerk-magistrate of the district court of the judicial district in which the violation occurred, or that, in the alternative, he may waive said hearing and pay the assessment for the violation as established by schedules of assessments promulgated by the chief justice of the district court department for said department and by the chief justice of the Boston municipal court department for said department; provided, however, that if a criminal violation cognizable under subsection (B) is recorded in conjunction with and arising from the same occurrence as the civil infraction, the provisions of the third paragraph of said subsection (B) shall govern.

SECTION 2. Said subsection (A) of said section 3 of said chapter 90C, as so appearing, is hereby further amended by inserting after the third paragraph the following paragraph:–

The violator may also elect to attend an alternative traffic school approved by the presiding justice of the judicial district in which the violation occurred; provided, however, that attendance at said alternative traffic school shall be permitted only after a request is made by the violator not more than twenty days after the date of the violation either in person or in writing to the clerk-magistrate; provided, further, that said request shall be approved by the clerk-magistrate and; provided, further, that the violator shall be required to pay, to the court, a fine in an amount not to exceed the amount provided for such violation.

Approved January 8, 1987.

RESOLVES, 1986.— Chaps. 1, 2, 3, 4.

- Chapter 1. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO PROVIDING PARENTING LEAVE.**

RESOLVED, That the special commission, established by chapter five of the resolves of nineteen hundred and eighty-five, is hereby revived and continued.

Approved March 11, 1986.

- Chapter 2. RESOLVE IN FAVOR OF THE WIDOW OF THE LATE WILLIAM D. MULLINS.**

RESOLVED, That, for the purpose of promoting the public good, and after an appropriation has been made therefor, there be paid out of the state treasury to the widow of the late William D. Mullins, who died while a member of the present house of representatives, the salary to which he would have been entitled had he lived and served until the end of the term for which he was elected. The additional benefits provided for by this resolve shall be included as regular compensation for William D. Mullins for the purposes of computing his retirement benefits pursuant to chapter thirty-two of the General Laws.

Approved March 27, 1986.

- Chapter 3. RESOLVE INCREASING THE MEMBERSHIP OF THE SPECIAL COMMISSION RELATIVE TO ESTABLISHING A SUITABLE MEMORIAL TO PRESIDENT JOHN F. KENNEDY.**

RESOLVED, That the membership of the special commission established by chapter six of the resolves of nineteen hundred and eighty-three and most recently revived and continued by chapter one of the resolves of nineteen hundred and eighty-five is hereby increased by adding the chairman of the art commission for the commonwealth, established under the provisions of section nineteen of chapter six of the General Laws, or his designee.

Approved May 6, 1986.

- Chapter 4. RESOLVE INCREASING THE MEMBERSHIP OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO PROVIDING PARENTING LEAVE.**

RESOLVED, That the membership of the special commission established by chapter five of the resolves of nineteen hundred and eighty-five and most recently revived and continued by chapter one of the resolves of nineteen hundred and eighty-six is hereby increased by

RESOLVES, 1986.— Chaps. 5, 6, 7.

one member of the senate, two members of the house of representatives and one person to be appointed by the governor.

Approved May 22, 1986.

**Chapter 5. RESOLVE IN FAVOR OF THE WIDOW OF THE LATE
BRUCE N. FREEMAN.**

RESOLVED, That, for the purpose of promoting the public good, and after an appropriation has been made therefor, there be paid out of the state treasury to the widow of the late Bruce N. Freeman, who died while a member of the present house of representatives, the salary to which he would have been entitled had he lived and served until the end of the term for which he was elected. The additional benefits provided for by this resolve shall be included as regular compensation for Bruce N. Freeman for the purpose of computing his retirement benefits pursuant to chapter thirty-two of the General Laws.

Approved July 16, 1986.

**Chapter 6. RESOLVE FURTHER EXTENDING THE TIME WITHIN
WHICH THE SPECIAL COMMISSION ESTABLISHED TO
EXAMINE THE PROCEDURES OF ADMITTING CER-
TAIN DRUG-ALCOHOL PATIENTS FOR DETOXIFI-
CATION AND EXTENDED DRUG-ALCOHOL EDU-
CATION AND REHABILITATION BY INSURANCE COM-
PANIES SHALL FILE ITS ANNUAL REPORT.**

RESOLVED, That the time within which the special commission, established by chapter two of the resolves of nineteen hundred and eighty-five, shall file its final report is hereby further extended to the thirty-first of December, nineteen hundred and eighty-six.

Approved November 10, 1986.

**Chapter 7. RESOLVE PROVIDING FOR AN INVESTIGATION AND
STUDY BY A SPECIAL COMMISSION RELATIVE TO
THE INSTRUCTION OF AMERICAN LABOR HISTORY
IN ALL PUBLIC SCHOOLS.**

RESOLVED, That a special commission, to consist of three members of the senate, five members of the house of representatives, the secretary of labor, the commissioner of education, and five persons to be appointed by the governor, one of whom shall be a representative of the Massachusetts Federation of Teachers, one of whom shall be a representative of the Massachusetts Teachers Association, one of whom shall be the President of the Massachusetts Building Trades Council, and the President of the Massachusetts AFL-CIO, is hereby established for the purpose of making an investigation and study relative to the instruction of American Labor history in all public schools. Said commission shall also include work surveying current labor history

RESOLVES, 1986.— Chaps. 8, 9, 10.

instruction or education in elementary and secondary schools in the commonwealth and other states, developing curriculum guidelines; and designing means of implementation of such curricula; provided, however, that such means of implementation shall not constitute a mandate requiring school committees to include such curricula.

Said commission shall operate without appropriation. Such staff that is needed shall be provided by the state department of education.

Approved November 13, 1986.

Chapter 8. RESOLVE IN FAVOR OF PAUL R. McDADE.

RESOLVED, That for the purpose of discharging a moral obligation, and after an appropriation has been made therefor, there shall be allowed and paid out of the state treasury to Paul R. McDade of the town of Concord the sum of three hundred and fifty dollars for a financial loss he sustained as a result of the exercise of his duties as an employee of the commonwealth.

Approved December 8, 1986.

Chapter 9. RESOLVE INCREASING THE MEMBERSHIP OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO PREPARING PLANS FOR THE OBSERVANCE OF THE QUINCENTENNIAL OF THE VOYAGES OF DISCOVERY OF CHRISTOPHER COLUMBUS.

RESOLVED, That the membership of the special commission, established by chapter ten of the resolves of nineteen hundred and eighty-four, is hereby increased by ten persons to be appointed by the governor.

Approved December 9, 1986.

Chapter 10. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY OF THE PUBLIC HEALTH EFFECTS OF IN-DOOR AIR POLLUTION.

RESOLVED, That a special commission consisting of four members of the house of representatives, three members of the senate, the commissioner of the department of public health or his designee, the commissioner of the department of environmental quality engineering or his designee, the commissioner of the department of labor and industries or his designee, the chairman of the state board of building regulations or his designee, the Regional Administrator (Region I) of the U.S. Environmental Protection Agency or his designee and seven persons to be appointed by the governor, one of whom shall be a member of the American Lung Association of Massachusetts, one of whom shall be a member of the Massachusetts Association of Health Boards, one of whom

RESOLVES, 1986.— Chaps. 11, 12.

shall be a member of the Massachusetts Health Officers Association, one of whom shall be an academician from a local college or university with expertise in the area of indoor air pollution and mitigating its effects, one of whom shall be representative of the building materials industry, one of whom shall be a representative of the heating and ventilating industry, and one of whom has expertise in the area of indoor air pollution mitigation, is hereby established for the purpose of making an investigation and study of the public health effects of indoor air pollution, so called, including but not limited to, the effects of natural emissions of radon, the emissions from building materials such as urea formaldehyde and asbestos, the effects of emissions from wood stove, coal stoves, and fireplaces and the relationship between ambient air pollution and indoor air pollution. The commission shall also study the effects of personal habits, such as smoking and the relationship of indoor air pollution and energy conservation measures. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the clerk of the house of representatives on or before the first Wednesday in November, nineteen hundred and eighty-seven.

Approved December 23, 1986.

Chapter 11. RESOLVE EXTENDING THE REPORTING DEADLINE OF THE SPECIAL COMMISSION ON TAX REFORM.

RESOLVED, That the special commission, established by item 0185-7822 of section two of chapter two hundred and thirty-four of the acts of nineteen hundred and eighty-four and revived and continued and membership increased by chapter one of the resolves of nineteen hundred and eighty-four, relative to the development of a tax reform program for the commonwealth, is hereby continued until June thirtieth, nineteen hundred and eighty-seven.

Approved December 29, 1986.

Chapter 12. RESOLVE FURTHER EXTENDING THE TIME WITHIN WHICH THE SPECIAL COMMISSION ESTABLISHED TO EXAMINE THE PROCEDURES OF ADMITTING CERTAIN DRUG-ALCOHOL PATIENTS FOR DETOXIFICATION AND EXTENDED DRUG-ALCOHOL EDUCATION AND REHABILITATION BY INSURANCE COMPANIES SHALL FILE ITS FINAL REPORT.

RESOLVED, That the time within which the special commission, established by chapter two of the resolves of nineteen hundred and eighty-five, and most recently extended by chapter six of the resolves of nineteen hundred and eighty-six shall file its final report is hereby further extended to the third Wednesday of December, nineteen hundred and eighty-seven.

Approved January 7, 1987.

I hereby certify that the Acts and Resolves contained in these volumes are true copies of the originals on file in this department.

I further certify that the Index and Table of Changes contained in this volume have been prepared under the direction of the Committee on Rules of the two branches of the General Court in accordance with the provisions of Section 51 of Chapter 3 of the General Laws.

MICHAEL JOSEPH CONNOLLY,
Secretary of State.

RESOLVES, 1986.— Chaps. 11, 12.

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Approved January 7, 1987.

NUMBER OF ACTS AND RESOLVES APPROVED, APPROVAL WITHHELD, ACTS VETOED BY THE GOVERNOR, PASSED OVER HIS VETO AND ACTS DECLARED. EMERGENCY LAWS BY THE GOVERNOR UNDER AUTHORITY OF THE CONSTITUTION.

The General Court during its second session held in 1986 passed 712 Acts and 12 Resolves of which 710 Acts and 12 Resolves received executive approval. One Act from which executive approval was withheld became law by virtue of Chapter 1, Section 1, Article II of the Constitution of the Commonwealth.

Chapter 518 was passed but failed to receive executive approval; as, however, it was not returned, with objections thereto, within ten days after it was received in the executive department, the General Court not having dissolved in the meantime, said Act has the force of law, under the provisions of the Constitution governing such a case and has been so certified.

Chapter 543 "An Act Further Regulating Certain Conduct of Members and Former Members of the Board of Regents of Higher Education" was returned by the Governor with his objections thereto in writing and his objections were not sustained.

Fifty Acts were declared to be emergency laws by the Governor in accordance with provisions of the forty-eighth amendment to the Constitution, the Referendum II, Emergency Measures; respectively Chapters 11, 20, 21, 37, 45, 47, 48, 55, 57, 66, 70, 71, 73, 100, 143, 146, 155, 156, 177, 190, 205, 244, 273, 309, 331, 345, 346, 351, 361, 370, 383, 385, 391, 392, 403, 483, 491, 495, 496, 533, 560, 566, 599, 616, 617, 670, 671, 676, 693, 698.

The General Court was dissolved on Tuesday, January 6, 1987 at twelve o'clock midnight, the session having occupied 364 days.

September 18, 1987

MICHAEL JOSEPH CONNOLLY,
Secretary of State.

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Chapter 1. — Jurisdiction of the Commonwealth and of the United States.

Chapter 2. — Arms, Great Seal and Other Emblems of the Commonwealth.

SECT. 7, third sentence revised, 1985, 231 § 1. (See 1985, 231 § 65.)

SECT. 27 added, 1985, 496 (designating the song "The Road To Boston" as the official ceremonial march of the commonwealth).

SECT. 28 added, 1986, 54 (making the corn muffin the official muffin of the commonwealth).

Chapter 3. — The General Court.

SECT. 63, second paragraph, third sentence revised, 1986, 557 § 1.

SECT. 64, second paragraph amended, 1986, 557 § 2.

Chapter 4. — Statutes.

SECT. 7, clause Eighteenth revised, 1985, 451 § 1; clause Twenty-sixth, subclause (1) added, 1985, 220; clause Forty-third, second paragraph revised, 1986, 534 § 1; eighth paragraph amended, 1985, 114; two definitions inserted, 1986, 534 § 2.

Chapter 5. — Printing and Distribution of Laws and Public Documents.

SECT. 1 amended, 1986, 557 § 3.

SECT. 11 amended, 1986, 559 § 1. (See 1986, 559 § 62.)

Chapter 6. — The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.

SECT. 3 revised, 1986, 21 § 1. (See 1986, 21 § 2.)

SECT. 12JJ added, 1985, 93 (providing for the annual observance of Visiting Nurse Association Week).

SECT. 12 KK added, 1985, 129 (relative to the annual observance of Labor Week).

SECT. 12LL added, 1985, 233 (providing for the annual observance of Social Security Day).

SECT. 12MM added, 1986, 141 (providing for the annual observance of Korean War Veterans Day).

SECT. 15WW added, 1985, 65 (relative to the annual observance of "Youth in Government Day").

SECT. 15XX added, 1985, 211.

SECT. 15YY added, 1985, 356 (relative to the annual observance of Leif Ericson Day); revised, 1986, 273.

SECT. 15ZZ added, 1986, 36 (providing for the annual observance of Whale Awareness Day).

SECT. 15AAA added, 1986, 53 (relative to the annual observance of School Library Media Month).

SECT. 15BBB added, 1986, 99 § 1 (relative to POW/MIA day). (See 1986, 99 § 2.)

SECT. 17 revised, 1985, 737 § 1; 1986, 557 § 4.

SECT. 22 revised, 1985, 737 § 2.

SECT. 24, first sentence revised, 1985, 737 § 3.

SECT. 40, second and third sentences revised, 1985, 737 § 4; paragraph added, 1985, 737 § 5.

SECT. 48, fourth paragraph revised, 1986, 277 § 1; amended, 1986, 371 § 1. (See 1986, 371 § 2.)

SECT. 75, paragraph (a), first sentence revised, 1985, 737 § 6.

SECT. 76, first sentence revised, 1985, 737 § 7; last sentence revised, 1985, 737 § 8.

SECT. 79, clause (a) amended, 1986, 557 § 5.

SECT. 81 amended, 1986, 599 § 2. (See 1986, 599 § 62.)

SECT. 84, amended, 1986, 557 § 6; 557 § 6A.

SECTS. 84A-84I repealed, 1985, 716 § 1. (See 1985, 716 § 7.)

SECT. 84H, second and third sentences revised, 1985, 737 § 9.

SECT. 92, paragraph added, 1985, 563.

SECT. 115A, amended, 1986, 634 § 1.

SECT. 116A, inserted, 1986, 617 (relative to domestic violence).

SECT. 129, second paragraph, first sentence revised, 1985, 737 § 12; third paragraph, first sentence revised, 1985, 737 § 13; last sentence revised, 1985, 737 § 14.

SECT. 133A, amended, 1986, 557 § 7.

SECT. 156B, third sentence revised, 1986, 217 § 1. (See 1986, 217 § 21.)

SECTS. 164-165, revised, 1986, 670 § 1.

SECT. 165A added, 1986, 670 § 1.

SECT. 168, fourth paragraph, third sentence revised, 1986, 217 § 2. (See 1986, 217 § 21.)

SECT. 181, first paragraph amended, 1986, 599 § 3. (See 1986, 599 § 62.)

SECT. 185, fourth sentence revised, 1985, 307 § 1; 1986, 217 § 2A. (See 1985, 307 § 2; 1986, 217 § 21.)

SECT. 190, amended, 1986, 557 § 8.

SECTS. 191-199 added, 1985, 716 § 2 (establishing a commission the deaf and hard of hearing);. fourth sentence revised, 1986, 217 § 2A. (See 1985, 716 § 7; 1986, 217 § 21.)

SECT. 200 added, 1986, 633 § 1.

SECT. 201 added, 1986, 633 § 1.

Chapter 6A. — Executive Offices.

SECT. 9 amended, 1986, 351 § 1. (See 1986, 351 § 41.)

SECT. 16 amended, 1985, 715 § 3; first paragraph revised, 1986, 599 § 4. (See 1985, 716 § 7; 1986, 599 § 62.)

SECT. 17B, first sentence revised, 1985, 572 § 1. (See 1985, 572 § 69.)

SECT. 17C, first paragraph revised, 1985, 572 § 2. (See 1985, 572 § 69.)

SECT. 18, first paragraph revised, 1986, 642 § 1; 670 § 2.

SECT. 31 revised, 1985, 574 § 1. (See 1985, 574 § 24.)

SECT. 32, second sentence revised, 1985, 737 § 10; seventh sentence revised, 1985, 737 § 11; four paragraphs inserted after fourth paragraph, 1986, 351 § 2. (See 1986, 351 § 41.)

SECT. 37, paragraph added, 1985, 574 § 2. (See 1985, 574 § 24.)

SECT. 51, stricken out and section 51A inserted, 1985, 574 § 3. (See 1985, 574 § 24.)

SECT. 51A inserted, 1985, 574 § 3; clause (d) stricken out, 1985, 574 § 3A. (See 1985, 574 § 24.)

SECT. 52 revised, 1985, 574 § 4. (See 1985, 574 § 24.)

SECT. 53 revised, 1985, 574 § 5. (See 1985, 574 § 24.)

SECT. 53A added, 1985, 574 § 5. (See 1985, 574 § 24.)

SECT. 56 revised, 1985, 574 § 6. (See 1985, 574 § 24.)

SECT. 57 revised, 1985, 574 § 7. (See 1985, 574 § 24.)

SECT. 59A added, 1985, 574 § 8. (See 1985, 574 § 24.)

SECT. 63 revised, 1985, 574 § 9. (See 1985, 574 § 24.)

SECT. 63A added, 1985, 574 § 9. (See 1985, 574 § 24.)

SECT. 68, subsection B, paragraph (d) revised, 1985, 574 § 10. subsection C, paragraph (e), sentence inserted after first sentence, 1985 200 § 3. (See 1985, 200 § 24; 574 § 24.)

SECT. 68A revised, 1985, 574 § 11. (See 1985, 574 § 24.)

SECT. 75 added, 1985, 574 § 12. (See 1985, 574 § 24.)

SECT. 76 added, 1985, 574 § 12. (See 1985, 574 § 24.)

SECT. 77 added, 1985, 761 § 1. (See 1985, 761 § 2.)

Chapter 7. — Executive Office for Administration and Finance (former title,

Commission on Administration and Finance).

SECT. 3B, fourth paragraph amended, 1985, 200 § 4. (See 1985, 200 § 24.)

SECT. 4A, first paragraph, first sentence stricken out and two sentences inserted, 1986, 488 § 1; second paragraph, second sentence stricken out and two sentences inserted, 1986, 217 § 3. (See 1986, 217 § 21.)

SECT. 4B, revised, 1986, 654.

- SECT. 28, second paragraph, sentence inserted after first sentence, 1986, 217 § 4. (See 1986, 217 § 21.)
- SECT. 28A, second paragraph, sentence added, 1986, 217 § 5.
- SECT. 28B, amended, 1986, 557 § 9.
- SECTS. 13-14A repealed, 1986, 488 § 2.
- SECTS. 16-21 repealed, 1986, 488 § 2.
- SECTS. 31-35 repealed, 1986, 488 § 2.
- SECT. 38A, amended, 1986, 557 § 10.
- SECT. 38C, subparagraph (b) revised, 1985, 397.
- SECT. 38H, paragraph (f), first paragraph revised, 1985, 228 § 1; paragraph (j) added, 1986, 688. (See 1985, 228 § 4.)
- SECTS. 40C-40D revised, 1986, 557 § 11.
- SECT. 40N added, 1986, 557 § 13.
- SECT. 41B, third paragraph, clause (5) revised, 1986, 557 § 14.
- SECT. 42 amended, 1986, 557 § 15.
- SECT. 42B, last paragraph amended, 1986, 557 § 15.
- SECT. 50, second paragraph, first sentence revised, 1986, 557 § 16.

Chapter 7A. — OFFICE OF THE COMPTROLLER.

New chapter inserted, 1986, 488 § 3.

Chapter 8. — State Superintendent of Buildings; and State House.

SECT. 6 revised, 1986, 557 § 17.

Chapter 9. — Department of the State Secretary.

SECT. 7, third paragraph, third sentence stricken out and seven sentences inserted, 1986, 681 § 2. (See 1986, 681 § 3.)

SECT. 11, second sentence stricken out, 1986, 453 § 1.

Chapter 10. — Department of the State Treasurer.

SECT. 17, first sentence revised, 1986, 599 § 5. (See 1986, 599 § 62.)

SECT. 35D, second paragraph, first sentence revised, 1985, 770 § 1.

SECT. 35F added, 1985, 188 § 2. (See 1985, 188 § 30.)

SECT. 35G, added, 1986, 710 § 1.

Chapter 11. — Department of the State Auditor.

SECT. 12 amended, 1985, 441.

Chapter 12. — Department of the Attorney General, and the District Attorneys.

SECT. 11J added, 1985, 619.

Chapter 12A. — OFFICE OF INSPECTOR GENERAL.

Chapter 13. — Department of Civil Service and Registration.

SECT. 10A added, 1986, 351 § 3 (relative to medical malpractice). (See 1986, 351 § 41.)

SECT. 11B added, 1986, 506 § 1.

SECT. 16 revised, 1985, 654 § 1.

SECT. 33 revised, 1985, 705 § 1. (See 1985, 705 § 5.)

SECT. 34, subsection (a), paragraph added after third paragraph, 1985, 705 § 2. (See 1985, 705 § 5.)

SECT. 35 revised, 1985, 705 § 3. (See 1985, 705 § 5.)

SECT. 42, caption preceding section 42 stricken out and caption "Board of Registration of Cosmetologists" inserted, 1985, 719 § 1.

SECT. 84, clause (g) revised, 1986, 470. § 1.

Chapter 14. — Department of revenue.

SECT. 1, first paragraph amended, 1986, 310 § 1.

SECT. 6 amended, 1985, 593 § 1.

Chapter 15. — Department of Education.

SECT. 1E, first paragraph, third sentence revised, 1985, 112; third sentence stricken out and two sentences inserted, 1986, 430; third paragraph revised, 1985, 188 § 3. (See 1985, 188 § 30.)

SECT. 1F, sixth paragraph clause, (8) stricken out, 1986, 670 § 3.

SECT. 1G, three paragraphs added, 1985, 188 § 4; three paragraphs inserted after fourteenth paragraph, 1985, 188 § 5; fourteenth paragraph stricken out and three paragraphs inserted, 1986, 346 § 1. (See 1985, 188 § 30; 1986, 346 § 5.)

SECT. 1Q amended, 1986, 599 § 6. (See 1986, 599 § 62.)

SECTS. 49-60 added, 1985, 188 § 6.

SECT. 51, fifth paragraph revised, 1986, 414 § 1. (See 1985, 188 § 30.)

SECT. 61 added, 1986, 587.

Chapter 15A. — BOARD OF REGENTS OF HIGHER EDUCATION.

SECT. 2 revised, 1985, 609 § 1; paragraph inserted after fifth paragraph, 1986, 543 § 1.

SECT. 5 amended, 1985, 609 § 2; clause (aa) added, 1985, 609 § 2; revised, 1986, 557 § 18.

SECT. 5A added, 1985, 720 § 1. (See 1985, 720 § 2.)

SECT. 7, two paragraphs added, 1985, 188 § 7. eighth paragraph, first sentence revised, 1986, 409. (See 1985, 188 § 30.)

SECT. 7A added, 1985, 188 § 8. (See 1985, 188 § 30.)

SECT. 9, first paragraph revised, 1985, 100; fifth and sixth sentences revised, 1986, 424.

SECT. 18, paragraph (e) revised, 1986, 449.

Chapter 15B, — THE NEW ENGLAND EDUCATIONAL LOAN MARKETING CORPORATION ACT.

Chapter repealed, 1982, 356 § 2.

Chapter 15C. — MASSACHUSETTS COLLEGE STUDENT LOAN AUTHORITY.

Chapter 16. — DEPARTMENT OF PUBLIC WORKS.

SECT. 4 revised, 1985, 811 § 32.

SECT. 12 repealed, 1985, 231 § 2. (See 1985, 231 § 65.)

Chapter 17. — Department of Public Health.

SECT. 2, third sentence revised, 1985, 737 § 15.

SECT. 15, first paragraph, first sentence revised, 1985, 177; amended, 1986, 557 § 19.

Chapter 18. — Department of Public Welfare.

SECT. 3, second sentence revised, 1985, 737 § 16.

SECT. 6, first and second paragraphs revised, 1985, 737 § 17.

SECT. 21 revised, 1986, 310 § 2.

Chapter 18A. — Department of Youth Services.

SECT. 1, second sentence revised, 1985, 737 § 18.

SECT. 3, first sentence revised, 1985, 737 § 19.

SECT. 9, first five sentences revised, 1985, 737 § 20.

Chapter 18B. — Department of Social Services.

SECT. 6, first sentence revised, 1985, 737 § 21.

SECT. 13, first paragraph, sixth sentence revised, 1986, 599 § 7. (See 1986, 599 § 62.).

**Chapter 19. — Department of Mental Health (former title,
Department of Mental Diseases).**

SECT. 2, first paragraph revised, 1985, 737 § 22.

SECT. 3, first sentence revised, 1985, 737 § 23.

SECT. 11, first sentence revised, 1985, 737 § 24.

SECT. 12, first sentence revised, 1985, 737 § 25.

SECT. 16, first sentence revised, 1985, 737 § 26.

Chapter revised, 1986, 599 § 8. (See 1986, 599 § 62.)

Chapter 19A. — Department of Elder Affairs.

SECT. 4, third paragraph, clause (c) revised, 1985, 755; 1986, 563.

SECT. 29, amended, 1986, 557 § 20; 557 § 20A.

SECT. 30, second paragraph, sentence added, 1986, 69.

SECT. 31, paragraph added, 1986, 170.

Chapter 19B. — DISABLED PERSONS PROTECTION COMMISSION.

New chapter inserted, 1986, 655 § 1.

Chapter 019B* — DEPARTMENT OF MENTAL RETARDATION.

New chapter inserted, 1986, 599 § 9. (See 1986, 599 § 62; also see 1986, 655 § 1.)

Chapter 20. — DEPARTMENT OF FOOD AND AGRICULTURE.

Title changed, 1986, 557 § 21.

SECT. 1, third paragraph, first sentence revised, 1986, 557 § 22.

SECT. 16, last sentence revised, 1986, 557 § 23.

SECT. 21, last sentence revised, 1986, 557 § 24.

**Chapter 21. — DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT.**

(former title, Department of Natural Resources).

Title revised, 1986, 557 § 25.

SECTS. 2-2A revised, 1985, 676 § 4.

SECT. 2B, two paragraphs added, 1985, 272; 676 § 4A.

SECT. 2F added, 1985, 676 § 4B.

SECT. 4B amended, 1985, 765 § 1.

SECT. 4C revised, 1985, 765 § 2.

SECT. 5, first sentence revised, 1985, 231 § 3. (See 1985, 231 § 65.)

SECT. 6 revised, 1985, 231 § 4. (See 1985, 231 § 65.)

SECT. 6A, second paragraph amended, 1985, 231 § 5. section revised, 1986, 557 § 26. (See 1985, 231 § 65.)

SECT. 6B revised, 1985, 231 § 6.

SECT. 6C revised, 1985, 231 § 7. (See 1985, 231 § 65.)

SECT. 6D revised, 1985, 231 § 8. section revised, 1986, 557 § 27. (See 1985, 231 § 65.)

SECT. 6E, first sentence revised, 1985, 231 § 9. (See 1985, 231 § 65.)

SECT. 6F, amended, 1985, 231 § 10; last paragraph revised, 1985, 231 § 10A. (See 1985, 231 § 65.)

SECT. 7 amended, 1985, 231 § 11. (See 1985, 231 § 65.)

SECT. 7C revised, 1985, 231 § 12. (See 1985, 231 § 65.)

SECT. 8C, amended, 1986, 557 § 28.

SECT. 14, third paragraph amended, 1985, 64 § 1.

SECT. 15, first paragraph amended, 1985, 64 § 2.

SECT. 16, sentence added, 1986, 485.

SECT. 17A, first sentence revised, 1985, 231 § 13. (See 1985, 231 § 65.)

SECT. 30A amended, 1985, 786 § 9. (See 1985, 786 § 14.)

SECT. 33, second paragraph, first sentence revised, 1985, 786 § 10; third paragraph, sentence added, 1985, 786 § 11. (See 1985, 786 § 14.)

SECT. 37, amended, 1986, 557 § 29.

Chapter 21A. — Executive Office of Environmental Affairs.

SECT. 7, amended, 1985, 231 § 14; 231 § 14A. (See 1985, 231 § 65.)

SECT. 8, fourth paragraph revised, 1985, 231 § 15; fifth paragraph revised, 1985, 231 § 16; sixth paragraph, first sentence stricken out, 1985, 231 § 17. sixth paragraph revised, 1986, 557 § 30. (See 1985, 231 § 65.)

SECT. 8A amended, 1985, 231 § 18; amended, 1986, 557 § 31. (See 1985, 231 § 65.); amended, 1986, 557 § 31.

SECT. 11 revised, 1985, 231 § 19. (See 1985, 231 § 65.)

SECT. 11A added, 1986, 707 § 1.
SECT. 13 amended, 1986, 162 § 1.
SECT. 16 added, 1985, 95.

Chapter 21B. — Mining Regulation and Reclamation

Chapter 21C. — Massachusetts Hazardous Waste Management Act

SECT. 10, third sentence revised, 1985, 646.
SECT. 14 amended, 1985, 231 § 19A. (See 1985; 231 § 65.)
SECTS. 15-30 added, 1986, 10 § 1; repealed, 1986, 10 § 2. (See 1986, 10 § 6.)
SECT. 15, definition of "covered claim" amended, 1986, 628 § 1.
SECT. 19 amended, 1986, 628 § 2.

Chapter 21D. — Massachusetts Hazardous Waste Facility Siting Act.

SECT. 4, ninth paragraph, third sentence revised, 1986, 217 § 6. (See 1986, 217 § 21.)
SECT. 5, first paragraph, clause (6) amended, 1985, 154 § 1; sentence added, 1985, 646 § 1.

Chapter 21E.—MASSACHUSETTS OIL AND HAZARDOUS MATERIAL RELEASE PREVENTION AND RESPONSE ACT

SECT. 2, six definitions inserted, 1986, 554 § 1.
SECT. 3A added, 1986, 554 § 2.
SECTS. 14-15 added, 1986, 554 § 3.

Chapter 21F — Coastal Facilities Improvement". new chapter added, 1983, 589 § 19.

Chapter 21G. — MASSACHUSETTS WATER MANAGAEMENT ACT.

New chapter inserted, 1985, 592 § 1.

Chapter 22. — Department of Public Safety.

SECT. 13A amended, 1986, 267; section revised, 1986, 642 § 2.
SECT. 15, added, 1986, 710 § 2.

Chapter 22A. — CENTRAL REGISTER FOR MISSING CHILDREN.

SECT. 7 revised, 1986, 557 § 32.
SECT. 8 stricken out, 1986, 557 § 32; amended, 1986, 599 § 10. (See 1986, 599 § 62.).

Chapter 22B. — CAPITOL POLICE

Chapter 23. — Department of Labor and Industries.

SECT. 9L, paragraph added, 1985, 4 § 1.

SECTS. 14-24 repealed, 1985, 572 § 3. (See 1985, 572 § 69.)

**Chapter 23A. — Department of Commerce and Development
(former title,
Department of Commerce).**

Chapter 23B. — Department of Community Affairs.

SECT. 3, subsection (r) amended, 1985, 748 § 24; last sentence stricken out, 1986, 557 § 33; amended, 1986, 557 § 34.

SECT. 24A added, 1986, 403 § 1.

SECT. 25, definition of “Low and moderate income rental housing project” revised, 1985, 259 § 1.

Chapter 23C. — BOARD OF CONCILIATION AND ARBITRATION.

**Chapter 23D. — MASSACHUSETTS INDUSTRIAL SERVICE
PROGRAM.**

SECT. 5 amended, 1986, 557 § 35.

SECT. 6 amended, 1986, 557 § 36.

Chapter 23E. — DEPARTMENT OF INDUSTRIAL ACCIDENTS.

New chapter inserted, 1985, 572 § 4. (See 1985, 572 § 69.)

SECT. 7 amended, 1986, 662 § 1. (See 1986, 662 § 57.)

SECT. 11, paragraph (2) amended, 1986, 662 § 2. (See 1986, 662 § 57.)

SECT. 14 amended, 1986, 662 § 3. (See 1986, 662 § 57.)

SECT. 15 amended, 1986, 662 § 4. (See 1986, 662 § 57.)

Chapter 24. — Department of Industrial Accidents.

Chapter repealed, 1953, 314 § 14.

Chapter 25. — Department of Public Utilities.

SECT. 5C added, 1985, 674 § 1.

Chapter 25A. — Executive Office Of Energy Resources

**Chapter 25B. — MASSACHUSETTS APPLIANCE EFFICIENCY
STANDARDS ACT.**

New chapter inserted, 1986, 489 § 1. (See 1986, 489 § 2.)

Chapter 26. — Department of Banking and Insurance.

SECT. 8G amended, 1986, 557 § 37; 557 § 37A.

SECT. 8I added, 1986, 351 § 4 (relative to medical malpractice). (See 1986, 351 § 41.)

Chapter 27. — Department of Correction.

SECT. 1, fourth sentence revised, 1985, 737 § 27.

SECT. 2, first sentence revised, 1985, 737 § 28.

SECT. 3, first paragraph, first five sentences revised, 1985, 737 § 29.

Chapter 28. — Metropolitan District Commission.**Chapter 28A. — Office for Children.**

SECT. 3, first sentence revised, 1985, 737 § 30.

SECT. 6A, amended, 1986, 599 § 11. (See 1986, 599 § 62.)

SECT. 8, first paragraph, first three sentences revised, 1985, 737 § 31.

SECT. 10, paragraph (f) added, 1985, 776 § 1; clause (c) amended, 1986, 599 § 12. (See 1986, 599 § 62.).

Chapter 29. — State Finance.

SECT. 1 revised, 1986, 488 § 4.

SECT. 2, paragraph added, 1986, 488 § 5.

SECT. 2D, amended, 1986, 557 § 38; clause (e) revised, 1986, 557 § 38A.

SECTS. 2H-2I added, 1986, 488 § 6 (establishing the Commonwealth Stabilization Fund and the Tax Reduction Fund).

SECTS. 3-5 revised, 1986, 488 § 7.

SECT. 5B, first four paragraphs revised, 1986, 488 § 8.

SECT. 5C added, 1986, 488 § 9 (relative to consolidated net surplus).

SECT. 6 revised, 1986, 488 § 10.

SECT. 6B revised, 1986, 488 § 11. (See 1986, 488 § 74).

SECTS. 6C-6D added, 1986, 488 § 11. (See 1986, 488 § 74.)

SECT. 7C, amended, 1986, 557 § 39.

SECT. 7E, amended, 1986, 557 § 40.

SECT. 9B revised, 1986, 488 § 12.

SECT. 9C, paragraph added, 1986, 488 § 13.

SECT. 9E amended, 1986, 488 § 14.

SECT. 20, sentence added, 1986, 488 § 15.

SECT. 20A, amended, 1985, 521.

SECT. 26 amended, 1986, 488 § 16.

SECT. 27A repealed, 1986, 488 § 17.

SECT. 29, first paragraph revised, 1986, 488 § 18.

SECT. 29A, last sentence stricken out and three sentences inserted, 1986, 488 § 19.

SECT. 29B added, 1986, 488 § 20 (relative to regulations).

SECT. 31, fourth paragraph revised, 1986, 488 § 21.

SECT. 32 revised, 1985, 657.

SECT. 34A revised, 1985, 735 § 1; 735 § 2. (See 1985, 735 § 3.)

SECT. 38, paragraph inserted after second paragraph, 1985, 552.

SECT. 49, paragraph inserted after second paragraph, 1985, 549.

SECT. 49A amended, 1986, 50.

SECT. 53A added, 1986, 8 § 1 (relative to refunding bonds).

Chapter 29A. — Financing the Judicial System.**Chapter 29B. — STATE REVENUE GROWTH CONTROL.**

New chapter inserted, 1986, 488 § 22.

Chapter 30. — General Provisions Relative to State Departments, Commissions, Officers and Employees.

SECT. 9B amended, 1986, 599 § 13. (See 1986, 599 § 62.)

SECT. 9C amended, 1986, 599 § 14. (See 1986, 599 § 62.)

SECT. 9D amended, 1986, 599 § 15. (See 1986, 599 § 62.)

SECT. 12 revised, 1985, 332.

SECT. 24A amended, 1986, 599 § 16. (See 1986, 599 § 62.)

SECT. 36A amended, 1985, 620.

SECT. 39K, third paragraph, second sentence revised, 1985, 341.

SECT. 39M, paragraph (a), third sentence revised, 1985, 406; subsection (c) revised, 1985, 507.

SECT. 46, paragraph (1), salary schedule revised, 1986 217 § 7; 217 § 8; paragraph (12) revised, 1986, 279 § 16. (See 1986, 217 § 21; 279 § 18.)

SECT. 46C, paragraph (1), salary schedule revised, 1986, 217 § 9; 217 § 10. (See 1986, 217 § 21.)

SECT. 49, paragraph inserted after first paragraph, 1985, 766 § 1.

SECT. 57, first sentence revised, 1985, 766 § 2.

Chapter 30A. — State Administrative Procedure.

SECT. 1, paragraph (2) amended, 1985, 572 § 5. (See 1985, 572 § 69.)

Chapter 31. — Civil Service.

SECT. 1, definition of "Certification" revised, 1985, 527 § 1; definition of "Eligible list" amended, 1986, 557 § 41; definition of "Entrance requirements" revised, 1985, 527 § 2.

SECT. 6, third paragraph revised, 1985, 527 § 3.

SECT. 13 revised, 1985, 527 § 4.

SECT. 20, paragraph added, 1985, 560.

SECT. 22, first paragraph amended, 1985, 527 § 5; second paragraph, clause (3) amended, 1985, 527 § 6; third paragraph amended, 1985, 527 § 7.

SECT. 23, first paragraph amended, 1985, 527 § 8; second paragraph amended, 1985, 527 § 9.

SECT. 24, first paragraph amended, 1985, 527 § 10; second paragraph amended, 1985, 527 § 11.

SECT. 25, first sentence revised, 1985, 527 § 12; fifth paragraph revised, 1985, 527 § 15; third paragraph revised, 1985, 527 § 13; fourth paragraph revised, 1985, 527 § 14. fifth paragraph revised, 1985, 527 § 15.

SECT. 26, seventh paragraph stricken out and three paragraphs inserted, 1985, 402 § 1.

SECT. 27 revised, 1985, 527 § 16.

SECT. 35, amended, 1986, 557 § 42.

SECT. 48 amended, 1986, 98.

SECT. 55, fourth paragraph revised, 1985, 477 § 1.

Chapter 31A. — MUNICIPAL PERSONNEL SYSTEMS.

SECT. 5, amended, 1986, 557 § 43.

Chapter 32. — Retirement Systems and Pensions.

SECT. 1, definition of "Employee" amended, 1986, 564.

SECT. 3, subdivision (2), paragraph (e) revised, 1985, 751 § 1.

SECT. 5, subdivision 1, paragraph (a) amended, 1986, 557 § 44.

SECT. 8, subsection (3) amended, 1986, 557 § 45.

SECT. 16, subdivision (5), second sentence revised, 1985, 188 § 9. (See 1985, 188 § 30.)

SECT. 19, fifth and sixth sentences revised, 1986, 700 § 1. (See 1986, 700 § 3).

SECT. 19B added, 1986, 700 § 2. (See 1986, 700 § 3.).

SECT. 20, subdivision (4 $\frac{3}{4}$), paragraph (b) revised, 1986, 557 § 46; subdivision (4 $\frac{7}{8}$), paragraph (b) amended, 1986, 557 § 47.

SECT. 21, subdivision (1), paragraph (a), four sentences added, 1985, 550 § 1; subdivision (2) amended, 1985, 550 § 2.

SECT. 23, subdivision (2A), paragraph (a) amended, 1986, 557 § 48; paragraph (b) amended, 1986, 557 § 49.

SECT. 28, subdivision (4), paragraph (a) fourth and fifth sentences revised, 1986, 557 § 50; paragraph (c), three sentences added, 1985, 741 § 1.

SECT. 90F revised, 1985, 751 § 2.

SECT. 90G revised, 1985, 751 § 3.

SECT. 91, clause (a) amended, 1986, 599 § 17. (See 1986, 599 § 62.).

SECT. 100 revised, 1985, 781.

SECT. 102, paragraph (c) revised, 1986, 517.

Chapter 32A. — Contributory Group General or Blanket Insurance for Persons in the Service of the Commonwealth.

SECT. 3 amended, 1986, 704 § 1. (See 1986, 704 § 5).

SECT. 5 amended, 1985, 648 § 1.

SECT. 6, first sentence revised, 1985, 648 § 2.

SECT. 8, fourth paragraph revised, 1986, 704 § 2. (See 1986, 704 § 5).

SECT. 9A amended, 1986, 704 § 3. (See 1986, 704 § 5).

SECT. 10, first paragraph, first sentence revised, 1985, 648 § 3.

SECT. 11 amended, 1986, 704 § 4. (See 1986, 704 § 5).

Chapter 32B. — Contributory Group General or Blanket Insurance for Persons in the Service of Counties, Cities, Towns and Districts, and their Dependents.

SECT. 4, first paragraph, first sentence revised, 1986, 705 § 1; second paragraph revised, 1986, 705 § 2.

SECT. 9, first paragraph revised, 1986, 705 § 3.

SECT. 9F revised, 1986, 705 § 4.

SECT. 10 amended, 1986, 557 § 51.

SECT. 11A first paragraph "schedule" amended, 1986, 557 52.

Chapter 33. — Militia.

SECT. 15, subsection (b), fifth paragraph amended, 1985, 229.

Chapter 34. — Counties and County Commissioners.

SECT. 3 revised, 1985, 799 § 1. (See 1985, 799 § 26.)

SECT. 14, last-two sentences stricken out and five paragraphs inserted, 1985, 173.

SECT. 17, paragraph inserted after first paragraph, 1986, 86 § 1.

Chapter 34A. — COUNTY CHARTER PROCEDURES

New chapter inserted, 1985, 807.

SECT.17, subsection (c) paragraph (i) clauses (o) and (p)stricken out, clauses (n) and (o) inserted, 1986, 557 § 53.

Chapter 35. — County Treasurers, State Supervision of County Accounts and County Finances.

SECT. 28 amended, 1985, 284.

SECT. 32, tenth paragraph stricken out, 1985, 396.

SECT. 53A added, 1985, 283.

Chapter 36. — Registers of Deeds.

SECT. 24B, paragraph added, 1986, 385 § 1. (See 1986, 385 § 7.)

Chapter 37. — Sheriffs.

Chapter 38. — Medical Examiners.

Chapter 39. — Municipal Government.

SECT. 6A, amended, 1985, 252.

SECT. 9 amended, 1985, 9 § 1.

SECT. 23B, fourth paragraph, clause (3) revised, 1985, 333; clause (8) added, 1986, 694.

Chapter 40. — Powers and Duties of Cities and Towns.

SECT. 4B amended, 1986, 122.

SECT. 4E revised, 1985, 631 § 1.

SECT. 5, clause (21A) revised, 1986, 136; clause (41) amended, 1985, 231 § 19B; clause (74) added, 1986, 197. (See 1985, 231 § 65.)

SECT. 5B, third paragraph revised, 1985, 94.

SECT. 5C, first sentence revised, 1986, 651 § 1.

SECT. 5D, fifth paragraph revised, 1985, 741 § 2.

SECT. 6, first sentence revised, 1986, 651 § 2.

SECT. 6A amended, 1986, 547.

SECT. 9, first sentence revised, 1985, 40; 1986, 161.

SECT. 15, first paragraph revised, 1985, 384.

SECT. 21, clause (23) revised, 1985, 632 § 1; amended, 1986, 251 § 1.

SECT. 22, second paragraph revised, 1985, 632 § 2; amended, 1986, 251 § 2.

SECT. 22A, first paragraph, fourth sentence revised, 1985, 632 § 3; amended, 1986, 251 § 3; second paragraph, first sentence stricken out and two sentences inserted, 1985, 632 § 4; first sentence amended, 1986, 251 § 4.

SECT. 22D, first sentence revised, 1985, 632 § 5; amended, 1986, 251 § 5.

SECT. 34, amended, 1985, 240.

SECT. 36B revised, 1985, 208 § 1. (See 1985, 208 § 2.)

SECT. 39J added, 1985, 275; amended, 1986, 464.

SECT. 39K added, 1986, 306 (relative to enterprise funds).

SECT. 40 repealed, 1985, 592 § 2.

SECT. 57 added, 1985, 640.

Chapter 40A. — Zoning Regulations.

SECT. 1A, definitions of “Solar access” and “Solar energy system” added, 1985, 637 § 1.

SECT. 3, paragraph added, 1985, 637 § 2.

SECT. 6, fifth paragraph, sentence added, 1985, 494; section amended, 1986, 557 § 54.

SECT. 7 amended, 1986, 557 § 55.

SECT. 9, second paragraph, first sentence revised, 1985, 637 § 3; fifth paragraph, sentence inserted after third sentence, 1985, 637 § 4; sixth paragraph, sentence added, 1985, 637 § 5; eighth paragraph revised, 1986, 471; ninth paragraph amended, 1985, 408.

SECT. 9B added, 1985, 637 § 6.

SECT. 17, paragraph inserted after fifth paragraph, 1985, 492 § 1.

Chapter 40B. — Regional Planning.

SECT. 7 amended, 1986, 681 § 1. (See 1986, 681 § 3.)

SECT. 14 amended, 1986, 557 § 56.

Chapter 40C. — Historic Districts.

SECT. 7, first paragraph, sentence inserted after second sentence, 1985, 637 § 7.

Chapter 40D. — Industrial Development of Cities and Towns.

SECT. 1, paragraph (c½) inserted, 1985, 370 § 1; paragraph (l), sentence inserted after first sentence, 1985, 370 § 2; paragraph (l), first sentence revised, 1985, 700; paragraph (m) revised, 1985, 370 § 3; paragraph (q½) inserted, 1985, 370 § 4. section amended, 1985, 753 § 1; 753 § 2; paragraph added, 1985, 753 § 3.

SECT. 3, second and third paragraphs revised, 1985, 359 § 1.

SECT. 4, second paragraph stricken out and two paragraphs inserted, 1985, 359 § 2.

SECT. 5, fourth paragraph stricken out and two paragraphs inserted, 1985, 359 § 3.

SECT. 6, second paragraph stricken out, 1985, 359 § 4.

SECT. 7, paragraph (a) amended, 1985, 359 § 5; paragraph (c) revised, 1985, 370 § 5.

SECT. 10, paragraph inserted after third paragraph, 1985, 359 § 6.

SECT. 12, subsection (2), first paragraph revised, 1985, 359 § 7; third paragraph, introductory clause revised, 1985, 359 § 8; clause (k) revised, 1985, 359 § 9; clause (l) added, 1986, 233; fifth paragraph, first two sentences revised, 1985, 359 § 10; sixth paragraph stricken out, 1985, 359 § 11.

SECT. 23 revised, 1985, 370 § 6.

Chapter 40E. — Massachusetts Industrial Development Authority.

**Chapter 40F. — The Massachusetts Community
Development Finance Corporation.**

Chapter 40G. — Massachusetts Technology Development Corporation.

**Chapter 40H. — Community Economic Development Assistance
Corporation.**

Chapter 40I. — THE BAY STATE SKILLS CORPORATION ACT.

SECT. 4, definition of "Educational institution" revised, 1986, 578.

Chapter 40J — Massachusetts Technology Park Corporation.

SECT. 12 amended, 1986, 557 § 58; 557 § 58A; 557 § 59; 557 § 60; 557 § 61; paragraph (h) added, 1986, 680 § 1.

**Chapter 40K. — MASSACHUSETTS PRODUCT DEVELOPMENT
CORPORATION.**

SECT. 5 amended, 1986, 557 § 63; 557 § 64.

SECT. 11 added, 1986, 680 § 2.

Chapter 40L — AGRICULTURAL INCENTIVE AREAS.

New chapter inserted, 1985, 613 § 1.

SECT. 1, definition of "Agricultural land" revised, 1986, 557 § 64A.

SECT. 4, first paragraph, fifth sentence revised, 1986, 557 § 64B.

Chapter 40M.—GOVERNMENTAL UNITS POOLED INSURANCE

New chapter inserted, 1985, 802.

SECT. 7, first sentence revised, 1986, 557 § 64C.

Chapter 41. — Officers and Employees of Cities, Towns and Districts.

SECT. 10, paragraph inserted, 1985, 34.

SECT. 21A added, 1985, 210.

SECT. 81M, sentence inserted after second sentence, 1985, 637 § 8.

SECT. 81Q, two sentences inserted after seventh sentence, 1985, 637 § 9.

SECT. 81S revised, 1986, 699 § 1.

SECT. 81U, fourth paragraph stricken out and three paragraphs inserted, 1986, 699 § 2.

SECT. 81BB inserted, 1985, 492 § 2 (requiring the posting of bonds in appeals on subdivision plans).

SECT. 92, second sentence revised, 1985, 680 § 1.

SECT. 96B amended, 1985, 231 § 20; 231 § 20A. (See 1985, 231 § 65.)

SECT. 97B, paragraph added, 1985, 355.

SECT. 103 amended, 1986, 18.

SECT. 105 revised, 1985, 175; sentence inserted after fourth sentence, 1986, 695 § 1.

SECT. 106B added, 1986, 119 (relative to capital planning committees).

Chapter 42. — Boundaries of Cities and Towns.**Chapter 43. — City Charters.**

SECT. 17A, amended, 1985, 252 § 2.

SECT. 39 revised, 1985, 477 § 2.

SECT. 40, first sentence revised, 1985, 477 § 3.

SECT. 42, first paragraph revised, 1985, 477 § 4.

Chapter 43A. — Standard Form of Representative Town Meeting Government.

SECT. 6, third sentence revised, 1986, 695 § 2.

Chapter 43B. — Home Rule Procedures.

SECT. 3, second and third paragraphs revised, 1986, 240.

Chapter 44. — Municipal Finance.

SECT. 4, last sentence stricken out and two sentences inserted, 1985, 238.

SECT. 16, second paragraph revised, 1986, 20; section amended, 1986, 406.

SECT. 21A, last sentence revised, 1985, 488.

SECT. 22A inserted, 1985, 571 § 1 (authorizing cities to issue bonds and notes secured by insurance or by letters or lines of credit or other credit facilities).

SECT. 31C first sentence revised, 1986, 447.

SECT. 32, first paragraph, first sentence amended, 1985, 9 § 2; fourth paragraph amended, 1985, 9 § 3.

SECT. 40, paragraph added, 1986, 619.

SECT. 53A amended, 1986, 203; second sentence stricken out two sentences inserted, 1986, 651 § 3.

SECT. 53D, amended, 1986, 63.

SECT. 53F added, 1985, 740 § 1.

SECT. 55B added, 1985, 740 § 2.

Chapter 44A. — QUALIFIED BOND ACT.

SECT. 8 amended, 1986, 557 § 65.

Chapter 45. — Public Parks, Playgrounds and the Public Domain.

SECT. 2, second sentence revised, 1985, 128.

SECT. 17A amended, 1986, 608 § 17.

Chapter 46. — Return and Registry of Births, Marriages and Death.

SECT. 1 amended, 1986, 334 § 1.

SECT. 2A, first sentence revised, 1986, 334 § 2.

SECT. 13 amended, 1986, 334 § 3; third paragraph amended, 1986, 310 § 3; 310 § 4; third and fourth sentences revised, 1986, 310 § 4.

SECT. 19C added, 1986, 453 § 2;

SECT. 24, first sentence revised, 1986, 334 § 4.

Chapter 47. — Infirmarys.

Chapter 48. — Fires, Fire Departments and Fire Districts.

Chapter 49. — Fences, Fence Viewers, Pounds and Field Drivers.

Chapter 49A. — Use of Certain Animals for Scientific Investigation, Experiment or Instruction.

Chapter 50. — General Provisions relative to Primaries, Caucuses and Elections.

Chapter 51. — Voters.

SECT. 1, sentence inserted after first sentence, 1985, 414.

SECT. 2 amended, 1985, 477 § 5.

SECT. 3, sentence added, 1986, 512 § 1.

SECT. 4, sentence added, 1986, 512 § 2.

SECT. 7, sentence added, 1985, 478.

SECT. 10A revised, 1985, 125 § 1.

SECT. 28 amended, 1985, 127.

SECT. 37, first sentence revised, 1985, 477 § 6.

SECT. 38, sentence added, 1986, 512 § 3.

SECT. 40, second sentence stricken out, 1985, 477 § 7.

SECT. 42C, sentence added, 1985, 477 § 8.

SECT. 42E added, 1986, 630; two paragraphs inserted, 1986, 631 § 4.

SECT. 50 revised, 1985, 477 § 9; caption preceding section stricken out and new caption inserted, 1986, 695 § 3;

SECT. 51 amended, 1985, 477 § 10.

SECT. 58, first sentence revised, 1986, 402.

SECT. 61, first paragraph revised, 1985, 181; 1985, 477 § 11.

Chapter 52. — Political Committees.

SECT. 1, first and second sentences revised, 1985, 477 § 12; first paragraph third sentence revised, 1986, 695 § 4.

SECT. 2, first sentence revised, 1985, 477 § 13.

SECT. 5, sentence added, 1986, 631 § 1.

Chapter 53. — Nominations, Questions to be submitted to the Voters, Primaries and Caucuses.

SECT. 7, fourth paragraph, first sentence revised, 1985, 477 § 14; seventh paragraph, third sentence revised, 1985, 477 § 15.

SECT. 7A, first sentence revised, 1985, 477 § 16.

SECT. 8, first sentence revised, 1985, 477 § 17.

SECT. 10, fourth paragraph revised, 1985, 477 § 18.

SECT. 13, last sentence stricken out and two sentences inserted, 1985, 477 § 19.

SECT. 22A, third sentence revised, 1986, 695 § 5; sentence added, 1985, 477 § 20.

SECT. 22B repealed, 1985, 124.

SECT. 34, seventh paragraph, fourth sentence revised, 1986, 695 § 6.

SECT. 44 amended, 1986, 695 § 7.

SECT. 45, first paragraph, third sentence revised, 1986, 695 § 8.

SECT. 48A repealed, 1985, 477 § 21.

SECT. 61, second sentence revised, 1985, 477 § 22.

Chapter 54. — Elections.

SECT. 25 second paragraph revised, 1985, 653.

SECT. 31 second paragraph, second sentence revised, 1985, 477 § 23.

SECT. 33A, sentence inserted after third sentence, 1985, 537 § 1.

SECT. 33E amended, 1985, 477 § 24; last paragraph revised, 1985, 537 § 2.

SECT. 34, revised, 1986, 695 § 9.

SECT. 35A, fourth sentence stricken out, 1986, 695 § 10.

SECT. 35B, second paragraph, sentence inserted after second sentence, 1985, 537 § 3.

SECT. 40 revised, 1985, 477 § 25.

SECT. 41, third paragraph, first sentence revised, 1985, 477 § 26.

SECT. 41A, first sentence stricken out and two sentences inserted, 1985, 477 § 27.

SECT. 42, first and second paragraphs revised, 1985, 477 § 28.

SECT. 43A amended, 1985, 477 § 29.

SECT. 79 revised, 1985, 477 § 30.

SECT. 86, first sentence revised, 1985, 477 § 31; section revised, 1985, 562 § 1; first sentence revised, 1985, 599 § 1; sentence inserted after third sentence, 1985, 383; section revised, 1985, 562 § 1.

SECT. 87, subsection (a) revised, 1986, 557 § 66; subsection (c) revised, 1985, 562 § 2.

SECT. 89, first and second sentences revised, 1985, 477 § 32; section revised, 1985, 562 § 3; first sentence stricken out, 1986, 695 § 11; section amended, 1986, 695 § 12.

SECT. 89A added, 1985, 599 § 2 (relative to certain applications for absent voting ballots).

SECT. 91, sentence inserted after first sentence, 1985, 113; section amended, 1985, 599 § 3.

SECT. 92, second paragraph, second and third sentences revised, 1985, 477 § 33; section revised, 1985, 562 § 4; subsection (b), last sentence revised, 1986, 695 § 13.

SECT. 93 revised, 1985, 562 § 5.

SECT. 94 amended, 1985, 562 § 6; 599 § 4.

SECT. 95 amended, 1985, 477 § 34; second paragraph, first sentence revised, 1985, 477 § 35; second paragraph, two sentences added, 1986, 540; section amended, 1986, 557 § 67.

SECT. 98 revised, 1985, 562 § 7.

SECT. 100, second sentence revised, 1985, 477 § 36; sentence inserted after fifth sentence, 1986, 695 § 14.

SECT. 102 amended, 1985 477 § 37.

SECT. 103B, caption stricken out and new caption inserted, 1986, 695 § 15; definition of "Federal service personnel stricken out, 1985, 477 § 38; definition of "Specially qualified voter" inserted, 1985, 477 § 38A.

SECT. 103C revised, 1985, 477 § 39.

SECT. 103E, third paragraph, second sentence revised, 1985, 562 § 8; 1986, 557 § 67A.

SECT. 103F revised, 1986, 695 § 16.

SECT. 103H, second sentence revised, 1985, 562 § 9; section revised, 1985, 477 § 40.

SECT. 103J amended, 1985, 477 § 41; fourth paragraph, first sentence revised, 1985, 477 § 42.

SECT. 103L amended, 1986, 695 § 17.

SECT. 103O, paragraph (b) revised, 1985, 562 § 10; subsection (c) amended, 1986, 695 § 18.

SECT. 103P, first and second paragraphs revised, 1985, 477 § 43.

SECT. 103Q amended, 1985, 477 § 44.

SECT. 105A, paragraph inserted after first paragraph, 1985, 537 § 4. second paragraph, last sentence stricken out, 1986, 695 § 19; third paragraph amended, 1986, 695 § 20.

SECT. 107 amended, 1986, 695 § 21.

SECT. 116, second and third sentences revised, 1985, 477 § 45.

SECT. 135 amended, 1985, 477 § 46.

**Chapter 54A. — Election of City and Town Officers by
Proportional Representation and Preferential Voting.**

**Chapter 55. — Disclosure of Campaign Expenditures and
Contributions and Election Inquests
(former title, Corrupt Practice and Election Inquests).**

SECT. 1 amended, 1985, 522.

SECT. 2, first paragraph, clauses (1) and (2) revised, 1986, 345 § 1; second paragraph revised, 1986, 345 § 2.

SECT. 3, paragraph inserted after seventh paragraph, 1986, 631 § 2.

SECT. 4 repealed, 1986, 631 § 3.

SECT. 5, seventh paragraph stricken out and two paragraphs inserted, 1986, 631 § 4.

SECT. 8 revised, 1986, 631 § 5.

SECT. 9, paragraph inserted after first paragraph, 1986, 631 § 6.

SECT. 16A inserted, 1986, 631 § 7.

SECT. 18, eleventh paragraph, clauses (2) and (3) revised, 1986, 345 § 3; paragraph inserted after eleventh paragraph, 1986, 345 § 4; clause (f) amended, 1986, 631 § 8; clause (g) amended, 1986, 631 § 9; clause (h) amended, 1986, 631 § 10.

SECT. 18A added, 1986, 631 § 11.

SECT. 19, subsection (a) revised, 1986, 631 § 12; subsection (b) revised, 1986, 345 § 5; first sentence revised, 1986, 631 § 13; subsection (d) revised, 1986, 631 § 14.

SECT. 22 revised, 1986, 631 § 15.

SECT. 25 revised, 1986, 631 § 16.

SECT. 28 revised, 1986, 631 § 17.

SECT. 29 revised, 1986, 631 § 18.

**Chapter 55A. — Limited Public Financing of Campaigns for
Statewide Elective Office.**

Chapter 55B. — The State Ballot Law Commission.

SECT. 7 revised, 1985, 624.

Chapter 56. — Violations of Elections Laws.

SECT. 4 revised, 1985, 125 § 2.

SECT. 26, last sentence revised, 1985, 477 § 47.

**Chapter 57. — Congressional, Councilor and Senatorial
Districts, and Apportionment of Representatives.**

Chapter 58. — General Provisions relative to Taxation.

SECT. 8, second paragraph amended, 1986, 353.

SECT. 13, first paragraph amended, 1986, 599 § 18. (See 1986, 599 § 62.)

**Chapter 58A. — Appellate Tax Board
(former title, Board of Tax Appeals).**

SECT. 7, paragraph added, 1986, 385 § 2. (See 1986, 385 § 7.)

SECT. 8A, sentence added, 1986, 385 § 3. (See 1986, 385 § 7.)

SECT. 12D added, 1985, 532 (providing for uniform determination of appeals in cases before the appellate tax board).

SECT. 13 amended, 1985, 314 § 1. (See 1985, 314 § 10.)

Chapter 59. — Assessment of Local Taxes.

SECT. 2C added, 1985, 25.

SECT. 5, clause Third added, 1985, 489; clause Fourth revised, 1986, 557 § 68; clause Fifth A inserted, 1985, 727; clause Eleventh amended, 1986, 112; 557 § 68A; clause Seventeenth D inserted, 1986, 73 § 1; clause Forty-first, last paragraph revised, 1986, 73 § 2; clause Forty-first C inserted, 1986, 73 § 3; clause Forty-second amended, 1986, 361 § 1; clause Forty-third amended, 1986, 361 § 2; clause Forty-fourth, third paragraph, last sentence revised, 1986, 407. clause Fiftieth inserted, 1986, 200 § 1. (See 1986, 73 § 6.)

SECT. 5C, two paragraphs added, 1985, 382.

SECT. 5D, two paragraphs added, 1986, 138 § 1.

SECT. 5F, two paragraphs inserted after second paragraph, 1986, 138 § 2.

SECT. 21C, paragraph (i ½) inserted, 1986, 562 § 1; paragraph (l) revised, 1986, 562 § 2.

SECT. 23, sentence inserted after first sentence, 1985, 571 § 2; second paragraph, last sentence revised, 1986, 356.

SECT. 25, first sentence revised, 1985, 156; section revised, 1986, 357.

SECT. 38D, paragraph added, 1986, 385 § 4. (See 1986, 385 § 7.)

SECT. 38F-38G added, 1986, 385 § 5. (See 1986, 385 § 7.)

SECT. 49 repealed, 1985, 300 § 1. (See 1985, 300 § 6.)

SECT. 52B-52C added, 1986, 385 § 6. (See 1986, 385 § 7.)

SECT. 57A added, 1985, 598 § 1. (See 1985, 598 § 3.)

SECT. 59, third paragraph revised, 1985, 300 § 2. (See 1985, 300 § 6.)

SECT. 84 repealed, 1985, 300 § 3. (See 1985, 300 § 6.)

SECT. 94 revised, 1985, 300 § 4. (See 1985, 300 § 6.)

Chapter 59A. — Classification of Real Property

Chapter 60. — Collection of Local Taxes.

SECT. 15, paragraph added, 1985, 365; clause 2 revised, 1986, 297.

SECT. 29, first paragraph, sentence added, 1985, 86.

SECT. 77, third sentence revised, 1986, 557 § 69.

SECT. 77B, paragraph inserted after second paragraph, 1985, 803.

SECT. 79, third sentence amended, 1985, 89.

SECT. 80C added, 1986, 283 (relative to tax titles of low value land).

SECT. 106 revised, 1985, 598 § 2. (See 1985, 598 § 3.)

Chapter 60A. — Excise Tax on Registered Motor Vehicles in Lieu of Local Tax.

SECT. 1, seventh paragraph, last sentence revised, 1985, 35.

SECT. 2, twelfth sentence revised, 1985, 534;

Chapter 60B. — Excise on Boats, Ships and Vessels in Lieu of Local Property Tax.

SECT. 2 paragraph (f) amended, 1985, 526.

Chapter 61. — Classification and Taxation of Forest Lands and Forest Products (former title Taxation of Forest Products and Classification and Taxation of Forest Lands).

SECT. 3 amended, 1986, 557 § 70.

Chapter 61A. — Assessment and Taxation of Agricultural and Horticultural Land

New title inserted, 1986, 557 § 71.

SECT. 4, second paragraph, second sentence revised, 1985, 387 § 1.

SECT. 9 paragraph added, 1985, 387 § 2.

SECT. 14, three sentences inserted after third sentence, 1986, 330 § 1; sentence inserted after sixth sentence, 1986, 330 § 2.

Chapter 61B. — Classification and Taxation of Recreational Land

Chapter 62. — Taxation of Incomes.

SECT. 1, subsection (c) revised, 1985, 593 § 2. paragraph (m) added, 1986, 488 §23. (See 1985, 593 § 50; 1986, 488 § 74.)

SECT. 2 amended, 1985, 583; subsection (a), paragraph (1), subparagraph (E) stricken out, 1986, 488 § 24; paragraph (2), subparagraph (B) stricken out, 1986, 488 § 25; subparagraph (H) inserted, 1985, 593 § 3; subsection (b), paragraph (1), introductory clause revised, 1986, 488 §26; subsection (c), paragraphs (2) and (3) revised, 1986, 488 § 27; subsection (d), paragraph (4) stricken out, 1986, 488 § 28; subsection (g) inserted, 1985, 593 § 4. (See 1985, 593 § 50; 1986, 488 § 74.)

SECT. 3, Part B, paragraph (a), subparagraph (7) amended, 1986, 488 § 29; subparagraph (8) amended, 1986, 488 § 30; subparagraph (9) revised, 1985, 593 § 5; paragraph (b), subparagraphs (1) to (3) revised, 1985, 593 § 6; paragraph (b) revised, 1986, 488 § 31; paragraph (c) revised, 1986, 488 § 32. (See 1985, 593 § 50; 1986, 488 § 74.)

SECT. 5, paragraph (a) revised, 1985, 593 § 7; 1986, 488 § 33. (See 1985, 593 § 50; 1986, 488 § 74.)

SECT. 6D, first paragraph revised, 1986, 570 § 1. (See 1986, 570 § 3.)

SECT. 6F added, 1986, 488 § 34. (See 1986, 488 § 74.)

SECT. 8, subsection (b) amended, 1986, 488 § 35. (See 1986, 488 § 74.)

SECT. 10, subsection (c) amended, 1986, 448 § 36.

SECT. 12A amended, 1986, 488 § 37.

SECT. 13 amended, 1986, 488 § 38.

SECT. 17A added, 1986 § 39. (See 1986, 488 § 74.)

SECT. 25 revised, 1985, 593 § 8.

SECT. 30 revised, 1985, 593 § 16.

SECT. 63, paragraph (a), clause (1) revised, 1985, 593 § 9; paragraph (c) amended, 1985, 593 § 9A. (See 1985, 593 § 50.)

Chapter 62A. — Simplified Method of Computing Individual Income Taxes.

Chapter 62B. — Withholding of Taxes on Wages and Declaration of Estimated Income Tax

SECT. 4, paragraph (a) revised, 1985, 593 § 10.

SECT. 12A repealed, 1986, 488 § 40.

SECTS. 13-18 stricken out and sections 13, 14 and 15 inserted, 1985, 593 § 12. (See 1985, 593 § 50.)

Chapter 62C. — Administrative Provisions Relative to State Taxation.

SECT. 6 amended, 1985, 593 § 12; subsection (a), first three paragraphs revised, 1986, 488 § 41; subsection (b) amended, 1986, 488 § 42. (See 1985, 593 § 50, 1986, 488 § 74.)

SECT. 11, paragraph (b) stricken out, 1985, 593 § 13. (See 1985, 593 § 50.)

SECT. 12, subsection (c) amended, 1986, 488 § 43.

SECT. 16, subsection (g) revised, 1986, 423 § 1; subsection (j) stricken out and subsections (j) and (k) inserted, 1985, 145 § 1. (See 1985, 145 § 9.)

SECT. 17, paragraph (a), first sentence revised, 1985, 711 § 1.

SECT. 19, second paragraph revised, 1985, 593 § 14. (See 1985, 593 § 47.)

SECT. 25 first sentence revised, 1985, 145 § 2. (See 1985, 145 § 9.)

SECT. 26 amended, 1985, 593 § 15; paragraph (b), paragraph added, 1986, 488 § 44.

SECT. 27, sentence added, 1985, 281.

SECT. 30 revised, 1985, 593 § 16.

SECT. 31A added, 1985, 593 § 17. (See 1985, 593 § 48.)

SECT. 33, subsection (d), second sentence revised, 1985, 593 § 18.

SECT. 36, paragraph added, 1985, 453 § 1. (See 1985, 453 § 2.)

SECT. 36A added, 1986, 488 § 45.

SECT. 37A added, 1985, 593 § 19. (See 1985, 593 § 50.)

SECT. 38 revised, 1985, 593 § 20.

SECT. 40, amended, 1986, 488 § 46; section amended, 1986, 615 § 1; sentence added, 1986, 615 § 2.

SECT. 43 revised, 1986, 488 § 47. (See 1986, 488 § 73.)

SECT. 44, paragraph (a), sentence added, 1986, 238.

SECT. 45A, paragraph added, 1985, 593 § 21. (See 1985, 593 § 49.)

SECT. 49A amended, 1985, 593 § 22; 1986, 557 § 72.

SECT. 53, subsection (a) amended, 1986, 488 § 48; subsection (d) added, 1986, 488 § 49. (See 1986, 488 § 73.)

SECT. 55A added, 1986, 488 § 50. (See 1986, 488 § 73.)

SECT. 58, subsection (b), paragraph (1) amended, 1986, 488 § 51. (See 1986, 488 § 73.)

SECT. 65, revised, 1986, 488 § 52; 488 § 53. (See 1986, 488 § 73; 488 § 74.)

SECT. 66, first paragraph revised, 1985, 145 § 3. (See 1985, 145 § 9.)

SECT. 67, first paragraph revised, 1985, 145 § 4; paragraph inserted after third paragraph, 1986, 488 § 54; tenth paragraph revised, 1986, 488 § 55. (See 1985, 145 § 9.)

SECT. 68, first paragraph revised, 1986, 488 § 56.

SECT. 69 amended, 1985, 300 § 5. (See 1985, 300 § 6.)

SECT. 78 repealed, 1986, 488 § 57.

Chapter 62D. — SET-OFF DEBT COLLECTION.

SECT. 1 revised, 1986, 310 § 5. (See 1986, 310 § 35.)

SECT. 3 revised, 1986, 310 § 6. (See 1986, 310 § 35.)

SECT. 4 amended, 1986, 310 § 6A. (See 1986, 310 § 35.)

SECT. 5 amended, 1986, 310 § 6B. (See 1986, 310 § 35.)

SECT. 8, sentence added, 1986, 310 § 7. (See 1986, 310 § 35.)

SECTS. 9-10 stricken out and sections 9, 10 and 10A added, 1986, 310 § 8. (See 1986, 310 § 35.)

Chapter 62E.—WAGE REPORTING SYSTEM.

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Chapter 62F.

New chapter inserted, 1986, 555 § 2.

Chapter 63. — Taxation of Corporations.

SECT. 18, first paragraph amended, 1986, 488 § 58; third paragraph amended, 1986, 488 § 59.

SECT. 30, clause (b), paragraph (5), second sentence revised, 1985, 593 § 23.

SECT. 32D added, 1986, 488 § 60. (See 1986, 488 § 74.)

SECT. 38K added, 1985, 188 § 10; repealed, 1985, 188 § 10A. (See 1985, 188 § 30.)

SECT. 68A amended, 1986, 557 § 73.

Chapter 63A. — Taxation of Certain Corporations, Associations and Organizations Engaged in the Sale of Alcoholic Beverages.

Chapter 63B. — Declaration of Estimated Tax by Corporations.

Chapter 63C. — Taxation of Income of Certain Corporations.

Chapter repealed, 1985, 593 § 24.

Chapter 64. — Taxation of Stock Transfers.

**Chapter 64A. — Taxation of Sales of Gasoline (former title,
Taxation of Sales of Gasoline and Certain other Motor
Vehicle Fuel).**

SECT. 4 amended, 1986, 557 § 74.

SECT. 8A, sentence added, 1985, 145 § 5. (See 1985, 145 § 9.)

**Chapter 64B. — Excise upon Charges for Meals served to the
Public.**

Chapter 64C. — Cigarette Excise.

SECT. 1, first paragraph amended, 1986, 557 § 75; paragraph added, 1985, 593 § 25. (See 1985, 593 § 50.)

SECT. 6 amended, 1985, 593 § 26; paragraph added, 1985, 593 § 27. (See 1985, 593 § 50.)

SECT. 28 revised, 1985, 593 § 28. (See 1985, 593 § 50.)

Chapter 64D. — Excise on Deeds, Instruments and Writings.

SECT. 3, third paragraph, two sentences added, 1986, 668.

**Chapter 64E. — Taxation of Special Fuels Used in the Propulsion
of Motor Vehicles.**

**Chapter 64F. — Taxation of Fuel and Special Fuels Acquired
Outside and Used within the Commonwealth.**

Chapter 64G. — Room Occupancy Excise.

SECT. 3A added, 1985, 145 § 6; last sentence stricken out and two sentences inserted, 1986, 423 § 2. (See 1985, 145 § 9.)

**Chapter 64H. — Tax on Retail Sales of
Certain Tangible Personal Property.**

SECT. 1 paragraph (14), clause (c), subclause (ii) revised, 1986, 488 § 61.

SECT. 3 amended, 1985, 593 § 29.

SECT. 4 revised, 1986, 557 § 76.

SECT. 6 amended, 1985, 593 § 30; paragraph (h) amended, 1986, 488 § 62; paragraph (hh) stricken out, 1985, 708 § 2; paragraph (kk) added, 1986, 488 § 63. (See 1985, 708 § 3; 1986, 488 § 74.)

**Chapter 64I. — Tax on Storage, Use or Other Consumption of
Certain Tangible Personal Property.**

SECT. 27, first sentence stricken out and two sentences inserted, 1985, 593 § 31.

Chapter 64J. — TAXATION OF FUELS USED IN THE PROPULSION OF AIRCRAFT.

New chapter inserted, 1985, 145 § 7. (See 1985, 145 § 9.)

SECT. 3, last paragraph last sentence revised, 1986, 557 § 77.

SECT. 13, last sentence revised, 1986, 423, § 3.

Chapter 65. — Taxation of Legacies and Successions.

SECT. 13 revised, 1985, 711 § 2.

SECT. 27 amended, 1985, 593 § 32.

SECT. 32 amended, 1985, 593 § 33.

Chapter 65A. — Taxation of Transfers of Certain Estates.

SECT. 2 amended, 1985, 593 § 34.

SECT. 5 revised, 1985, 711 § 3.

SECT. 5A revised, 1985, 711 § 4.

Chapter 65B. — Settlement of Disputes respecting the Domicile of Decedents for Death Tax Purposes.

Chapter 65C. — Massachusetts Estate Tax.

SECT. 1, paragraph (d) revised, 1985, 711 § 5; paragraph (f) revised, 1985, 711 § 6.

SECT. 2, subsection (a) amended, 1985, 711 § 7; 711 § 7A; subsection (b) revised, 1985, 711 § 8.

SECT. 3, subsection (a) revised, 1985, 711 § 9; subsection (b), sentence added, 1985, 711 § 10; subsection (c) stricken out and subsections (c) and (d) added, 1985, 711 § 11.

SECT. 3A, added, 1985, 711 § 12.

SECT. 4, subsection (b) revised, 1985, 711 § 13.

SECT. 5 revised, 1985, 711 § 14.

SECT. 14, subsection (b) revised, 1985, 711 § 15; paragraph (f) added, 1985, 711 § 16.

Chapter 66. — Public Records.

SECT. 17D revised, 1985, 77.

Chapter 66A. — Fair Information Practices.

Chapter 67. — Parishes and Religious Societies.

Chapter 68. — Donations and Conveyances for Pious and Charitable Uses.

SECTS. 18-33 revised, 1985, 790 § 1. (See 1985, 790 § 2.)

Chapter 68A. — Limitations Upon the Conduct of Certain Trusts and Corporations Having Charitable Interests.

**Chapter 69. — Powers and Duties of
the Department of Education.**

SECT. 7D, first paragraph, last sentence revised, 1986, 557 § 78.

**Chapter 70. — School Funds and State Aid for Public Schools
(former title, School Funds and Other State Aid
for Public Schools).**

SECT. 6 revised, 1985, 188 § 11. (See 1985, 188 § 30.)

Chapter 70A.

New chapter inserted, 1985, 188 § 12. (See 1985, 188 § 30.)

Title added, 1986, 557 § 79.

Chapter 71. — Public Schools.

SECT. 1A revised, 1985, 690 § 1.

SECT. 16, clause (j) revised, 1985, 523 § 1; clause (r) added, 1985, 732.

SECT. 30A repealed, 1986, 195.

SECT. 37E amended, 1985, 523 § 2.

SECT. 37F revised, 1985, 523 § 3.

SECT. 38, second and third paragraphs revised, 1985, 577; third paragraph amended, 1986, 118. four paragraphs added, 1985, 188 § 14. (See 1985, 188 § 30.)

SECT. 38G, paragraph added, 1985, 188 § 15. (See 1985, 188 § 30.)

SECT. 40, first sentence stricken out and one sentence inserted, 1985, 188 § 16; sentence added, 1986, 355 § 2. (See 1985, 188 § 30.)

SECT. 41A, paragraph added, 1985, 493; section amended, 1985, 504.

SECT. 42 revised, 1985, 188 § 18. (See 1985, 188 § 30.)

SECT. 42A amended, 1985, 188 § 19. (See 1985, 188 § 30.)

SECT. 55A, second paragraph revised, 1985, 111.

SECT. 63, last paragraph stricken out, 1985, 381.

SECT. 71D revised, 1985, 631 § 2.

Chapter 71A. — Transitional Bilingual Education.

Chapter 71B. — Children With Special Needs.

SECT. 1 amended, 1986, 599 § 19. (See 1986, 599 § 62.)

SECT. 2, first paragraph amended, 1986, 599 § 20; second paragraph amended, 1986, 599 § 21. (See 1986, 599 § 62.)

SECT. 3 amended, 1986, 599 § 22. (See 1986, 599 § 62.)

SECT. 9 amended, 1986, 599 § 23. (See 1986, 599 § 62.)

SECT. 10 amended, 1986, 599 § 24. (See 1986, 599 § 62.)

SECT. 12 amended, 1986, 599 § 25. (See 1986, 599 § 62.)

SECT. 12B amended, 1986, 599 § 26. (See 1986, 599 § 62.)

SECT. 13 repealed, 1986, 599 § 27. (See 1986, 599 § 62.)

Chapter 72. — School Registers and Returns.

SECT. 3, first sentence revised, 1985, 505 § 1.

SECT. 6 revised, 1985, 505 § 2.

Chapter 73. — State Colleges and Community Colleges (former title, State Teachers Colleges and Community Colleges).**Chapter 74. — Vocational Education.**

SECT. 22E, sentence inserted after first sentence, 1985, 491.

Chapter 75. — University of Massachusetts (former title, Massachusetts State College).**Chapter 75A. — University of Lowell (former title, Lowell Technological Institute of Massachusetts).****Chapter 75B. — Southeastern Massachusetts University (former title, South Eastern Massachusetts University) (former title, Southeastern Massachusetts Technological Institute).****Chapter 75C. — Private Correspondence Schools.****Chapter 75D. — Private Business Schools.****Chapter 76. — School Attendance.**

SECT. 1A added, 1985, 551.

SECT. 15C added, 1985, 73 § 1; amended, 1986, 557 § 80. (See 1985, 73 § 2.)

Chapter 77. — School Offenders and County Training Schools.**Chapter 78. — Libraries.**

SECT. 14, fourth paragraph, third sentence stricken out and two sentences inserted, 1986, 217 § 11. (See 1986, 217 § 21.)

SECT. 19F added, 1985, 506.

Chapter 79. — Eminent Domain.**Chapter 79A. — Relocation Assistance.****Chapter 80. — Betterments.****Chapter 80A. — Eminent Domain Takings and Betterment Assessments by Judicial Proceedings.****Chapter 81. — State Highways.**

SECT. 22 revised, 1985, 44.

SECT. 29A, first paragraph revised, 1985, 811 § 33.

Chapter 82. — The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.

SECT. 24 amended, 1986, 176 § 1.

SECTS. 26-27 repealed, 1985, 276.

SECT. 40, last paragraph revised, 1985, 777 § 1.

Chapter 83. — Sewers, Drains and Sidewalks.

SECT. 10, second sentence revised, 1985, 289.

SECT. 16C amended, 1986, 557 § 81.

Chapter 84. — Repair of Ways and Bridges.

Chapter 85. — Regulations and By-Laws relative to Ways and Bridges.

SECT. 2 amended, 1986, 689 § 1; sixth sentence stricken out, five sentences inserted, 1986, 689 § 2.

SECT. 14B revised, 1986, 125.

SECT. 30A, paragraph inserted after second paragraph, 1985, 771 § 1.

Chapter 86. — Boundaries of Highways and Other Public Places, and Encroachments Thereon.

SECT. 1 revised, 1985, 367.

Chapter 87. — Shade Trees.

Chapter 88. — Ferries, Canals and Public Landings.

Chapter 89. — Law of the Road.

SECT. 2, first paragraph amended, 1986, 232 § 1.

SECT. 4A, last sentence revised, 1986, 296.

SECT. 8, first paragraph last sentence revised, 1986, 689 § 3; second paragraph amended, 1986, 232 § 2; second paragraph revised, 1986, 689 § 4.

SECT. 9, first paragraph revised, 1986, 689 § 5; second paragraph revised, 1986, 689 § 6; paragraph inserted after fourth paragraph, 1986, 301.

Chapter 90. — Motor Vehicles and Aircraft.

SECT. 1, definition of "Occupant crash protection device" inserted, 1985, 416 § 1 (act submitted upon referendum after passage and repealed by the people at state election on November 4, 1986. This action revived section as most recently amended by 1986, 190 § 2); definition of "Routes of reasonable access" revised, 1986, 190 § 1; definition of "Specific business locations" inserted, 1986, 190 § 2; definition of "Terminal" revised, 1986, 190 § 1; definition of "Trailer" revised, 1985, 465. (See 1985, 416 § 9.)

SECT. 1A, paragraph inserted after second paragraph, 1986, 250 § 1. (See 1986, 250 § 3.)

SECT. 2, sixth paragraph, third sentence stricken out, 1985, 632 § 6; sentence inserted after fourth sentence, 1985, 778 § 1; paragraph inserted after sixth paragraph, 1985, 632 § 7; seventh paragraph revised, 1986, 308; paragraph added, 1986, 683 § 1.

SECT. 7A, first paragraph, first sentence revised, 1985, 139; second paragraph revised, 1985, 416 § 2 (Act submitted upon referendum after passage and repealed by the people at state election on November 4, 1986. This action revived section as most recently amended by 1986, 586); fourth paragraph revised, 1986, 586. (See 1985, 416 § 9.)

SECT. 7B amended, 1985, 136; clause (7) revised, 1986, 456; clause (12) revised, 1986, 245; clause (15) revised, 1986, 246; clause (17) added, 1986, 250 § 2; two paragraphs added, 1986, 364. (See 1986, 250 § 3.)

SECT. 7D revised, 1986, 683 § 2.

SECT. 7E, second paragraph amended, 1985, 539 § 1; third paragraph amended, 1985, 539 § 2.

SECT. 7N ½, subsection (3) revised, 1985, 702 § 1; subsection (5), fourth paragraph revised, 1985, 702 § 2; subsection (6) stricken out and subsections (6), (6A), (7) and (8) inserted, 1985, 702 § 3.

SECT. 7P revised, 1985, 461.

SECT. 7BB added, 1985, 416 § 3. second paragraph, clause (10) inserted, 1986, 511 (Act submitted upon referendum after passage and repealed by the people at state election on November 4, 1986. This action revived section as inserted by 1985, 416 § 3);

SECT. 8, paragraph inserted after fourth paragraph, 1986, 629 § 1; fifth paragraph revised, 1985, 195.

SECT. 8A½ added, 1986, 683 § 3.

SECT. 8B, first paragraph, sentence inserted after fourth sentence 1986, 710 § 3.

SECT. 9D revised, 1985, 411.

SECT. 10, first paragraph revised, 1985, 146.

SECT. 14, fifth sentence stricken out and two sentences inserted, 1986 248.

SECT. 17, second sentence revised, 1986, 689 § 7.

SECT. 18 amended, 1986, 608 § 18; first sentence revised, 1986, 689 § 8; last paragraph revised, 1986, 689 § 9.

SECT. 19, third paragraph, sixth sentence revised, 1985, 141. revised, 1986, 521;

SECT. 19A, third paragraph revised, 1985, 771 § 2; section revised, 1986, 557 § 82.

SECT. 19G, second paragraph revised, 1986, 190 § 3.

SECT. 20, first paragraph, second sentence revised, 1985, 385. section revised, 1986, 557 § 83.

SECT. 20E revised, 1985, 696 § 1.

SECT. 21 revised, 1985, 794 § 1. (See 1985, 794 § 14.)

SECT. 22, paragraph (c) revised, 1985, 391; paragraph (e) added, 1986, 629 § 2.

SECT. 23, second paragraph revised, 1986, 620 § 3; last paragraph, sentence added, 1986, 620 § 4.

SECT. 24, subdivision (1), paragraph (a), subparagraph (1), third paragraph amended, 1986, 620 § 5; 620 § 6; 677 § 1; fourth and fifth paragraphs stricken out and three paragraphs inserted, 1986, 620 § 7; subparagraph (3) amended, 1986, 620 § 8; subparagraph (4), first paragraph sentence added, 1986, 620 § 9; two sentences added, 1986, 620 § 9A; paragraph (c), subparagraph (3) amended, 1986, 620 § 10; subparagraph (3 ½) added, 1986, 620 § 10A; paragraph (e), sentence inserted after second sentence, 1986, 620 § 11; paragraph (f) amended, 1986, 620 § 12; subdivision (4) added, 1986, 620 § 13.

SECT. 24D amended, 1986, 620 § 14.

SECT. 24G, subsection (a) amended, 1986, 620 § 15; subsection (c) added, 1986, 620 § 16.

SECT. 24J, second paragraph revised, 1985, 223 § 14.

SECTS. 24K-24O added, 1986, 620 § 17.

SECT. 24M, subparagraph (2) amended, 1986, 677 § 2.

SECT. 24N, second paragraph amended, 1986, 677 § 3.

SECT. 26, first sentence revised, 1985, 168.

SECT. 29, third, fourth and fifth sentences revised, 1985, 768.

SECT. 30A revised, 1985 390.

SECT. 31A, last sentence revised, 1986, 80.

SECT. 33, paragraph inserted after penultimate paragraph, 1985, 778 § 2; 1986, 251 § 6.

SECT. 34, clause (2), clauses (i), (j) and (k) stricken out, 1985, 811 § 34; paragraph added, 1986, 710 § 4. (See 1985, 811 § 44.)

SECT. 34J, first sentence revised, 1985, 806 § 1.

SECT. 34P added, 1985, 806 § 2.

SECT. 39B, paragraph added, 1985, 30.

SECT. 51G, second sentence stricken out, 1985, 17.

Chapter 90A. — The Highway Safety Act.

Chapter 90B. — Motorboats and Other Vessels.

SECT. 1, definitions of "Director" and "Division" stricken out and definitions of "Commissioner", "Department", "Director" and "Division" inserted, 1985, 231 § 21; definition of "Jet skis" inserted, 1985, 498 § 1; definition of "Surf jet" inserted, 1985, 498 § 2; definition of "Wetbike" inserted, 1985, 498 § 3. (See 1985, 231 § 65.)

SECT. 4A amended, 1985, 231 § 22. (See 1985, 231 § 65.)

SECT. 11, clause (j) revised, 1985, 498 § 4; 1986, 332.

SECT. 12, first sentence revised, 1985, 231 § 23. (See 1985, 231 § 65.)

SECT. 20, definition of "Law enforcement officer" revised, 1985, 231 § 24. (See 1985, 231 § 65.)

SECT. 30 amended, 1985, 231 § 25. (See 1985, 231 § 65.)

SECT. 32, first sentence revised, 1985, 231 § 26. (See 1985, 231 § 65.)

Chapter 90C. — Procedure against Violators of Motor Vehicle Laws.

SECT. 1, amended, 1986, 599 § 28; definition of “Automobile law violation”, two sentences added, 1985, 794 § 2; definition of “Audit Sheet” revised, 1986, 557 § 84. (See 1985, 794 § 14; 1986, 599 § 62.)

SECTS. 2-4 revised, 1985, 794 § 3. (See 1985, 794 § 14.)

SECT. 2, third paragraph, sentence added, 1986, 620 § 18; fifth paragraph, sentence added, 1986, 620 § 19.

SECT. 3 revised, 1986, 35 § 1; subsection (A), second paragraph, first sentence revised, 1986, 712 § 1; paragraph inserted after third paragraph, 1986, 712 § 2.

SECT. 7 revised, 1985, 794 § 4. (See 1985, 794 § 14.)

Chapter 90D. — Motor Vehicle Certificate of Title.

SECT. 24 revised, 1986, 582.

Chapter 90E. — Bikeways.

SECT. 2, fourth paragraph revised, 1986, 707 § 2.

Chapter 91. — Waterways.

SECT. 1, definition of “Substantial change in use” inserted, 1986, 348 § 1.

SECT. 10D added, 1986, 541 (relative to tidelands).

SECT. 15 revised, 1986, 348 § 2.

SECT. 18, first paragraph stricken out and three paragraphs inserted, 1986, 348 § 3; last paragraph revised, 1986, 348 § 4.

SECT. 22, second sentence revised, 1986, 348 § 5.

**Chapter 91A. — Port of Boston Commission
(formerly entitled Port of Boston Authority)**

**Chapter 92. — Metropolitan Sewers,
Water and Parks.**

SECTS. 57-59 repealed, 1985, 200 § 5. (See 1985, 200 § 24.)

SECT. 104 amended, 1986, 557 § 85.

SECT. 114, third sentence revised, 1985, 734.

**Chapter 92A. — Massachusetts Public
Building Commission.**

**Chapter 93. — Regulation of Trade and
Certain Enterprises.**

SECT. 1 amended, 1986, 557 § 86.

SECT. 2 amended, 1986, 557 § 87.

SECT. 8 amended, 1986, 557 § 88.

SECT. 18B added, 1985, 634.

SECT. 52A added, 1986, 310 § 9 (relative to child support). (See 1986, 310 § 35.)

SECT. 70, first paragraph amended, 1986, 557 § 88A; second paragraph revised, 1985, 297.

SECT. 71, definition of "Audiologist" stricken out and two definitions inserted, 1986, 109 § 1; definition of "Hearing test evaluation" stricken out, 1986, 109 § 2.

SECT. 72 revised, 1986, 109 § 3.

SECT. 73 revised, 1986, 109 § 4.

SECT. 74, first paragraph amended, 1986, 557 § 89; last sentence stricken out and four sentences inserted, 1986, 109 § 5; second paragraph revised, 1986, 109 § 6; fourth paragraph amended, 1986, 109 § 7.

SECT. 77 added, 1985, 279; section repealed, 1986, 419 § 1.

SECTS. 78-88 added, 1985, 607 § 1. (See 1985, 607 §§ 2-3.)

SECT. 79, first paragraph revised, 1986, 468 § 1.

SECT. 80, first and second paragraphs revised, 1986, 468 § 2.

SECT. 82, second paragraph, last sentence revised, 1986, 468 § 3.

SECT. 89 added, 1986, 237 (prohibiting two-way mirrors and electronic dressing rooms of retail clothing stores).

SECTS. 90-93 added, 1986, 419 § 2.

Chapter 93A. — Regulation of Business Practices for Consumers Protection.

SECT. 4, first paragraph, sentence added, 1985, 468.

SECT. 9, paragraph (5) stricken out, 1986, 557 § 90.

SECT. 11, first paragraph amended, 1985, 278 § 1; 1986, 363 § 1; second paragraph amended, 1985, 278 § 2; 1986, 363 § 2; seventh paragraph, first sentence stricken out, 1986, 363 § 3; last paragraph revised, 1986, 363 § 4. paragraph inserted after seventh paragraph, 1985, 278 § 3.

SECT. 13 amended, 1986, 557 § 92.

SECT. 14 amended, 1986, 557 § 93.

Chapter 93B. — Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers.

SECT. 5C, paragraph added, 1985, 689 § 1.

SECT. 12A, paragraph added, 1985, 689 § 1.

Chapter 93C. — Protection of Consumers Against Careless and Erroneous Billings.

Chapter 93D. — Control of Outdoor Advertising Adjacent to the Interstate and Primary Systems.

Chapter 93E. — Regulation of Dealers' Agreements for the Sale of Gasoline.

Chapter 93F. — Regulating Certain Business Practices Between Motion Picture Distributors and Exhibitors

**Chapter 94. — Inspection and Sale of Food,
Drugs and Various Articles.**

SECT. 48B revised, 1985, 91.

SECT. 181 amended, 1986, 634 § 2.

SECTS. 184B-184E, four sections inserted, 1986, 634 § 3.

SECT. 192A added, 1986, 249 (relative to pregnancy test kits).

SECT. 295CC added, 1985, 664.

Chapter 94A. — Milk Control.

SECT. 13 amended, 1986, 557 § 92.

SECT. 14 amended, 1986, 557 § 93.

Chapter 94B. — Hazardous Substances.

Chapter 94C. — Controlled Substances Act.

SECT. 1, definition of “Nuclear pharmacy” added, 1986, 97 § 1; definition of “Radiopharmaceutical drug” added, 1986, 97 § 2.

SECT. 7, paragraph (d), subparagraph 10 added, 1985, 654 § 2.

SECT. 9, subsection (b ½) inserted, 1985, 364; amended, 1986, 82 § 1; subsection (e) added, 1986, 82 § 2.

SECT. 20A added, 1986, 97 § 3 (relative to radiopharmaceutical drugs).

SECT. 24 revised, 1986, 434.

SECT. 29 revised, 1986, 434 § 2.

Chapter 95. — Measuring of Leather.

Chapter 96. — Measurement of Lumber.

Chapter 97. — Surveying of Land.

SECT. 3 revised, 1985, 621.

Chapter 98. — Weights and Measures.

SECT. 56D amended, 1986, 634 § 4.

**Chapter 99. — The Metric System of
Weights and Measures.**

Chapter 100. — Auctioneers.

Chapter revised, 1985, 618 § 1.

(See 1985, 618 § 3.)

**Chapter 101. — Transient Vendors,
Hawkers and Peddlers.**

**Chapter 102. — Shipping and Seamen,
Harbors and Harbor Masters.**

Chapter 103. — Pilots.

SECT. 18 revised, 1986, 557 § 94.

Chapter 104. — Agents, Consignees and Factors.

SECTS. 7-9 added, 1986, 649.

Chapter 104A. — Consignment of Fine Art.

Chapter 105. — Public Warehouses.

Chapter 105A. — SELF-STORAGE FACILITIES.

Chapter 106. — Uniform Commercial Code.

SECT. 8-202 amended, 1986, 557 § 95.

SECT. 8-306 amended, 1986, 557 § 96.

SECT. 8-313 revised, 1986, 557 § 97.

SECT. 8-321, subsection (2) revised, 1986, 557 § 97A.

SECT. 9-302 amended, 1986, 557 § 98.

SECT. 9-306, subsection (4), paragraph (d), subparagraph (ii) revised, 1986, 557 § 99.

SECT. 9-401 amended, 1986, 557 § 100.

SECT. 9-403 amended, 1986, 557 § 101.

SECT. 9-504 amended, 1986, 557 § 102.

Chapter 107. — Money and Registration, Issuance and Redemption of Bonds and other Securities, Facsimile Signatures (former title, Money and Negotiable Instruments)

Chapter 107A. — Assignments of Accounts Receivable.

Chapter 108. — Criminal Offences Relative to Bills of Lading (former title, Bills of Lading)

Chapter 108A. — Partnerships.

Chapter 109. — Limited Partnerships.

Chapter 110. — Labels, Trade Marks, Names and Registration thereof.

SECT. 5 revised, 1985, 337 § 1. (See 1985, 337 § 2.)

Chapter 110A. — Uniform Securities Act.

SECT. 407 amended, 1986, 557 § 103.

Chapter 110B. — Registration and Protection of Trademarks.

Chapter 110C. — Regulation of Take-over Bids in the Acquisition of Corporations.

Chapter 111. — Public Health.

SECT. 1, definition of "Health care provider" inserted, 1986, 351 § 5; definition of "Medical peer review committee" or "committee" inserted, 1986 351 § 6.

SECT. 4J amended, 1986, 599 § 29. (See 1986, 599 § 62.)

SECT. 5, first paragraph amended, 1986, 599 § 32. (See 1986, 599 § 62.)

SECT. 5L added, 1986, 531 § 1 (relative to Radiologic Technologists). (See 1986, 531 § 2.)

SECT. 20 revised, 1985, 326 § 1.

SECT. 21 revised, 1985, 326 § 2.

SECT. 22 revised, 1985, 326 § 3.

SECT. 31, first paragraph revised, 1985, 70.

SECT. 31A, second paragraph, sentence added, 1986, 158 § 1.

SECT. 45 amended, 1986, 599 § 29. (See 1986, 599 § 62.)

SECT. 51D added, 1985, 574 § 13. (See 1985, 574 § 24.)

SECT. 53B, first sentence stricken out and two sentences inserted, 1986 351 § 7; paragraph added, 1986, 351 § 8. (See 1986, 351 § 41.)

SECT. 67A revised, 1985, 557 § 1. (See 1985, 557 § 5.)

SECT. 67B repealed, 1985, 557 § 2. (See 1985, 557 § 5.)

SECT. 67C revised, 1985, 557 § 3. (See 1985, 557 § 5.)

SECT. 67D repealed, 1985, 557 § 4. (See 1985, 557 § 5.)

SECT. 70E amended, 1986, 107; first paragraph revised, 1986, 599 § 30; fifth paragraph amended, 1986, 107; sixth paragraph, clauses (g) and (h) stricken out and clauses (g), (h) and (i) inserted, 1985, 714 § 1. (See 1986, 599 § 62.)

SECT. 70F added, 1986, 241 (relative to HTLV-III tests).

SECT. 71, thirteenth paragraph amended, 1986, 599 § 31. (See 1986, 599 § 62.)

SECT. 72W added, 1986, 567 § 1 (relative to nurses aides).

SECT. 110A amended, 1985, 529 § 1; 529 § 2; first paragraph revised, 1986, 137 § 1. (See 1985, 529 § 3; 1986, 137 § 2.)

SECT. 125A, first paragraph revised, 1985, 613 § 2.

SECT. 127A amended, 1986, 162 § 2.

SECT. 142A revised, 1985, 335 § 1.

SECT. 142B, fifth paragraph revised, 1985, 335 § 2.

SECT. 143 paragraph added, 1985, 613 § 2A; first paragraph amended, 1985, 613 § 3.

SECT. 150B, first paragraph revised, 1986, 557 § 104.

SECT. 160A, paragraph added, 1985, 742.

SECT. 203 added, 1986, 351 § 9 (relative to medical malpractice). (See 1986, 351 § 41.)

SECT. 204 added, 1986, 351 § 9 (relative to medical malpractice). (See 1986, 351 § 41.)

Chapter 111A. — Drug Addiction Rehabilitation.

Chapter repealed, 1969, 889 § 23A.

Chapter 111B. — Alcoholism.**Chapter 111C. — Emergency Medical Care.**

SECT. 6 amended, 1986, 410, § 1.

SECT. 12 clause (3) revised, 1986, 410, § 2.

Chapter 111D. — Clinical Laboratories.

SECT. 1 revised, 1986, 324 § 1.

SECT. 2, amended, 1986, 557 § 104A; clause (9) added, 1986, 324 § 2.

SECT. 3 revised, 1986, 324 § 3.

SECT. 4 revised, 1986, 324 § 3.

SECT. 7, first paragraph amended, 1985, 76.

Chapter 111E. — DRUG REHABILITATION.

SECT. 5, first paragraph amended, 1986, 599 § 32. (See 1986, 599 § 62.)

SECT. 13A added, 1985, 791.

Chapter 111F.—HAZARDOUS SUBSTANCES DISCLOSURE BY EMPLOYERS.

SECT. 1, definition of "Municipal coordinator" revised, 1986, 43.

Chapter 111G. — EARLY CHILDHOOD INTERVENTION SERVICES

SECT. 3 amended, 1986, 599 § 33. (See 1986, 599 § 62.)

SECT. 6 revised, 1986, 599 § 34. (See 1986, 599 § 62.)

Chapter 112. — Registration of Certain Professions and Occupations.

SECT. 1 amended, 1986, 351 § 10. (See 1986, 351 § 41.)

SECT. 2, paragraph inserted after fourth paragraph, 1986, 673; fifth paragraph revised, 1986, 351 § 11; paragraph inserted after fifth paragraph, 1985, 475; 1986, 351 § 12. (See 1986, 351 § 41.)

SECT. 5 amended, 1985, 374; section revised, 1986, 351 § 13. (See 1986, 351 § 41.)

SECTS. 5A-5K added, 1986, 351 § 14 (relative to medical malpractice). (See 1986, 351 § 41.)

SECT. 9E, second paragraph amended, 1985, 107; revised, 1986, 557 § 105.

SECT. 12A amended, 1986, 231; 557 § 106.

SECT. 12D, second to sixth paragraphs, inclusive, stricken out and five paragraphs inserted, 1985, 582 § 1; second paragraph, sentence added, 1985, 797; paragraph inserted after sixth paragraph, 1986, 678. (See 1985, 582 § 2; 1986, 678 § 2.)

SECT. 12Y added, 1985, 298 § 1.

SECT. 12Z added, 1986, 110 (requiring the reporting of certain dog bites).

- SECTS. 23R-23BB added, 1986, 506 § 2 (relative to licensing respiratory practitioners). (See 1986, 506 § 3.)
- SECT. 39B added, 1986, 97 § 4 (relative to nuclear pharmacies).
- SECT. 40 amended, 1986, 97 § 5.
- SECT. 58A amended, 1986, 131.
- SECT. 60C, first paragraph fourth sentence revised, 1986, 642 § 3.
- SECT. 66 stricken out and sections 66-66A inserted, 1985, 654 § 3.
- SECT. 66A, second paragraph revised, 1986, 557 § 106A.
- SECT. 68A added, 1985, 654 § 4; second paragraph, paragraph (B) revised, 1986, 557 § 106B.
- SECT. 73M added, 1986, 429 (relative to magnifying glasses).
- SECTS. 87A-87E stricken out and nine sections inserted, 1985, 705 § 4. (See 1985, 705 § 5.)
- SECT. 87F amended, 1985, 719 § 3.
- SECT. 87T, caption revised, 1985, 719 § 4; definition of "Board" revised, 1985, 719 § 5; definition of "Cosmetologist" inserted, 1985, 719 § 6.
- SECT. 87AAA½ added, 1985, 728 § 10. (See 1985, 728 § 15.)
- SECT. 135 revised, 1985, 524; paragraph added, 1986, 188 § 1.
- SECTS. 148-162 added, 1985, 759 § 1.
- SECT. 148, amended, 1986, 557 § 107; definition of "Board" revised, 1986, 589 § 1.
- SECT. 149, first paragraph revised, 1986, 557 § 107A.
- SECT. 150, last paragraph revised, 1986, 589 § 2.
- SECT. 152, clause (d), subclause (1), revised, 1986, 557 § B; subclauses (3) and (4) revised, 1986, 557 § 107C.
- SECT. 154, first sentence revised, 1986, 589 § 3.
- SECT. 156 revised, 1986, 557 § 107D; 589 § 4.
- SECT. 157, revised, 1986, 557 § 107D.
- SECT. 158 clauses (d) and (e) revised, 1986; 557 § 107E; section revised, 1986, 589 § 5.
- SECT. 159 revised, 1986, 589 § 6.
- SECT. 160 revised, 1986, 557 § 107F.
- SECT. 162 revised, 1986, 557 § 107G; last sentence revised, 1986, 589 § 7.

Chapter 113. — Promotion of Anatomical Science.

- SECT. 7 revised, 1986, 360 § 1. (See 1986, 360 § 4.)
- SECT. 8 revised, 1986, 360 § 2. (See 1986, 360 § 4.)
- SECT. 10, subsection (b) revised, 1986, 360 § 3. (See 1986, 360 § 4.)

Chapter 114. — Cemeteries and Burials.

Chapter 115. — Veterans' Benefits (former title, State and Military Aid, Soldiers' Relief, etc.).

- SECT. 1, definition of "Reside" revised, 1986, 559.
- SECT. 2 amended, 1986, 557 § 108.
- SECT. 8 first sentence stricken out and two sentences inserted, 1985, 271.

Chapter 115A. — Soldiers' Homes.

Chapter 116. — Settlement.

Chapter 117. — Support by the Commonwealth (former title, Support by the Cities and Towns).

SECT. 2 amended, 1986, 557 § 109.

Chapter 118. — Aid to Families with Dependent Children (former title, Aid to Dependent Children).

Chapter 118A. — Assistance to the Aged and Disabled (former title, Old Age Assistance and Medical Assistance for the Aged).

Chapter 118B. — The Merit System in the Administration of Aid to Families with Dependent Children and Old Age Assistance.

Chapter 118C. — Coverage of Certain Employees under the Federal Social Security Act.

Chapter 118D. — Assistance to Persons who are Disabled.

Chapter 118E. — Medical Care and Assistance.

SECT. 1, two paragraphs added, 1986, 686.

SECT. 6, first paragraph, second sentence revised, 1986, 557 § 110.

SECT. 7, second paragraph amended, 1986, 599 § 35. (See 1986, 599 § 62.).

SECT. 10 amended, 1986, 557 § 111.

SECT. 21B amended, 1986, 557 § 112.

Chapter 119. — Protection and Care of Children, and Proceedings against Them.

SECT. 23, amended, 1986, 557 § 113; first paragraph amended, 1986, 599 § 36; paragraph added, 1986, 310 § 10. (See 1986, 310 § 35; 599 § 62.).

SECT. 28 revised, 1986, 310 § 10A. (See 1986, 310 § 35.)

SECT. 39E amended, 1986, 557 § 114.

SECT. 39I, paragraph added, 1985, 314 § 2. (See 1985, 314 § 10.)

SECT. 51A, first paragraph, first sentence revised, 1985, 209; first paragraph amended, 1986, 230 § 1; paragraph inserted after fourth paragraph, 1986, 230 § 2.

SECT. 51B, clause (1), second sentence stricken out and two sentences inserted, 1986, 478; clause (4), subclause (b) revised, 1985, 343. clauses (9) and (10) added, 1985, 776 § 2; paragraph (10) amended, 1986, 599 § 37. (See 1986, 599 § 62.)

SECT. 52 amended, 1986, 557 § 115.

SECT. 53B, clause (1), second sentence stricken and two sentences inserted 1986, 478.

- SECT. 55, first paragraph, sentence added, 1986, 96.
SECT. 58, fourth paragraph revised, 1986, 557 § 116.
SECT. 60 amended, 1986, 199.
SECT. 60A, paragraph added, 1985, 425.
SECT. 61 amended, 1985, 744.
SECT. 68, two paragraphs inserted after first paragraph, 1985, 334.
SECT. 74 revised, 1985, 794 § 5.

Chapter 119A. — CHILD SUPPORT ENFORCEMENT.

New chapter inserted, 1986, 310 § 10B. (See 1986, 310 § 10B.)

**Chapter 120. — Department of Youth Services and
Massachusetts Training Schools
(former title, Youth Service Board and
Massachusetts Training Schools).**

**Chapter 121. — Powers and Duties of the Department of
Public Welfare, and the Massachusetts Hospital School.**

Chapter 121A. — Urban Redevelopment Corporations.

Chapter 121B. — Housing and Urban Renewal.

SECT. 1, definition of "Urban Revitalization and Development Project" inserted, 1985, 748 § 18; definition of "Elderly persons of low income" revised, 1986, 584.

SECT. 26, clause (k), paragraph (5) revised, 1986, 557 § 117.

SECT. 32, clause (c), third sentence revised, 1986, 266.

SECT. 34, third paragraph stricken out and two paragraphs inserted, 1985, 570.

SECT. 39 amended, 1985, 748 § 19.

SECT. 43 revised, 1986, 671.

SECT. 53 revised, 1985, 748 § 20.

SECT. 54 revised, 1985, 748 § 21.

SECT. 57 amended, 1985, 748 § 22; clause (d) added, 1985, 748 § 22A.

**Chapter 121C. — Economic Development and
Industrial Corporations.**

SECT. 14 revised, 1986, 557 § 118.

**Chapter 122. — Tewksbury Hospital (former titles,
Tewksbury State Hospital and Infirmary and State Infirmary).**

**Chapter 123. — Treatment and Commitment of Mentally Ill
and Mentally Retarded Persons.**

SECT. 3, paragraph added, 1985, 796 § 2.

SECT. 3A added, 1985, 796 § 1.

SECT. 5 amended, 1985, 344 § 1.

SECT. 8B added, 1985, 344 § 2.

SECT. 9 revised, 1985, 344 § 3.

SECT. 15, paragraph (a) revised, 1985, 617 § 1; paragraph (b), second and third sentences revised, 1985, 617 § 2; paragraph (c) revised, 1985, 617 § 3; paragraph (f) revised, 1985, 617 § 4.

SECT. 18, paragraph (a) revised, 1985, 617 § 5.

SECT. 19 revised, 1985, 617 § 6.

SECT. 21, fourth and fifth paragraphs stricken out and six paragraphs inserted, 1986, 529 § 1; eighth paragraph, first sentence revised, 1986, 529 § 2.

Chapter revised, 1986, 599 § 38. (See 1986, 599 § 62.)

SECT. 4, first paragraph amended, 1986, 648 § 1; two paragraphs inserted after first paragraph, 1986, 648 § 2.

**Chapter 123A. — Care, Treatment and Rehabilitation of
Sexually Dangerous Persons (former title,
Care, Treatment and Rehabilitation of
Sexual offenders and Victims of such Offenders).**

SECTS. 1-11 stricken out and twelve sections inserted, 1985, 752 § 1.

Chapter 123B. — MENTAL HEALTH.

New chapter inserted, 1986, 599 § 39. (See 1986, 599 § 62.)

Chapter 124. — Powers and Duties of the Department of Correction.

**Chapter 125. — Correctional Institutions of the Commonwealth
(former title, Penal and Reformatory Institutions
of the Commonwealth).**

**Chapter 126. — Jails, Houses of Correction and Reformation,
and County Industrial Farms.**

SECT. 7, sentence added, 1985, 799 § 2. (See 1985, 799 § 26.)

**Chapter 127. — Officers and Inmates of Penal and Reformatory
Institutions, Paroles and Pardons.**

SECT. 36B added, 1985, 236.

SECT. 48A, second paragraph, second sentence revised, 1985, 440; paragraph inserted after second paragraph, 1986, 404.

SECT. 49B amended, 1986, 599 § 40. (See 1986, 599 § 62.)

SECT. 87 revised, 1986, 518.

SECT. 97B added, 1985, 578.

SECT. 133 amended, 1986, 486.

SECT. 149 revised, 1986, 327.

SECT. 149A, two sentences inserted after second sentence, 1986, 347.

Chapter 128. — Agriculture.

SECT. 2, paragraph (g) amended, 1985, 580 § 7; paragraph added, 1985, 580 § 8; paragraph (i) added, 1986, 277 § 2; section revised, 1986, 557 § 119.

SECT. 103 amended, 1986, 557 § 120.

SECT. 105 amended, 1986, 557 § 121.

Chapter 128A. — Horse and Dog Racing Meetings.

SECT. 5, third paragraph, first sentence revised, 1985, 580 § 9.

SECT. 9, paragraph inserted after second paragraph, 1986, 277 § 3.

SECT. 14D added, 1985, 353.

**Chapter 128B. — Conservation of Soil and Soil Resources
and Prevention and Control of Erosion.****Chapter 129. — Livestock Disease Control
(former title, Animal Industry).**

SECT. 9 revised, 1985, 328.

**Chapter 129A. — Marine Fish and Fisheries, Inland Fish and
Fisheries, Birds and Mammals, General Provisions.****Chapter 130. — Marine Fish and Fisheries (former title, Marine
Fish and Fisheries, including Crustacea and Shellfish).**

SECT. 1, definition of "Commissioner" revised, 1985, 231 § 27; definition of "Department" revised, 1985, 231 § 27A. (See 1985, 231 § 65.)

SECT. 2 amended, 1986, 328.

SECT. 8A revised, 1985, 231 § 28. (See 1985, 231 § 65.)

SECT. 9 amended, 1985, 231 § 29. (See 1985, 231 § 65.)

SECT. 13 amended, 1985, 231 § 30. (See 1985, 231 § 65.)

SECT. 15A amended, 1985, 231 § 31. (See 1985, 231 § 65.)

SECT. 38, first paragraph, second sentence revised, 1985, 47.

SECT. 39 amended, 1985, 231 § 32. (See 1985, 231 § 65.)

SECT. 57, paragraph inserted after first paragraph, 1985, 339.

SECT. 58 amended, 1986, 692.

SECT. 76 amended, 1985, 231 § 33. (See 1985, 231 § 65.)

SECT. 80, second paragraph revised, 1985, 132.

SECT. 105 revised, 1986, 565 § 1.

**Chapter 131. — Inland Fisheries and Game and Other
Natural Resources (former title, Powers and Duties of
the Division of Fisheries and Game).**

SECT. 1, definition of "Department" amended, 1985, 231 § 34; 231 § 34A; definition of "Deputy" amended, 1985, 231 § 34B; definition of "Environmental police officer" inserted, 1985, 231 § 34D. definition of "Natural resource officer" stricken out, 1985, 231 § 34C; (See 1985, 231 § 65.)

- SECT. 4, clause (14) amended, 1985, 231 § 35. (See 1985, 231 § 65.)
- SECT. 6, clauses (1) and (2) revised, 1985, 770 § 2.
- SECT. 12 amended, 1985, 231 § 36. (See 1985, 231 § 65.)
- SECT. 14 amended, 1985, 231 § 37. (See 1985, 231 § 65.)
- SECT. 17 revised, 1985, 630 § 1.
- SECT. 20 amended, 1985, 231 § 38; 1986, 557 § 122; 557 § 122A. (See 1985, 231 § 65.)
- SECT. 25 amended, 1985, 231 § 39. (See 1985, 231 § 65.)
- SECT. 26A amended, 1985, 231 § 40. (See 1985, 231 § 65.)
- SECT. 27 amended, 1985, 231 § 41. (See 1985, 231 § 65.)
- SECT. 31, second paragraph, clause (1) revised, 1985, 253.
- SECT. 32 amended, 1985, 231 § 42. (See 1985, 231 § 65.)
- SECT. 33 revised, 1986, 159.
- SECT. 37 amended, 1985, 231 § 43. (See 1985, 231 § 65.)
- SECT. 40 amended, 1985, 231 § 44; twelfth and thirteenth paragraphs revised, 1986, 262 § 1. (See 1985, 231 § 65; 1986, 262 § 3.)
- SECT 40A amended, 1985, 231 § 45; section revised, 1986, 565 § 2. (See 1985, 231 § 65.)
- SECT. 45 amended, 1985, 231 § 46. (See 1985, 231 § 65.)
- SECT. 59 amended, 1985, 231 § 47. (See 1985, 231 § 65.)
- SECT. 63 amended, 1985, 231 § 48. (See 1985, 231 § 65.)
- SECT. 65, second paragraph revised, 1985, 329.
- SECT. 82 amended, 1985, 231 § 49. (See 1985, 231 § 65.)
- SECT. 85 revised, 1986, 160.
- SECT. 87 amended, 1985, 231 § 50. (See 1985, 231 § 65.)
- SECT. 88 amended, 1985, 231 § 51. (See 1985, 231 § 65.)
- SECT. 89 amended, 1985, 231 § 52. (See 1985, 231 § 65.)

Chapter 132. — Forestry.

- SECT. 1A revised, 1985, 765 § 3.
- SECT. 8 amended, 1985, 765 § 4.
- SECT. 11 amended, 1985, 765 § 5.
- SECT. 11A repealed, 1985, 765 § 7.
- SECT. 12A amended, 1985, 765 § 8.
- SECT. 13 revised, 1985, 765 § 9.
- SECT. 16 revised, 1985, 765 § 6; second paragraph revised, 1986, 557 § 122B.
- SECT. 17 repealed, 1985, 765 § 10.

Chapter 132A. — State Recreation Areas outside of the Metropolitan Parks District (former title, State Parks and Reservations outside of the Metropolitan Parks District).

- SECTS. 4-6 repealed, 1985, 200 § 6. (See 1985, 200 § 24.)

Chapter 132B. — Massachusetts Pesticide Control Act.

Chapter 133. — Disposition Of Old And Infirm Animals.

Chapter 134. — Lost Goods And Stray Beasts.**Chapter 135. — Unclaimed and Abandoned Property.****Chapter 136. — Observance of a Common Day of Rest and
Legal Holidays (former title, Observance of
the Lord's Day and Legal Holidays).**

SECT. 13, first paragraph revised, 1985, 451 § 2.

Chapter 137. — Gaming.**Chapter 138. — Alcoholic Liquors (old title, Intoxicating Liquors
and
Certain Non-Intoxicating Beverages).**

SECT. 2, sentence inserted after second sentence, 1986, 154.

SECT. 15A amended, 1985, 661.

SECT. 18, paragraph added, 1985, 600.

SECT. 19B, subsection (a) amended, 1986, 557 § 123.

SECT. 21 amended, 1986, 557 § 124.

SECT. 22, first paragraph revised, 1985, 389. paragraph added, 1985, 379.

SECT. 32, second sentence revised, 1986, 557 § 125.

SECT. 34B, second paragraph revised, 1986, 629 § 3; third paragraph amended, 1985, 340.

Chapter 139. — Common Nuisances.

SECT. 3B, first sentence revised, 1986, 477.

SECT. 16 revised, 1985, 421 § 1.

SECT. 16A revised, 1985, 421 § 2.

SECT. 19 revised, 1985, 421 § 3.

SECT. 20 revised, 1985, 421 § 4.

Chapter 140. — Licenses.

SECT. 12, first sentence revised, 1985, 348 § 1.

SECT. 32J, paragraph added, 1985, 554. revised, 1986, 557 § 126.

SECT. 32L, subsection 5 revised, 1985, 45 § 1; subsection 7 stricken out and subsections 7 and 7A inserted, 1986 317 § 2; subsection 10 stricken out 1986, 317 § 3.

SECT. 32P revised, 1985, 45 § 2.

SECT. 32R added, 1986, 317 § 4 (relative to mobile home residents).
(See 1986, 317 § 5.)

SECT. 46L amended, 1986, 264.

SECT. 54A revised, 1985, 663 § 1.

SECT. 59A revised, 1985, 663 § 2.

SECT. 100 amended, 1985, 368; second paragraph revised, 1985, 428 § 1.

SECT. 114B amended, 1986, 566 § 1.

SECT. 129D revised, 1986, 481 § 1. (See 1986, 481 § 4.)

SECT. 131 revised, 1986, 481 § 2.

SECT. 131F ½ added, 1985, 566.

SECT. 131H, third paragraph revised, 1985, 231 § 53. (See 1985, 231 § 65.º)

SECT. 131J added, 1986, 212 (relative to certain electrical weapons).

SECT. 136A, definition of "Live stock or fowl" amended, 1985, 231 § 54. (See 1985, 231 § 65.)

SECT. 147A added, 1985, 308; amended, 1986, 201 § 1.

SECT. 147B added, 1986, 201 § 2 (relative to the regulation of dogs).

SECT. 150, first sentence revised, 1985, 477 § 48.

SECT. 151A, first sentence revised, 1985, 394 § 1; second paragraph revised, 1986, 123; fourth paragraph, first sentence revised, 1985, 394 § 2.

SECT. 153 amended, 1985, 394 § 3; 394 § 4.

SECT. 157 amended, 1985, 455.

SECT. 161A amended, 1985, 231 § 55. (See 1985, 231 § 65.)

SECT. 183D revised, 1985, 427.

SECT. 198 revised, 1985, 71.

Chapter 140A. — Regulation of Certain Credit Transactions.

Chapter 140B. — Control of Certain Junkyards.

Chapter 140C. — Consumer Credit Cost Disclosure.

Chapter 140D. — CONSUMER CREDIT COST DISCLOSURE.

SECT. 1 amended, 1986, 557 § 127.

SECT. 4, subsection (a) amended, 1986, 557 § 128.

Chapter 140E. — CONSUMER ACCOUNT DISCLOSURE.

Chapter 141. — Supervision of Electricians.

SECT. 2A amended, 1986, 557 § 129.

Chapter 142. — Supervision of Plumbing.

SECT. 9 repealed, 1986, 557 § 130.

SECT. 13 revised, 1985, 627.

SECT. 16 amended, 1985, 338.

Chapter 143. — Inspection and Regulation of, and Licenses for, Buildings, Elevators and Cinematographs.

SECT. 3, second paragraph amended, 1986, 642 § 4.

SECTS. 62-66 stricken out and six sections inserted, 1985, 687 § 1. (See 1985, 687 § 8.)

SECT. 68 revised, 1985, 687 § 2. paragraph added, 1986, 638 § 1. (See 1985, 687 § 8; 1986, 638 § 3.)

SECT. 70, paragraph (a) amended, 1985, 687 § 3; paragraph (d) amended, 1985, 687 § 3. (See 1985, 687 § 8.)

SECT. 71B, last sentence revised, 1985, 687 § 5. (See 1985, 687 § 8.)

SECT. 71C, paragraph (1) revised, 1986, 703.

SECT. 71G revised, 1985, 743 § 1.

SECT. 71L amended, 1986, 557 § 132.

SECT. 75, fourth and fifth sentences stricken out and eight sentences inserted, 1985, 743 § 2.

Chapter 144. — Tenement Houses in Cities.

Chapter 145. — Tenement Houses in Town.

Chapter 146. — Inspection of Boilers, Air Tanks, etc., Licenses of Engineers, Firemen, and Operators of Hoisting Machinery.

SECT. 85, second paragraph, last sentence stricken out and seven sentences inserted, 1985, 743 § 3.

Chapter 147. — State and Other Police, and Certain Power and Duties of the Department of Public Safety.

SECT. 10B, first sentence revised, 1986, 599 § 41; last sentence revised, 1986, 599 § 42. (See 1986, 599 § 62.).

SECT. 10L amended, 1985, 662 § 1; amended, 1986, 557 § 133.

SECT. 10M added, 1985, 662 § 2.

SECT. 24, third sentence revised, 1985, 395.

SECT. 39, fourth sentence revised, 1985, 782.

SECT. 50A revised, 1985, 388.

Chapter 148. — Fire Prevention.

SECT. 5A, first sentence revised, 1985, 625 § 1.

SECT. 10D, first paragraph, last sentence stricken out and two sentences inserted, 1985, 743 § 4.

SECT. 20B, two sentences inserted after ninth sentence, 1985, 743 § 5.

SECT. 25B, first sentence revised, 1985, 625 § 2.

SECT. 25E added, 1985, 686 § 1. (See 1985, 686 § 2.)

SECT. 26A ½ added, 1986, 633 § 2.

SECT. 26G, first paragraph, first sentence revised, 1986, 284 § 1; second paragraph, sentence inserted after third sentence, 1986, 526. (See 1986, 284 § 2.)

SECT. 26H added, 1986, 265 (relative to automatic sprinklers in boarding houses).

SECT. 32, first two paragraphs revised, 1985, 138; 1986, 504; third paragraph revised, 1985, 322.

SECT. 56 amended, 1986, 608 § 19.

Chapter 149. — Labor and Industries.

SECTS. 6A, 6B, 6C, 6D, 6E, 6F added, 1986, 706 § 1. (See 1985, 587 § 2; see 1986, 706 § 3).

SECT. 19B revised, 1985, 587 § 1.

SECT. 26 amended, 1986, 665.

SECT. 29B revised, 1985, 228 § 2; 1986, 557 § 134. (See 1985, 228 § 4.)

SECT. 29C revised, 1985, 228 § 3; 1986, 557 § 135. (See 1985, 228 § 4.)

SECT. 30A amended, 1986, 599 § 43. (See 1986, 599 § 62.).

SECT. 30B amended, 1986, 599 § 44. (See 1986, 599 § 62.).

SECT. 30C amended, 1985, 231 § 56. (See 1985, 231 § 65.)

SECT. 44A, subsection 2 revised, 1985, 675.

SECT. 44D, paragraph (10) added, 1986, 706 § 2. (see 1986, 706 § 3).

SECT. 44F, subsection (2) paragraph E revised, 1986, 557 § 136; subsection (4) amended, 1986, 557 § 137.

SECT. 44H revised, 1985, 808; last sentence revised, 1986, 557 § 138.

SECT. 51B repealed, 1985, 572 § 6. (See 1985, 572 § 68.)

SECT. 52B added, 1985, 684 § 1. (See 1985, 684 § 2.)

SECT. 52C added, 1986, 509, (relative to personnel records).

SECT. 129C, last paragraph revised, 1985, 597.

Chapter 150. — Conciliation and Arbitration of Industrial Disputes.

SECT. 10A added, 1985, 357 § 1.

Chapter 150A. — Labor Relations.

SECT. 6, subsections (e)-(i) stricken out and subsections (e)-(f) inserted, 1985, 330 § 1.

Chapter 150B. — Peaceful Settlement of Industrial Disputes Dangerous to Public Health and Safety. Public Health and Safety.

Chapter 150C. — Collective Bargaining Agreements to Arbitrate.

Chapter 150D. — Registration of Labor Replacements of Strike Breakers.

Chapter 150E. — Labor Relations; Public Employees.

SECT. 6 amended, 1986, 412.

SECT. 7 amended, 1986, 222.

SECT. 9, second paragraph, sentence added, 1986, 451; paragraph added, 1985, 357 § 2. paragraph inserted after eighth paragraph, 1986, 198.

Chapter 151. — Minimum Fair Wages (former title, Minimum Fair Wages for Women and Minors).

SECT. 1, second sentence revised, 1985, 760 § 1; 760 § 2; 760 § 3. (See 1985, 760 § 4.)

Chapter 151A. — Employment Security (for title, Unemployment Compensation).

SECT. 1, subsection (y) added, 1985, 4 § 1A.

SECT. 6, subsection (x) added, 1986, 444.

SECT. 14, subsection (a), paragraph (2), first sentence stricken out and three sentences inserted, 1985, 4 § 2; subsection (b) revised, 1985, 4 § 3; subsection (e), paragraph (3) stricken out, 1985, 4 § 4; subsection (e), paragraphs (5) and (6) revised, 1985, 4 § 5; subsection (f) revised, 1985, 4 § 6; subsection (h), paragraph (2) revised, 1985, 4 § 7; subsection (i) revised, 1985, 4 § 8; subsection (j) revised, 1985, 4 § 9; subsection (n), paragraph 5, second sentence revised, 1985, 4 § 10. (See 1985, 4 § 29.)

SECT. 14A, subsection (a), amended, 1985, 4 § 11; second paragraph, paragraph (5) revised, 1985, 4 § 12.

SECT. 14C, subsection (1) added, 1985, 4 § 13.

SECT. 15, subsection (b) revised, 1985, 4 § 14; subsection (e), paragraph (6) revised, 1985, 4 § 15.

SECT. 15A added, 1985, 4 § 16.

SECT. 16 revised, 1985, 4 § 17.

SECT. 25, subsection (d), first sentence revised, 1985, 572 § 6A; two paragraphs added, 1986, 588 § 1; (See 1985, 572 § 68.)

SECT. 29, subsection (c), first sentence amended, 1986, 583 § 1; 1986, 583 § 2; subsection (d), paragraph (6) revised, 1985, 4 § 18.

SECT. 30, second paragraph revised, 1985, 4 § 19.

SECT. 30A, subsection (3), paragraph (c) revised, 1985, 4 § 20; subsection (6) revised, 1985, 4 § 21.

SECT. 35, first paragraph revised, 1985, 4 § 22.

SECT. 42 amended, 1985, 314 § 3. (See 1985, 314 § 10.)

SECT. 47 revised, 1985, 4 § 23.

SECT. 71A, definition of "Wages" added, 1986, 256 § 1; amended, 1986, 557 § 138A. (See 1986, 256 § 2.)

**Chapter 151B. — Unlawful Discrimination Because Of Race,
Color, Religious Creed, National Origin, Ancestry Or Sex
(former title, Unlawful Discrimination Against Race, Color,
Religious Creed, National Origin or Ancestry)**

SECT. 1, paragraph (18) added, 1986, 588 § 2.

SECT. 4, subsection 16A inserted, 1986, 588 § 3; subsection 17, clause (b) amended, 1985, 239.

SECT. 9, third paragraph, last sentence revised, 1986, 94 § 1.

Chapter 151C. — Fair Education Practices.

SECT. 1, paragraph (e) added, 1986, 588 § 4.

SECT. 2, subsection (g) added, 1986, 588 § 5.

SECT. 2B added, 1985, 375.

Chapter 151D. — Health, Welfare and Retirement Funds.

SECT. 1 amended, 1986, 557 § 139,

**Chapter 151E. — Prohibition of Certain Discrimination
by Business.**

Chapter 152. — Workmen's Compensation.

SECT. 1, paragraph (1A) revised, 1985 572 § 7; paragraph (2) revised, 1985, 572 § 8; paragraph (4), first paragraph revised, 1985, 572 § 9; paragraph (5), paragraph added, 1985, 572 § 10; paragraphs (6) and (7) revised, 1986, 662 § 5; paragraph (7A), sentence added, 1985, 572 § 11; revised, 1986, 662 § 6; paragraph (8) revised, 1985, 572 § 12; paragraphs (9), (10) and (11) added, 1985, 572 § 13 paragraphs (10) and (11) revised, 1986, 662 § 55; paragraph (12) added, 1985, 572 § 13A. (See 1985, 572 §§ 69; 1986, 662 § 55.)

SECT. 2 amended, 1985, 572 § 14. (See 1985, 572 § 69.)

SECT. 4 repealed, 1985, 572 § 15. (See 1985, 572 § 69.)

SECT. 5 revised, 1985, 572 § 16. (See 1985, 572 § 69.)

SECTS. 6-6B stricken out and sections 6, 6A and 6B inserted, 1985, 572 § 17. (See 1985, 572 § 70.)

SECT. 6, fourth paragraph amended, 1986, 662 § 8. (See 1986, 662 § 58.)

SECT. 7 revised, 1985, 572 § 18; paragraph (2), first sentence revised, 1986, 662 § 9. (See 1985, 572 § 70; see 1986, 662 § 58.)

SECT. 7C revised, 1985, 572 § 19. (See 1985, 572 § 70.)

SECT. 7E repealed, 1985, 572 § 20. (See 1985, 572 § 70.)

SECT. 8 revised, 1985, 572 § 21. (See 1985, 572 § 70.)

SECT. 8A repealed, 1985, 572 § 22. (See 1985, 572 § 70.)

SECT. 9 repealed, 1985, 572 § 23. (See 1985, 572 § 70.)

SECT. 9A revised, 1986, 662 § 10. (See 1986, 662 § 54.)

SECT. 10 revised, 1985, 572 § 24; revised, 1986, 662 § 11; 662 § 12. (See 1985, 572 § 70; 1986, 662 § 58.)

SECT. 10A added, 1985, 572 § 24; first sentence revised, 1986, 557 § 140; fourth sentence revised, 1986, 557 § 141. section revised, 1986, 662 § 12. (See 1985, 572 § 70; see 1986, 662 § 58.)

SECTS. 11 stricken out and sections 11-11C inserted, 1985, 572 § 25. (See 1985, 572 § 70.)

SECT. 11, first paragraph amended, 1986, 662 § 13. (See 1986, 662 § 58.)

SECT. 11A amended, 1986, 557 § 142; revised, 1986, 662 § 14. (See 1986, 662 § 58.)

SECT. 11B, last paragraph revised, 1986, 662 § 15. (See 1986, 662 § 58.)

SECT. 12 revised, 1985, 572 § 26. (See 1985, 572 § 70.)

SECT. 12A revised, 1985, 572 § 27. (See 1985, 572 § 70.)

SECT. 13 revised, 1985, 572 § 28; subsection (3) revised, 1986, 662 § 16; (See 1985, 572 § 69; 1986, 662 § 57.)

SECT. 13A added, 1985, 572 § 28A. (See 1985, 572 § 70.)

SECT. 14 revised, 1985, 572 § 29. (See 1985, 572 § 68.)

SECT. 15, eighth and ninth sentences revised, 1985, 572 § 30; section amended, 1986, 662 § 5A. (See 1985, 572 § 69.)

SECT. 16 revised, 1985, 572 § 31. (See 1985, 572 § 31.)

SECT. 17 revised, 1985, 572 § 32. (See 1985, 572 § 70.)

SECT. 19 revised, 1985, 572 § 33. (See 1985, 572 § 70.)

SECT. 22 amended, 1986, 662 § 17.

SECT. 23 revised, 1985, 572 § 34. (See 1985, 572 § 70.)

SECT. 24 revised, 1985, 572 § 35; amended, 1986, 662 § 18. (See 1985, 572 § 67; 1986, 662 § 56.)

SECT. 25A revised, 1986, 662 § 19.

SECT. 25C revised, 1986, 662 § 20.

SECTS. 25E-25U added, 1985, 572 § 36. (See 1985, 572 § 69.)

SECT. 25E, first paragraph amended, 1986, 662 § 21. (See 1986, 662 § 57.)

SECT. 25G, subsection (1), clause (d) revised, 1986, 662 § 22; clause (k) revised, 1986, 662 § 23. (See 1986, 662 § 57.)

SECT. 25S amended, 1986, 662 § 24. (See 1986, 662 § 57.)

SECT. 25U amended, 1986, 662 § 25. (See 1986, 662 § 57.)

SECT. 26, last paragraph revised, 1986, 662 § 26.

SECT. 28, paragraph added, 1985, 572 § 37; revised, 1986, 599 § 45. (See 1985, 572 § 69; 1986, 599 § 62.)

SECT. 29 revised, 1985, 572 § 38. (See 1985, 572 § 67.)

SECT. 30A revised, 1985, 572 § 39; revised 1986, 662 § 27. (See 1985, 572 § 70; 1986, 662 § 58.)

SECTS. 30B-30D repealed, 1986, 662 § 28.

SECTS. 30E-30I added, 1985, 572 § 40. (See 1985, 572 § 40.)

SECT. 30F amended, 1986, 662 § 29. (See 1986, 662 § 58.)

SECT. 31, seventh, eighth and ninth paragraphs stricken out, 1985, 572 § 41. (See 1985, 572 § 70.)

SECT. 34 revised, 1985, 572 § 42. (See 1985, 572 § 68.)

SECT. 34A revised, 1985, 572 § 43. (See 1985, 572 § 68.)

SECT. 34B added, 1985, 572 § 43A; amended 1986, 662 § 30. (See 1985, 572 § 70; 1986, 662 § 58.)

SECT. 35 revised, 1985, 572 § 44. (See 1985, 572 § 68.)

SECT. 35A, second paragraph revised, 1986, 662 § 31. (See 1986, 662 § 58.)

SECTS. 35C-35F added, 1985, 572 § 45. (See 1985, 572 § 70.)

SECT. 36 revised, 1985, 572 § 46. (See 1985, 572 § 68.)

SECT. 36A, second paragraph, first sentence revised, 1985, 572 § 47. (See 1985, 572 § 68.)

SECT. 36B added, 1985, 572 § 47A. (See 1985, 572 § 68.)

SECT. 37, second sentence revised, 1985, 572 § 48; second paragraph amended, 1986, 662 § 32; last paragraph revised, 1985, 572 § 49. (See 1985, 572 § 70; 1986, 662 § 58.)

SECT. 38 revised, 1986, 662 § 33.

SECT. 41 revised, 1985, 572 § 50; (See 1985, 572 § 68.)

SECT. 41A repealed, 1985, 572 § 51. (See 1985, 572 § 70.)

SECT. 46A, first paragraph amended, 1986, 662 § 34; second paragraph amended, 1986, 662 § 35. (See 1986, 662 § 58.)

SECT. 48 revised, 1985, 572 § 52; paragraph (2) amended, 1986, 662 § 36. (See 1985, 572 § 70; 1986, 662 § 58.)

SECT. 49 last two sentences stricken out, 1985, 572 § 68; section revised, 1986, 662 § 37. (See 1985, 572 § 70.)

SECT. 53A added, 1985, 572 § 54. (See 1985, 572 § 68.)

SECT. 57 amended, 1986, 662 § 38.

SECT. 59 revised, 1986, 662 § 39.

SECT. 62 revised, 1986, 662 § 40.

SECT. 63 revised, 1986, 662 § 41.

SECT. 65 revised, 1985, 572 § 55; subsection (5) revised, 1986, 662 § 42; subsection (12) added, 1986, 622 § 43. (See 1985, 572 § 67; 1986, 662 § 56.)

SECT. 65A revised, 1986, 662 § 44.

SECT. 65B revised, 1986, 662 § 45.

SECT. 69 amended, 1985, 572 § 56. (See 1985, 572 § 68.)

SECT. 69B amended, 1985, 572 § 57; second paragraph revised, 1986, 662 § 46. (See 1985, 572 § 69.)

SECT. 70 amended, 1986, 662 § 47.

SECTS. 75A-75B added, 1985, 572 § 58. (See 1985, 572 § 68.)

SECT. 75 amended, 1986, 662 § 48.

SECT. 75B, paragraph (2) amended, 1986, 662 § 49. (See 1986, 662 § 55.)

Chapter 153. — Liability of Employers to Employees for Injuries not resulting in Death.

Chapter 154. — Assignment of Wages.

Chapter 155. — General Provisions relative to Corporations.

Chapter 156. — Business Corporations.

Chapter 156A. — Professional Corporations.

SECT. 1, paragraph (b) revised, 1985, 759 §2.

Chapter revised, 1985, 774 § 1. (See 1985, 774 § 6.)

SECT. 2, paragraph (b) revised, 1986, 557 § 143.

Chapter 156B. — Certain Business Corporations.

SECT. 3, introductory clause revised, 1985, 774 § 2.

SECT. 9B added, 1986, 152 § 1 (relative to guarantees and the issuance of stock by corporations).

SECT. 13, paragraph (b), clause (1-½) inserted, 1986, 644 § 1; paragraph added, 1986, 644 § 2; subsection (c), clause (4) stricken out, 1986, 186 § 1.

SECT. 18, first sentence revised, 1986, 186 § 2; section amended, 1986, 186 § 3.

SECT. 21A revised, 1986, 152 § 2.

SECT. 26, paragraph inserted after first paragraph, 1986, 186 § 4; second paragraph revised, 1986, 186 § 5.

SECT. 33 revised, 1986, 186 § 6.

SECT. 38 repealed, 1986, 186 § 7.

SECT. 40, second sentence revised, 1986, 186 § 8.

SECT. 41, sentence inserted after fourth sentence, 1986, 186 § 9.

SECT. 41A revised, 1986, 186 § 10.

SECT. 55, first paragraph, clauses (c) and (d) stricken out, 1986, 186 § 11.

SECT. 72, first sentence revised, 1986, 576 § 1. (See 1986, 576 § 3.)

SECT. 74, fourth sentence revised, 1986, 576 § 2. (See 1986, 576 § 3.)

SECT. 75, subsection (a) amended, 1986, 186 § 12.

SECT. 78 amended, 1986, 186 § 13.

SECT. 80, clause (5) revised, 1985, 393 § 1.

SECT. 100, paragraph (d), sentence added, 1985, 593 § 35. (See 1985, 593 § 50.)

SECT. 101, first paragraph revised, 1985, 593 § 36; third paragraph, last sentence revised, 1985, 593 § 37. (See) 1985, 593 § 50.)

SECT. 109, subsection (5) added, 1986, 186 § 14.

SECT. 116 added, 1986, 186 § 15 (relative to annual reports).

Chapter 157. — Co-operative Corporations.

Chapter 157A. — EMPLOYEE COOPERATIVE CORPORATIONS.

Chapter 157B.—"Cooperative Housing Corporations"

Chapter 158. — Certain Miscellaneous Corporations.

Chapter 159. — Common Carriers.

SECT. 19 amended, 1986, 503.

SECT. 19A revised, 1986, 210.

SECTS.19B-19E added, 1986, 663 § 1.

Chapter 159A. — Common Carriers of Passengers by Motor Vehicle.

SECT. 5, two sentences inserted after first sentence, 1986, 450.

Chapter 159B. — Carriers of Property by Motor Vehicle.

SECT. 6C, three paragraphs added, 1985, 452.

SECT. 13, first sentence revised, 1986, 158 § 2.

SECT.14A revised, 1985, 194.

Chapter 160. — Railroads.

Chapter 161. — Street Railways.

Chapter 161A. — Massachusetts Bay Transportation Authority.

SECT. 1, definitions of "Secretary" and "Department" revised, 1986,557 § 144.

SECT. 4, paragraph (a) amended, 1986, 557§ 145; 557 § 145A.

SECT. 5, subsections (b) and (c) revised, 1985, 811 § 34A. (See 1985, 811 § 43.)

SECT. 23, third paragraph revised, 1985, 811 § 35. (See 1985, 811 § 43.)

SECT. 28, first paragraph, second sentence revised, 1985, 811 § 36. (See 1985, 811 § 43.)

Chapter 161B. — Transportation Facilities, Highway Systems and Urban Development Plans.

Chapter 161C. — Rail Transportation in the Commonwealth.

Chapter 161D. — THE MASSACHUSETTS INTERCITY BUS CAPITAL ASSISTANCE PROGRAM.

SECT. 5, clause (3) revised, 1985, 811 § 37. (See 1985, 811 § 43.)

Chapter 162. — Electric Railroads.

Chapter 163. — Trackless Trolley Companies.

Chapter 164. — Manufacture and Sale of Gas and Electricity.

SECT. 6, paragraph (a), clause 5 revised, 1985, 658; paragraph (b), clause (1-½) inserted, 1986, 644 § 3; paragraph added, 1986, 644 § 4.

SECT. 69H½ revised, 1985, 595 § 4. (See 1985, 595 § 4.)

SECT. 69I second paragraph, clause (3), first sentence revised, 1986, 466 § 1.

SECT. 69J second paragraph amended, 1986, 466 § 2.

SECT. 76D revised, 1985, 243.

SECT. 94G ½, fifth paragraph, definition of "Date of initial conversion" revised, 1986, 557 § 146.

SECT. 105A, two paragraphs added, 1985, 777 § 2.

SECT. 130, first paragraph revised, 1986, 557 § 147.

Chapter 164A. — New England Power Pool.

Chapter 165. — Water and Aqueduct Companies.

Chapter 166. — Telephone and Telegraph Companies, and Lines for the Transmission of Electricity.

SECT. 42A, first sentence revised, 1985, 685 § 1.

SECT. 42B, first sentence revised, 1985, 685 § 2.

Chapter 166A. — Community Antenna Television Systems.

SECT. 16, paragraph added, 1985, 651 § 1. (See 1985, 651 § 2.)

SECT. 19, first sentence revised, 1985, 644 § 1.

SECT. 22, fifth paragraph stricken out and six paragraphs inserted, 1985, 644 § 2.

Chapter 167. — Supervision Of Banks.

SECT. 13 amended, 1986, 392 § 1.

SECT. 15 amended, 1986, 557 § 148.

SECT. 46, first paragraph revised, 1985, 596.

SECT. 47 added, 1985, 728 § 11. (See 1985, 777 § 15.)

Chapter 167A. — Bank Holding Companies.

Chapter 167B. — ELECTRONIC BRANCHES AND ELECTRONIC FUND TRANSFERS.

SECT. 3, fifth paragraph revised, 1986, 62.

Chapter 167C. — BANK LOCATIONS.

SECT. 3, paragraph inserted after second paragraph, 1985, 443; fourth paragraph amended, 1985, 288.

Chapter 167D. — DEPOSITS AND ACCOUNTS.

SECT. 34 amended, 1986, 557 § 149; section stricken out and section 35 inserted, 1986, 557 § 150.

SECT. 35 added, 1986, 557 § 150.

Chapter 167E. — MORTGAGES AND LOANS.

SECT. 2, subsection B, paragraph 7A inserted, 1986, 566 § 2; subsection B, paragraph 10 revised, 1986, 566 § 3.

SECT. 11 amended, 1986, 566 § 4.

SECT. 14, subsection A, paragraph 6 revised, 1986, 139.

Chapter 167F. — INVESTMENTS AND OTHER POWERS.

SECT. 2, paragraph (6) revised, 1986, 121; paragraph 17 amended, 1985, 626.

SECT. 3, paragraph (2) revised, 1986, 244 § 1; paragraph 4, two sentences added, 1986, 156.

SECTS. 6-7 revised, 1985, 405 § 1.

Chapter 167G. — TRUST DEPARTMENT.

SECT. 3, subsection 5 revised, 1986, 431 § 1; subsection 6 amended, 1986, 431 § 2; subsection 7 amended, 1986, 431 § 3; subsection 7A inserted, 1986, 431 § 4; subsection 8 amended, 1986, 431 § 5; subsection 9B inserted, 1986, 507 §.

SECT. 8 amended, 1985, 438.

Chapter 168. — Savings Banks.

SECT. 9, first sentence revised, 1985, 115 § 1; second sentence revised, 1986, 539 § 1.

SECT. 10, paragraph 2 revised, 1985, 115 § 2.

SECT. 16, first sentence revised, 1986, 397.

SECT. 19, revised, 1985, 672.

SECT. 25 amended, 1986, 557 § 151.

SECT. 34C, fourth paragraph amended, 1985, 38.

SECT. 34E added, 1985, 764 § 1.

SECT. 36, second paragraph stricken out and two paragraphs inserted, 1985, 405 § 2.

SECT. 37, seventh paragraph revised, 1985, 405 § 3.

SECT. 38, third paragraph revised, 1986, 282 § 1; fifth paragraph, third sentence revised, 1986, 282 § 2. (See 1986, 282 § 3.)

Chapter 169. — Deposits with Others than Banks.

Chapter 170. — Co-operative Banks.

SECT. 9, second sentence revised, 1986, 13.

SECT. 19, first paragraph revised, 1986, 111; amended, 1986, 557 § 151A.

SECT. 20A amended, 1985, 317.

SECT. 22 amended, 1986, 44 § 1; 44 § 2; clause (g) revised, 1986, 120 § 1; clause (h) stricken out and clauses (h), (i) and (j) inserted, 1986, 120 § 2.

SECT. 26B amended, 1986, 557 § 152.

SECT. 26C, fourth paragraph amended, 1985, 38 § 2; revised, 1986, 113.

SECT. 26E added, 1985, 764 § 2.

SECT. 28, fifth paragraph, clause 1 revised, 1985, 405 § 4; clause 2, first two sentences revised, 1985, 405 § 5.

SECT. 30 revised, 1986, 465.

SECT. 31 revised, 1986, 465.

SECT. 32 revised, 1986, 465.

Chapter 171. — Credit Unions.

SECT. 10, first paragraph, second sentence revised, 1985, 56; 660 § 1; sixth sentence revised, 1985, 405 § 6.

SECT. 12, amended, 1986, 392 § 2.

SECT. 14, fifth sentence revised, 1986, 539 § 2.

SECT. 15, first two sentences stricken out and three sentences inserted, 1985, 18.

SECT. 16, fifth sentence revised, 1985, 82.

SECT. 18, second sentence stricken out, 1986, 172.

SECT. 21, second paragraph, paragraph (o) revised, 1985, 280.

SECT. 24, subdivision (A), paragraph 3 revised, 1986, 247 § 1; paragraph 5, first sentence revised, 1985, 479; paragraph 6 added, 1986, 247 § 2; subdivision (B), subsection (a), first paragraph revised, 1986, 247 § 3; paragraph 4, first sentence amended, 1986, 247 § 4; paragraph 4A, fourth sentence revised, 1986, 247 § 5; paragraph 7 revised, 1986, 247 § 6; subsection (b), paragraph 4 revised, 1986, 247 § 7; paragraph 8 amended, 1985, 331; second paragraph revised, 1986, 247 § 8; paragraph 13, amended, 1985, 508; paragraph added, 1986, 247 § 9; subdivision (E), last sentence amended, 1985, 282.

SECT. 25, second paragraph, second sentence revised, 1985, 660 § 2; third, fourth and fifth paragraphs stricken out and one paragraph inserted, 1985, 509.

SECT. 27, amended, 1986, 392 § 3.

SECT. 37, amended, 1986, 566 § 5.

Chapter 172. — Trust Companies.

SECT. 18, first paragraph revised, 1986, 180; first paragraph amended, 1986, 557 § 152A.

SECT. 19, paragraph added, 1986, 611.

SECT. 26A added, 1985, 38 § 3.

SECT. 35 revised, 1985, 39.

Chapter 172A. — Banking Companies.

Chapter 173. — Mortgage Loan Investment Companies.

Chapter 174. — Bond and Investment Companies.

Chapter stricken out, 1950, 822 § 1.

Chapter 174A. — Regulation of Rates for Fire, Marine and Inland Marine Insurance, and Rating Organizations.

Chapter 174B. — Regulation of Automobile Clubs.

Chapter 175. — Insurance.

SECT. 2B, subsection 1, clause (b) revised, 1985, 137 § 1.

SECT. 4 amended, 1986, 614.

SECT. 9 amended, 1986, 557 § 153.

SECT. 36, third paragraph amended, 1986, 193.

SECT. 47B, clause (4), paragraph (c) amended, 1986, 380 § 1.

SECT. 47D added, 1985, 628 § 1; 683 § 1; added, 1985, 715 § 1; stricken out, 1986, 35 § 2; stricken out, 1986, 35 § 3.

SECT. 47E added, 1986, 35 § 2.

SECT. 47F added, 1986, 35 § 3.

SECT. 60 revised, 1986, 448.

SECT. 63, paragraph 3A revised, 1985, 321; section amended, 1985, 745 § 1; 745 § 2; paragraph 7B inserted, 1985, 745 § 3; paragraph 14A, first sentence revised, 1985, 745 § 4; paragraph 14C, clause 2, subclause (b) revised, 1985, 745 § 5.

SECT. 64, second paragraph, second sentence revised, 1985, 336. 745 § 6.

SECT. 65 amended, 1985, 745 § 7; 745 § 8; amended, 1986, 557 § 154; 557 § 154A.

SECT. 66, first paragraph, second and third sentences revised, 1985, 745 § 9; second paragraph, first sentence revised, 1985, 745 § 10; third paragraph revised, 1985, 745 § 11.

SECT. 94A, definition of "Fishing vessel" inserted, 1986, 650 § 1.

SECT. 94B amended, 1986, 650 § 2.

SECT. 94D, three paragraphs inserted before first paragraph, 1986, 650 § 3; section amended, 1986, 650 § 4; paragraph (k) added, 1986, 650 § 5.

SECT. 94F amended, 1986, 650 § 6.

SECT. 94H amended, 1986, 650 § 7.

SECT. 94I revised, 1986, 650 § 8.

SECT. 94K, sentence added, 1986, 650 § 9; amended, 1986, 690.

SECT. 97A, second paragraph revised, 1985, 464 § 1.

SECT. 99, clause Twelfth, introductory paragraph revised, 1985, 137 § 2; Clause Fourteenth, second paragraph revised, 1985, 464 § 2.

SECT. 99B added, 1985, 137 § 3.

SECT. 108E added, 1986, 188 § 2.

SECT. 110 amended, 1986, 579 § 1; subdivision (k) added, 1986, 618 § 1.

SECT. 110D, first paragraph amended, 1986, 579 § 2.

SECT. 110G, first paragraph amended, 1986, 579 § 3; second paragraph first sentence revised, 1986, 579 § 4; last paragraph, last sentence revised, 1986, 557 § 155.

SECT. 110I, subsection (a), sentence added, 1986, 579 § 5.

SECTS. 112A-112B added, 1985, 223 § 15.

SECT. 113B, first paragraph, three sentences inserted after first sentence, 1986, 622 § 1; paragraph inserted after second paragraph, 1986, 710 § 5; seventh paragraph, sentence inserted after second sentence, 1986, 484; paragraph inserted after twelfth paragraph, 1985, 416 § 4. (See 1985, 416 § 9.)

SECT. 113H, subsection (c), paragraph inserted after second paragraph, 1985, 286.

SECT. 113R, added, 1986, 561 (relative to auto insurance).

SECT. 132F, second paragraph amended, 1985, 745 §§ 12-12A; third paragraph, sentence added, 1985, 745 § 13; fifth paragraph stricken out, 1985, 622 § 1; fifth and sixth paragraphs revised, 1986, 496 § 1.

SECT. 132G, third paragraph, first sentence stricken out, 1985, 622 § 2; third and fourth paragraphs revised, 1986, 496 § 2.

SECT. 132H, first paragraph, second sentence stricken out, 1985, 745 § 14; fourth sentence revised, 1985, 622 § 3.

SECT. 133, clause (c) revised, 1985, 237.

SECT. 141, first paragraph, sentence added, 1985, 745 § 15.

SECT. 146B added, 1986, 557 § 156.

SECT. 147 added, 1985, 17; section stricken out, 1986, 557 § 156.

SECT. 149 revised, 1985, 745 § 16.

SECT. 180B, second paragraph, last sentence revised, 1985, 745 § 18.

SECT. 180C, third paragraph, first sentence revised, 1985, 745 § 19.

SECT. 180F, third paragraph, clause (4) revised, 1985, 745 § 20.

SECT. 193B½ added, 1986, 333.

†SECT. 132F, fifth and sixth paragraphs revised, 1986, 496 § 1.

SECT. 193T amended, 1985, 520.

SECT. 196 added, 1985, 223 § 16.

SECTS. 197-203, added, 1986, 632 § 1. (See 1986, 632 § 4.)

SECT. 197 added, 1986, 632 § 2. (See 1986, 632 § 3.)

Chapter 175A. — Regulation of Rates for Certain Casualty Insurance, including Fidelity, Surety and Guaranty Bonds, and for all other Forms of Motor Vehicle Insurance, and Regulation of Rating Organizations.

SECT. 5A, first paragraph, first sentence stricken out and three sentences inserted, 1986, 351 § 15; third paragraph, sentence added, 1986, 351 § 16; sixth paragraph revised, 1986, 351 § 17. (See 1986, 351 § 41.)

SECT. 5B added, 1986, 351 § 18. (See 1986, 351 § 41.)

Chapter 175B. — Unauthorized Insurer's Process Act.

Chapter 175C. — Urban Area Insurance Placement Facility.

Chapter 175D. — Massachusetts Insurers Insolvency Fund.

Chapter 175E. — Regulation of Rates for Optional Motor Vehicle Insurance.

Chapter 175F. — Medical Malpractice Self-Insurance Trust Funds.

Chapter 176. — Fraternal Benefit Societies.

SECT. 31, second sentence stricken out, 1986, 557 § 157.

Chapter 176A. — Non Profit Hospital Service Corporations.

SECT. 8A, clause (4), paragraph (c) amended, 1986, 380 § 2.

SECT. 8D, last paragraph, last sentence revised, 1986, 557 § 158.

SECT. 8E amended, 1986, 557 § 159.

SECT. 8G added, 1985, 628 § 2; 715 § 2; stricken out, 1986, 35 § 4.

SECT. 8H added, 1986, 35 § 4.

SECT. 8I added, 1986, 618 § 2 (relative to health care services).

SECT. 14B added, 1986, 188 § 3.

Chapter 176B. — Medical Service Corporations.

SECT. 1, definition of "Certified nurse midwife" inserted, 1985, 683 § 2; definition of "Participating nurse midwife" inserted, 1985, 683 § 3.

SECT. 3, paragraph added, 1985, 298 § 2.

SECT. 4, first paragraph revised, 1985, 683 § 4.

SECT. 4A, paragraph (c), clause (4) revised, 1986, 380 § 3.

SECT. 4F added, 1985, 628 § 3; 683 § 5; stricken out, 1986, 35 § 5; added, 1985, 715 § 3; stricken out, 1986, 35 § 6.

SECT. 4G added, 1986, 35 § 5.

SECT. 4H added, 1986, 35 § 6.

SECT. 6A, last paragraph, last sentence revised, 1986, 557 § 160.

SECT. 7, first paragraph, first sentence revised, 1985, 683 § 6; third, fourth, fifth, sixth and seventh sentences revised, 1985, 683 § 7; paragraph added, 1985, 683 § 8.

SECT. 12, paragraph added, 1986, 188 § 4.

SECT. 13, second paragraph revised, 1985, 683 § 9.

SECT. 20 added, 1986, 188 § 5.

Chapter 176C. — Non-Profit Medical Service Plans.

**Chapter 176D.—UNFAIR METHODS OF COMPETITION AND
UNFAIR AND DECEPTIVE**

ACTS AND PRACTICES IN THE BUSINESS OF INSURANCE.

SECT. 3, clause (4) revised, 1986, 618 § 3.

Chapter 176E. — Dental Service Corporations.

Chapter 176F. — Optometric Service Corporations.

Chapter 176G. — Health Maintenance Organizations.

SECT. 4, sentence added, 1985, 628 § 4; 715 § 4.

SECT. 4B added, 1986, 188 § 6; 618 § 4.

SECT. 7 amended, 1986, 557 § 161.

SECT. 11A added, 1985, 615 § 2.

Chapter 176H. — Legal Service Plans.

Chapter 178. — Savings Bank Life Insurance.

SECT. 8, sentence added, 1986, 569 § 1.

SECT. 9, paragraph added, 1986, 569 § 2.

SECT. 10, first sentence revised, 1986, 569 § 3.

SECT. 10A, added, 1986, 569 § 4 (relative to licensed agents)

SECT. 12 revised, 1986, 569 § 5.

SECTS. 34-35 added, 1986, 569 § 6 (relative to conversion to federal savings bank charter).

**Chapter 179. — Proprietors of Wharves, Real Estate
lying in Common, and General Fields.**

**Chapter 180. — Corporations for Charitable and
Certain Other Purposes.**

SECT. 3, paragraph added, 1986, 644 § 5.

SECT. 4, clause (l) amended, 1986, 557 § 162; clause (m) inserted, 1985, 393 § 2; paragraph added, 1985, 774 § 3.

SECT. 10 amended, 1985, 393 § 3.

Chapter 180A. — Management of Institutional Funds.

Chapter 181. — Foreign Corporations.

Chapter 182. — Voluntary Associations and Certain Trusts.

SECT. 5A added, 1985, 774 § 4. (See 1985, 774 § 6.)

Chapter 183. — Alienation of Land.

SECT. 4 amended, 1986, 557 § 163.

SECT. 28B added, 1986, 39.

SECT. 60 amended, 1986, 566 § 6.

SECT. 61, first sentence revised, 1986, 25 § 1.

SECT. 63 revised, 1986, 25 § 2.

SECT. 64, first two sentences revised, 1986, 25 § 3.

SECT. 65 added, 1985, 187; section revised, 1986, 505.

SECT. 66 added, 1986, 546 § 1. (See 1986, 546 § 2.)

Chapter 183A. — Condominiums.

SECT. 1, definition of “Common areas and facilities”, clause (4) revised, 1985, 788 § 1; definition of “Condominium” revised, 1985, 788 § 2.

SECT. 2 revised, 1985, 788 § 3; section revised, 1986, 35 § 7; sentence added, 1986, 348 § 6.

SECT. 3 revised, 1985, 788 § 4.

SECT. 4, clause (1) revised, 1985, 788 § 5; clause (3) revised, 1985, 788 § 6.

SECT. 8, clause (j) added, 1985, 788 § 7.

SECT. 8A added, 1985, 788 § 8. paragraph (a), clause (1) revised, 1986, 35 § 8; paragraph (f), first sentence revised, 1986, 35 § 9.

SECT. 9, paragraph (a), sentence added, 1985, 788 § 9.

SECT. 13, first sentence revised, 1985, 788 § 10.

Chapter 184. — General Provisions relative to Real Property.

SECT. 15, paragraph added, 1985, 809.

SECT. 23C added, 1985, 637 § 10.

SECT. 26, first paragraph, clause (c) revised, 1985, 351 § 1.

SECT. 33, fifth paragraph stricken out, 1985, 351 § 2.

Chapter 184A. — The Rule against Perpetuities.**Chapter 184B. — SHORT FORM TERMS FOR WILLS AND TRUSTS.****Chapter 185. — The Land Court and Registration of Title to Land.**

SECT. 1, paragraph (a ½) inserted, 1986, 463.

SECT. 14, first paragraph revised, 1986, 519 § 1; 519 § 2. (See 1986, 519 § 29.)

Chapter 185A. — Housing Court of the City of Boston, Jurisdiction and Powers.**Chapter 185B. — Housing Court of the County of Hampden, Jurisdiction and Powers.****Chapter 185C. — Housing Court Department.**

SECT. 1, first sentence revised, 1985, 171.

SECT. 9A, first paragraph revised, 1986, 519 § 3; 519 § 4. (See 1986, 519 § 29.)

Chapter 186. — Estates for Years and at Will.

SECT. 15B amended, 1986, 557 § 164.

Chapter 187. — Easements.

SECT. 1A added, 1985, 637 § 11; second paragraph, clause (1) revised, 1986, 557 § 164A.

Chapter 188. — Homesteads.

SECT. 1 amended, 1985, 623.

SECT. 6 amended, 1986, 557 § 165.

Chapter 189. — Dower and Curtesy.

Chapter 190. — Descent and Distribution of Real and Personal Property.

SECT. 1, paragraph (1) amended, 1986, 191 § 1. (See 1986, 191 § 2.)

SECT. 5 revised, 1986, 334 § 5.

SECT. 6 revised, 1986, 334 § 6.

SECT. 7 amended, 1986, 310 § 11; revised, 1986, 334 § 7. (See 1986, 310 § 35.)

**Chapter 190A. — Effect of Apparently Simultaneous Deaths
Upon Devolution and Disposition of Property,
including Proceeds of Insurance.**

Chapter 191. — Wills.

SECT. 1A, clause 6 revised, 1985, 738 § 1.

SECT. 1B amended, 1986, 173 § 1.

Chapter 191A. — Disclaimer of Certain Property Interest Act.

Chapter 192. — Probate of Wills and Appointment of Executors.

SECT. 2, clause (iii) stricken out and two clauses inserted, 1985, 738 § 2. section revised, 1986, 557 § 166.

Chapter 193. — Appointment of Administrators.

Chapter 194. — Public Administrators.

**Chapter 195. — General Provisions relative to
Executors and Administrators.**

SECT. 16 amended, 1986, 599 § 46. (See 1986, 599 § 62.)

**Chapter 196. — Allowances to Widows and Children,
and Advancements.**

SECT. 9 added, 1986, 472.

**Chapter 197. — Payments of Debts, Legacies and Distributive
Shares.**

Chapter 198. — Insolvent Estates Of Deceased Persons.

Chapter 199. — Settlement Of Estates Of Deceased Non-residents.

**Chapter 199A. — General Provisions Regarding
Certain Foreign Fiduciaries.**

Chapter 200. — Settlement of Estates of Absentees.

Chapter 200A. — Abandoned Property.

Chapter 201. — Guardians and Conservators.

SECT. 6 revised, 1985, 525 § 1; paragraph (d), third sentence revised, 1986, 557 § 166A.

SECT. 6A revised, 1985, 525 § 2; amended, 1986, 599 § 47. (See 1986, 599 § 62.).

SECT. 7, amended, 1986, 599 § 48. (See 1986, 599 § 62.).

SECT. 8, second sentence revised, 1986, 557 § 167.

SECT. 13 amended, 1986, 599 § 49. (See 1986, 599 § 62.).

SECT. 14 revised, 1985, 525 § 3.

SECT. 34 revised, 1985, 315.

Chapter 201A. — Uniform Gifts to Minors Act.

SECT. 4, subdivision (g), sentence added, 1985, 439.

Chapter revised, 1986, 362 § 1. (See 1986, 362 § 3.)

**Chapter 201B. — UNIFORM DURABLE POWER OF ATTORNEY
ACT.**

Chapter 201C. — STATUTORY CUSTODIANSHIP TRUSTS.

**Chapter 202. — Sales, Mortgages and Leases of Real Estate
by Executors, Administrators, Guardians and Conservators.**

SECT. 32 amended, 1985, 711 § 17.

Chapter 203. — Trusts.

SECT. 14B added, 1985, 454.

SECT. 25, paragraph added, 1986, 549.

**Chapter 203A. — Uniform Common Trust Fund Act
(former title, Collective Investment
of Small Trust Funds).**

**Chapter 204. — General Provisions relative to Sales, Mortgages,
Releases, Compromises, etc., by Executors, etc.**

**Chapter 205. — Bonds of Executors, Administrators, Guardians,
Conservators, Trustees and Receivers.**

**Chapter 206. — Accounts and Settlements of Executors,
Administrators, Guardians, Conservators, Trustees,
and Receivers.**

SECT. 7 amended, 1986, 599 § 50. (See 1986, 599 § 62.)

SECT. 24, first paragraph amended, 1986, 599 § 51; second paragraph, first sentence revised, 1985, 783 § 3; paragraph inserted after second paragraph, 1985, 738 § 4. (See 1986, 599 § 62.)

Chapter 207. — Marriage.

SECT. 5 repealed, 1986, 599 § 52. (See 1986, 599 § 62.)

SECT. 14 second paragraph amended, 1986, 462 § 1.

SECT. 15 revised, 1986, 334 § 8.

SECT. 38 revised, 1986, 702 § 1.

SECT. 39 revised, 1986, 702 § 2.

SECT. 40 revised, 1986, 702 § 3.

SECT. 42 revised, 1986, 702 § 4.

SECT. 47B added, 1985, 274.

SECT. 58 repealed, 1985, 250.

Chapter 208. — Divorce.

SECT. 1A, first sentence revised, 1985, 691 § 1. second and third paragraphs revised, 1985, 691 § 2; section amended, 1985, 691 § 3.

SECT. 1B amended, 1986, 189; two paragraphs inserted after second paragraph, 1986, 487.

SECT. 6 amended, 1986, 462 § 2.

SECT. 6B amended, 1986, 462 § 3.

SECT. 11 amended, 1986, 462 § 4; 462 § 5.

SECT. 16 amended, 1986, 462 § 6.

SECT. 18 amended, 1986, 462 § 7.

SECT. 28, first sentence stricken out and two sentences inserted, 1985, 490 § 1.

SECT. 28A added, 1985, 490 § 2.

SECT. 29 amended, 1986, 462 § 8.

SECT. 30 amended, 1986, 462 § 9.

SECT. 31, third paragraph revised, 1986, 480.

SECT. 34C amended, 1986, 462 § 10; 462 § 11.

SECT. 36 revised, 1986, 310 § 12. (See 1986, 310 § 35.)

SECT. 46 amended, 1986, 462 § 12.

Chapter 209. — Husband and Wife.

SECT. 32E revised, 1986, 310 § 13. (See 1986, 310 § 35.)

SECT. 32F added, 1986, 310 § 14. (See 1986, 310 § 35.)

SECT. 37 amended, 1986, 462 § 13.

Chapter 209A. — Abuse Prevention.

SECT. 1, definition of "Family or household member" revised, 1986, 310 § 15. (See 1986, 310 § 35.)

Chapter 209B.—Massachusetts Child CUSTODY Jurisdiction Act.

Chapter 209C. — CHILDREN BORN OUT OF WEDLOCK.

New chapter inserted, 1986, 310 § 16. (See 1986, 310 § 35.)

Chapter 210. — Adoption of Children and Change of Names.

SECT. 3, paragraph (b), sentence added, 1985, 244.

SECT. 5A, sentence inserted after second sentence, 1986, 557 § 168.

SECT. 5D added, 1985, 793.

SECT. 6A amended, 1986, 334 § 9.

SECT. 11A, first sentence revised, 1985, 316.

Chapter 211. — The Supreme Judicial Court.

SECT. 4 revised, 1985, 29.

Chapter 211A. — Appeals Court.

SECT. 5 amended, 1985, 330 § 2.

SECT. 6, third and fourth sentence stricken out and one sentence inserted, 1986, 525.

SECT. 9, after eighth paragraph paragraph inserted, 1986, 519 § 5. (See 1986, 519 § 29.)

SECT. 10, first paragraph revised, 1985, 314 § 4; second paragraph amended, 1985, 314 § 5. (See 1985, 314 § 10.)

**Chapter 211B. — Trial Court of the
Commonwealth.**

SECT. 15 added, 1986, 310 § 17. (See 1986, 310 § 35.)

**Chapter 211B. — Trial Court of the
Commonwealth.**

SECT. 9, paragraph inserted after eighth paragraph, 1986, 519 § 5. (See 1986, 519 § 29.)

SECT. 15 added, 1986, 310 § 16A. (See 1986, 310 § 35.)

Chapter 211C. — Commission on Judicial Conduct.

Chapter 211D.— Committee For Public Counsel Services.**Chapter 212. — The Superior Court.**

SECT. 30 revised, 1985, 330 § 3.

Chapter 213. — Provisions Common to the Supreme Judicial and Superior Courts.**Chapter 214. — Equity Jurisdiction (former title,
Equity Jurisdiction and Procedure in
the Supreme Judicial and Superior Courts).**

SECT. 1C added, 1986, 588 § 6.

Chapter 215. — Probate Courts.

SECT. 3 amended, 1986, 462 § 14; paragraph added, 1986, 462 § 15.

SECT. 4 revised, 1986, 310 § 17.

SECT. 6B added, 1985, 490 § 3; stricken out, 1986, 557 § 169.

SECT. 6C added, 1986, 557 § 169.

SECT. 16 repealed, 1986, 211 § 1. (See 1986, 211 § 3.)

SECT. 22, second sentence revised, 1986, 211 § 2. (See 1986, 211 § 3.)

SECT. 34, paragraph added, 1986, 310 § 18. (See 1986, 310 § 35.)

SECT. 34A, amended, 1985, 342.

SECT. 62 revised, 1986, 174 § 1.

SECT. 63 repealed, 1986, 174 § 2.

Chapter 216. — Courts of Insolvency.**Chapter 217. — Judges and Registers of Probate and Insolvency.****Chapter 218. — District Courts.**

SECT. 1, under caption "Suffolk", sixth paragraph revised, 1985, 186.

SECT. 8, second paragraph revised, 1986, 519 § 6. (See 1986, 519 § 29.)

SECT. 10, first paragraph amended, 1985, 750 § 1; twelfth paragraph revised, 1986, 519 § 7; thirteenth and fourteenth paragraphs revised, 1986, 519 § 8; 519 § 9. (See 1986, 519 § 29.)

SECT. 19, sentence inserted after first sentence, 1986, 310 § 19. (See 1986, 310 § 35.)

SECT. 19A amended, 1985, 314 § 6. (See 1985, 314 § 10.)

SECT. 19B, second paragraph amended, 1985, 314 § 7. (See 1985, 314 § 10.)

SECT. 21 amended, 1985, 101; third sentence revised, 1985, 311.

SECT. 23, first two paragraphs stricken out and five paragraphs inserted, 1986, 295.

SECT. 26 amended, 1986, 677 § 4.

SECT. 40, first sentence revised, 1986, 557 § 170.

SECT. 42A amended, 1986, 557 § 171.

SECT. 53, first paragraph revised, 1986, 519 § 10; 519 § 11; third paragraph revised, 1986, 519 § 12. (See 1986, 519 § 29.)

SECT. 56, amended, 1986, 557 § 172.

SECT. 58, first paragraph, first sentence revised, 1985, 636; fourth paragraph revised, 1986, 519 § 13; 519 § 14; sixth paragraph revised, 1986, 519 § 15. (See 1986, 519 § 29.)

SECT. 79, paragraph (2), first paragraph revised, 1986, 519 § 16; 519 § 17; third paragraph revised, 1986, 519 § 18. (See 1986, 519 § 29.)

SECT. 80, first paragraph revised, 1986, 519 § 19; 519 § 20; third paragraph revised, 1986, 519 § 21. (See 1986, 519 § 29.)

Chapter 219. — Trial Justices.

Chapter 220. — Courts and Naturalization.

Chapter 221. — Clerks, Attorneys and Other Officers of Judicial Court.

SECT. 57 amended, 1986, 310 § 20. (See 1986, 310 § 35.)

SECT. 62C, clause (e) revised, 1985, 794 § 6.

SECT. 73A stricken out, 1986, 557 § 173.

SECT. 73B added, 1986, 557 § 173.

SECT. 85S stricken out and Section 85T inserted, 1986, 557 § 175.

SECT. 85T stricken out and Section 85U inserted, 1986, 557 § 176.

SECT. 92A amended, 1985, 715 § 4; seventh paragraph revised, 1985, 715 § 7. section amended, 1986, 557 § 174. (See 1985, 715 § 7.)

SECT. 94 first four paragraphs revised, 1986, 519 § 22; 519 § 23; first five paragraphs revised, 1986, 519 § 24; 519 § 25; sixth and seventh paragraphs under caption "Superior Court Department for Civil Business in the County of Suffolk" revised, 1986, 519 § 26; 519 § 27. (See 1986, 519 § 29.)

Chapter 221A.—THE MASSACHUSETTS LEGAL ASSISTANCE CORPORATION ACT.

Chapter 221B. —CHILD SUPPORT HEARING OFFICERS.

New chapter inserted, 1986, 310 § 21. (See 1986, 310 § 35.)

Chapter 221C. — COURT INTERPRETERS FOR THE TRIAL COURT.

New chapter inserted, 1986, 627 § 2. (See 1986, 627 § 4.)

Chapter 222. — Justices of the Peace, Notaries Public and Commissioners.

Chapter 223. — Commencement of Actions, Service of Process.

SECT. 1, first sentence revised, 1985, 319.

SECT. 2A revised, 1985, 221.

SECT. 43 amended, 1986, 708 § 1. (See 1986, 708 § 9.)

SECT. 44 revised, 1986, 708 § 2. (See 1986, 708 § 9.)

SECT. 45 amended, 1986, 708 § 3. (See 1986, 708 § 9).

SECT. 128 amended, 1986, 708 § 4. (See 1986, 708 § 9).

**Chapter 223A. — Jurisdiction of Courts and of the Commonwealth
over Persons in Other States and Countries.**

**Chapter 224. — Arrest on Mesne Process and Supplementary
Proceedings in Civil Actions.**

**Chapter 225. — PROCESS AFTER JUDGMENT FOR NECESSARIES
OR LABOR**

SECT. 12I added, 1985, 728 § 12; section repealed, 1986, 557 § 216.
(See 1985, 728 § 15.)

Chapter 226. — Bail.

**Chapter 227. — Proceedings against Absent Defendants
and upon Insufficient Service.**

**Chapter 228. — Survival of Actions and Death
and Disabilities of Parties.**

Chapter 229. — Actions for Death and Injuries Resulting in Death.

**Chapter 230. — Actions By and Against Executors
and Administrators.**

Chapter 231. — Pleading and Practice.

SECT. 6F, paragraph added, 1986, 351 § 20. (See 1986, 351 § 41.)

SECT. 13B added 1986, 708 § 5. (See 1986, 708 § 9).

SECT. 59A amended, 1986, 708 § 6. (See 1986, 708 § 9).

SECT. 60B, sixth paragraph, first sentence revised, 1986, 351 § 21; seventh paragraph revised, 1985, 759 § 3; two paragraphs added, 1986, 351 § 22. (See 1986, 351 § 41.)

SECT. 60D revised, 1986, 351 § 23. (See 1986, 351 § 41.)

SECT. 60F added, 1985, 223 § 17.

SECT. 60F added, 1986, 351 § 24. (See 1986, 351 § 41.)

SECT. 60G added, 1986, 351 § 25. (See 1986, 351 § 41.)

SECT. 60H added, 1986, 351 § 26. (See 1986, 351 § 41.)

SECT. 60I added, 1986, 351 § 27. (See 1986, 351 § 41.)

SECT. 85G revised, 1985, 442; 1986, 335 § 1. (See 1985, 335 § 3.)

SECT. 85N amended, 1985, 512. 1986, 351 § 28; second paragraph revised, 1986, 470, § 2. (See 1986, 351 § 41.)

SECT. 85R ½ added, 1986, 335 § 2. (See 1986, 335 § 3.)

SECT. 85S added, 1985, 223 § 18; stricken out, 1986, 557 § 175.

SECT. 85T added, 1985, 589; stricken out, 1986, 557 § 176.

SECT. 85T added, 1986, 557 § 175.

SECT. 85U added, 1986, 557 § 176.

SECT. 94B revised, 1985, 348 § 2.

SECT. 94C added, 1986, 196 § 1.

SECT. 102C amended, 1985, 533 § 1; first paragraph revised, 1986, 278 § 1.

SECT. 104 amended, 1985, 533 § 2. section revised, 1986, 278 § 2. second paragraph amended, 1986, 708 § 7. (See 1986, 708 § 9).

SECT. 108, first sentence revised, 1985, 794 § 7. (See 1985, 794 § 14.)

SECT. 109, first and second sentences stricken out and one sentence inserted, 1985, 314 § 8; section amended, 1985, 314 § 9. (See 1985, 314 § 10.)

Chapter 231A. — Procedure for Declaratory Judgments.

Chapter 231B. — Contribution among Joint Tortfeasors.

Chapter 232. — Set-off and Tender.

Chapter 232A. — Tender.

Chapter 233. — Witnesses and Evidence.

SECT. 20, clause Fourth added, 1986, 145.

SECT. 20B, definition of "Psychotherapist" revised, 1985, 85; 1986, 557 § 178; paragraph added, 1986, 188 § 7; fifth paragraph, paragraph (e) revised, 1986, 594.

SECT. 20K added, 1986, 492.

SECT. 23C added, 1985, 325.

SECT. 23D added, 1986, 652.

SECT. 65A amended, 1986, 557 § 179.

SECT. 79G first paragraph, first sentence revised, 1985, 323.

Chapter 234. — Juries.

SECT. 27 revised, 1985, 313.

SECT. 28, first paragraph, two sentences added, 1985, 463.

SECT. 34C added, 1986, 344.

Chapter 234A. — Office Of Jury Commissioner For Commonwealth.

SECT. 4 amended, 1986, 557 § 180.

SECT. 24 amended, 1986, 557 § 181.

SECT. 56A added, 1986, 132.

Chapter 235. — Judgment and Execution.

Chapter 236. — Levy of Executions on Land.

Chapter 237. — Writs of Entry.

Chapter 238. — Writs of Dower.

Chapter 239. — Summary Process for Possession of Land.

SECT. 5, fifth paragraph revised, 1985, 754.

SECT. 9 amended, 1986, 452.

**Chapter 240. — Proceedings for Settlement
of Title to Land.**

Chapter 241. — Partition of Land.

Chapter 242. — Waste And Trespass.

Chapter 243. — Actions for Private Nuisances.

**Chapter 244. — Foreclosure and Redemption
of Mortgages.**

Chapter 245. — Informations by the Commonwealth.

Chapter 246. — Trustee Process.

SECT. 1, first sentence revised, 1986, 708 § 8. (See 1986, 708 § 9).

Chapter 247. — Replevin.

Chapter 248. — Habeas Corpus and Personal Liberty.

**Chapter 249. — Audita Querela, Certiorari,
Mandamus and Quo Warranto.**

SECT. 4 amended, 1986, 95.

**Chapter 250. — Writs of Error, Vacating Judgment,
Writs of Review.**

**Chapter 251. — Uniform Arbitration Act for
Commercial Disputes (former title, Arbitration).**

Chapter 252. — Improvement of Low Land and Swamps.

Chapter 253. — Mills, Dams and Reservoirs.

SECT. 47 amended, 1986, 557 § 182.

SECT. 50A added, 1985, 767.

Chapter 254. — Liens on Buildings and Land.

**Chapter 255. — Mortgages, Conditional Sales and Pledges of
Personal Property, and Liens thereon.**

SECT. 12G, second and third sentences stricken out and one sentence inserted, 1985, 428 § 2. (See 1985, 428 § 8.)

SECT. 12I inserted, 1986, 557 § 183.

SECT. 13L revised, 1985, 428 § 3. (See 1985, 428 § 8.)

SECT. 31C revised, 1986, 293.

SECT. 31E, paragraph added, 1985, 50.

Chapter 255A. — Trust Receipts and Pledges without Possession in the Pledgee.

Chapter 255B. — Retail Instalment Sales of Motor Vehicles.

SECT. 14 first sentence revised, 1986, 530 § 1.

SECT. 16 revised, 1985, 428 § 4. (See 1985, 428 § 8.)

Chapter 255C. — Insurance Premium Finance Agencies.

SECT. 19 revised, 1985, 428 § 5. (See 1985, 428 § 8.)

Chapter 255D. — Retail Installment Sales and Services.

SECT. 11, subsection B revised, 1986, 530 § 2.

SECT. 13, subsection B, first three sentences stricken out and one sentence inserted, 1985, 428 § 6. (See 1985, 428 § 8.)

SECT. 18A, subsection (3) revised, 1986, 557 § 184.

Chapter 256. — Recognizances for Debts.

Chapter 257. — Seizure And Libelling Of Forfeited Property.

Chapter 258. — Claims And Indemnity Procedure for the Commonwealth, Its Municipalities, Counties And Districts And The Officers And Employees Thereof.

Chapter 258A. — Compensation of Victims of Violent Crimes.

SECT. 1 revised, 1985, 605 § 1; definition of "Dependent" revised, 1986, 334 § 10; definition of "Crime" revised, 1986, 620 § 20. (See 1986, 620 § 3.)

SECT. 2, paragraph added, 1985, 605 § 2.

SECT. 3 revised, 1985, 605 § 3.

SECT. 4 revised, 1985, 605 § 4.

SECT. 5 revised, 1985, 605 § 5.

SECTS. 7A-7B added, 1985, 605 § 6.

SECT. 7A, first paragraph revised, 1986, 557 § 185.

Chapter 258B.—Rights of Victims and Witnesses of Crime.

SECT. 1, definition of "Court" revised, 1985, 794 § 8. (See 1985, 794 § 14.)

SECT. 3, clauses (h) revised, 1986, 420.

SECT. 4, third paragraph revised, 1986, 557 § 186.

SECT. 8, fourth and fifth sentences stricken out and three sentences inserted, 1985, 794 § 9. (See 1985, 794 § 14.)

Chapter 259. — Prevention of Frauds and Perjuries.

Chapter 260. — Limitation of Actions.

SECT. 2D added, 1986, 336 § 1. (See 1986, 336 § 2).

SECT. 4 amended, 1986, 351 § 29; paragraph inserted after first paragraph, 1986, 351 § 30. (See 1986, 351 § 41.)

SECT. 5B added, 1986, 94 § 2.

Chapter 261. — Costs in Civil Actions.

Chapter 262. — Fees of Certain Officers.

SECT. 8, subdivision A, clauses (1) and (2) revised, 1985, 680 § 2.

SECT. 10 amended, 1985, 680 § 3.

SECT. 34 amended, 1986, 334 § 11.

SECT. 38, first paragraph revised, 1985, 515.

SECT. 40 amended, 1986, 557 § 187.

SECT. 53B, second sentence revised, 1985, 581.

SECT. 62 revised, 1986, 557 § 188.

Chapter 263. — Rights of Persons Accused of Crime.

SECT. 4A amended, 1986, 557 § 189.

Chapter 264. — Crimes against Governments.

SECT. 14 repealed, 1986, 30.

SECT. 15 repealed, 1986, 30.

Chapter 265. — Crimes against the Person.

SECT. 13B, first paragraph, paragraph added, 1986, 187.

SECT. 13D revised, 1985, 153; 555.

SECT. 13I added, 1985, 347.

SECT. 24C added, 1986, 234.

Chapter 266. — Crimes against Property.

SECT. 16 revised, 1985, 312 § 1.

SECT. 17 revised, 1985, 312 § 2.

SECT. 28, subsection (a), first paragraph revised, 1985, 380.

SECT. 30, paragraph (1) amended, 1985, 306 § 1; paragraph (4) amended, 1985, 306 § 2.

SECT. 75C added, 1985, 511.

SECT. 87A amended, 1986, 81.

SECT. 102 amended, 1985, 320.

SECT. 108 amended, 1985, 659 § 1; six paragraphs added, 1985, 659 § 2.

SECT. 112 amended, 1986, 157.

SECT. 139, paragraph added, 1985, 386.

SECT. 141, first sentence revised, 1985, 155.

SECT. 145 added, 1986, 196 § 2.

Chapter 267. — Forgery and Crimes against the Currency.

SECT. 1 revised, 1986, 557 § 190.

Chapter 268. — Crimes against Public Justice.

SECT. 16 revised, 1985, 241.

**Chapter 268A. — Conduct of Public Officials and Employees
(former title, Code of Ethics).**

SECT. 5 amended, 1986, 557 § 191.

SECT. 7, last paragraph amended, 1986, 599 § 53. (See 1986, 599 § 62.)

SECT. 20, third paragraph, Clause (e) revised, 1985, 98; paragraph added, 1985, 252 § 3; .252 § 4; section amended, 1985, 415.

SECT. 23 revised, 1986, 12 § 2. (See 1986, 12 § 6.)

**Chapter 268B. — Financial Disclosure by certain Public
Officials and Employees.**

SECT. 1, clause (a) revised, 1986, 557 § 192; definition of “amount” revised, 1986, 693 § 1. (See 1986, 693 § 3.)

SECT. 2, clause (m), first two sentences revised, 1986, 557 § 193.

SECT. 3, clause (d) revised, 1986, 12 § 3; clause (i) revised, 1986, 12 § 4; section revised, 1986, 557 § 194. (See 1986, 12 § 6.)

SECT. 4 revised, 1986, 12 § 5. (See 1986, 12 § 6.)

SECT. 5, amended, 1986, 557 § 195; 557 § 196; subsections (b) and (c) revised, 1986, 693 § 2. (See 1986, 693 § 3.)

SECT. 7, last paragraph amended, 1985, 118; section revised, 1986, 557 § 197.

Chapter 269. — Crimes Against Public Peace.

SECT. 10 amended, 1985, 349; subparagraph (i) revised, 1986, 481, § 3; amended, 1986, 581 § 1.

SECT. 12 amended, 1986, 581 § 2.

SECTS. 17-19 added, 1985, 536.

Chapter 270. — Crimes Against Public Health.

SECT. 6 revised, 1985, 345.

SECT. 16, first sentence revised, 1985, 197.

Chapter 271. — Crimes against Public Policy.

SECT. 7A, paragraph added, 1985, 222.

**Chapter 272. — Crimes against Chastity, Morality, Decency and
Good Order.**

SECT. 22 amended, 1986, 334 § 12.

SECT. 23 amended, 1986, 334 § 13.

SECT. 31 amended, 1986, 557 § 198.

SECT. 54 revised, 1985, 142.

SECT. 77, paragraph added, 1986, 337.

SECT. 77B, added, 1986, 416 (exhibition of wild birds).

SECT. 80D, third paragraph revised, 1986, 175.

SECT. 99, paragraph C, subparagraph 2 revised, 1986, 557 § 199.

Chapter 273. — Desertion, Non-support and Illegitimacy.

SECT. 1 revised, 1986, 310 § 22. (See 1986, 310 § 35.)

SECT. 4 repealed, 1986, 310 § 23. (See 1986, 310 § 35.)

SECT. 5 repealed, 1986, 310 § 23. (See 1986, 310 § 35.)

SECT. 6 revised, 1986, 310 § 24. (See 1986, 310 § 35.)

SECT. 12 repealed, 1986, 310 § 25; amended, 1986, 334 § 14. (See 1986, 310 § 35.)

SECT. 12A repealed, 1986, 310 § 25. (See 1986, 310 § 35.)

SECT. 13 repealed, 1986, 310 § 25. (See 1986, 310 § 35.)

SECT. 14 repealed, 1986, 310 § 25. (See 1986, 310 § 35.)

SECTS. 15 revised, 1986, 310 § 26; amended, 1986, 334 § 15. (See 1986, 310 § 35.)

SECT. 15A added, 1986, 310 § 26. (See 1986, 310 § 35.)

SECT. 17 revised, 1986, 310 § 27. (See 1986, 310 § 35.)

SECT. 18 amended, 1986, 310 § 28. (See 1986, 310 § 35.)

SECT. 18A added, 1986, 310 § 29. (See 1986, 310 § 35.)

Chapter 273A. — Uniform Reciprocal Enforcement Of Support. (former title, Enforcement of the Duty to Support Dependents).

SECT. 10 revised, 1986, 310 § 30. (See 1986, 310 § 35.)

Chapter 274. — Felonies, Accessories and Attempts to Commit Crimes.

Chapter 275. — Proceedings to Prevent Crimes.

Chapter 276. — Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment and Bail. Probation Officers and Board of Probation.

SECT. 1, paragraph added, 1986, 691.

SECT. 10, second paragraph revised, 1985, 196.

SECT. 38, two sentences added, 1985, 256.

SECT. 83A amended, 1986, 557 § 200.

SECT. 85, sentence added, 1986, 310 § 31. (See 1986, 310 § 35.)

SECT. 92A amended, 1986, 557 § 201.

SECT. 98, paragraph added, 1986, 279 § 17; section revised, 1986, 520 § 1. (See 1986, 279 § 18; 520 § 7.)

SECT. 99B, subsections (1) and (2) revised, 1986, 520 § 2. (See 1986, 520 § 7.)

SECT. 99D repealed, 1986, 520 § 3. (See 1986, 520 § 7.)

Chapter 276A. — District Court Pretrial Diversion of Selected Offenders.

SECT. 4 amended, 1986, 557 § 202.

Chapter 277. — Indictments and Proceedings before Trial.

SECT. 63, second sentence revised, 1985, 123.

Chapter 278. — Trials and Proceedings before Judgment.

SECT. 16A amended, 1986, 334 § 16.

SECT. 16D added, 1985, 682; subsection (b), paragraph (1), first sentence revised, 1986, 557 § 203.

Chapter 279. — Judgment and Execution.

SECT. 42 revised, 1985, 794 § 10. (See 1985, 794 § 14.)

Chapter 280. — Fines and Forfeitures.

SECT.2, second paragraph revised, 1985, 794 § 11. (See 1985, 794 § 14.)

Chapter 281. — The General Laws And Their Effect.